

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 17, 2024, at 1:00 p.m. in Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:03 p.m., by the Chair, Mr. Andrews.

Mr. Andrews introduced the Albemarle County Police Department staff present, Master Police Officers Stephen McCall and Paul Quillon.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel **moved** to adopt the final agenda. Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

Ms. McKeel said that many had seen the press release from JABA (Jefferson Area Board Aging) stating that the CEO, Marta Keene, had decided to retire. She said that Ms. Keene had been with JABA since 2013, and they were very appreciative of her service. She said that they were seeking a replacement and hoped to name a new CEO in December. She said that Ms. Keene had assured them that she would remain around to help usher the new person into the position and show them the way.

Mr. Pruitt said that he attended his favorite event of the year, the 4th of July event in the Town of Scottsville. He said that if anyone else attended the Scottsville 4th of July parade, market, and festival, which lasted for 12 straight hours of activities, it was a real hoot and holler. He said that the Scottsville parade was always a distinctly political affair, with people from all adjoining counties, candidates, and political parties marching. He said that this year, the tenor was different. He said that he was directly jeered by many people, shouted at, and screamed at by several constituents. He said that he also received support from equally vocal and equally loud people.

Mr. Pruitt said that they recently had a president who was shot in public. He said that in their society, it was increasingly tense to be political in public and to have political opinions, and it was scary. He said that they were in a political moment where there was a significant volume of rhetoric, borderline conspiracy theories, about queer people. He said he was in that parade as someone who was openly queer and said he recalled the atmosphere surrounding the school board election last cycle. He said that sometimes he felt afraid to be openly political in his own community.

Mr. Pruitt said that they should be concerned about the ongoing role of normalization and acceptability of violence, which had trickled down from the federal government to the state and now was impacting local government. He said that they should work on creating a culture in Albemarle County which prioritized the right to human life and enjoyment. He said that this issue was chilling, and he was concerned.

Mr. Gallaway said his comments were somewhat related to Mr. Pruitt's. He said he had recently attended the National Association of Counties (NACo) conference and learned some information. He said the Pew Center for Research had conducted a study indicating that the US, which used to have the highest level of public faith and trust in their government among the G7 nations, now ranked last. He said that further research had shown that this distrust was primarily directed at the federal level, beginning to permeate state governments. He said that the NACo session he and Ms. Mallek attended had emphasized that local governments remained a place where people still had some level of faith, as they understood the significant impacts of their decisions.

Mr. Gallaway said when they start to see things like Mr. Pruitt described that it was contingent upon them, as local officials, to act as a firewall to prevent this distrust from spreading to all levels of government. He said that NACo was not comprised of a single political party but there was genuine agreement among its members to combat this issue.

Mr. Gallaway said that he had some constituents ask him not to endorse Ms. Keene's retirement, and he wanted to be on the record saying that he did not endorse it. He said they all know she deserves and has earned her retirement, and they will be sad to see her go.

Ms. LaPisto-Kirtley said that she agreed with Supervisor Pruitt and Supervisor Gallaway's stance that there was no room for violence. She said that at the local level, the best approach was to listen to everyone and consider all perspectives. She said that this approach had tended to calm people when they felt heard and engaged. She said that unfortunately, it sounded like Mr. Pruitt had no opportunity to engage with his constituents at the parade, which she felt was necessary for them to develop affection.

Ms. LaPisto-Kirtley said that she was proud to announce that the Albemarle County Fire Rescue Foundation would hold another meeting the following day, both in person and via Zoom. She said that they hoped to finalize the MOA (Memorandum of Agreement) sometime in August and that they were moving forward.

Ms. Mallek said that she also attended the NACo conference with Mr. Gallaway and would share the materials from it with the rest of the Board when they became available. She said she attended a great digital communities event and met Roderick Burton and Kelly Spencer from Albemarle County Information Technology (IT) there. She said, when listening in to the dinner conversation they had with IT staff from other counties, she was impressed by their contributions and awareness of the risks they all faced in IT. She said that they had planned to present something to the Board when they were ready.

Ms. Mallek said that the White Hall District hosted three parades, each distinct from the others and from the previous year, with fewer bicycles and children in costume, but more veterans, and the crowds were still large and mostly supportive. She said some shouted criticism as Mr. Pruitt mentioned.

Ms. Mallek said that since she had returned to Albemarle in 1982, she had worked to build and retain community strength and trust in process. She said that she considered herself a process wonk. She said that she believed that when people could count on a process and had a chance to share their views and contribute to the development of the structure being considered, it gave them confidence. She said that this confidence was eroded when people saw things slipping away and they were not getting a chance to participate in a genuine discussion. She said that others should not despair and throw up their hands about this. She said that they all had to commit themselves to ensuring that Albemarle County stood out from what was happening in other places.

Ms. Mallek said there was great news about the Rosenwald School in Greenwood, which had been built in 1925 and was still in good structural shape. She said that the University of Virginia's architecture school was collaborating with Mr. D'Alejandro to evaluate the building and plan the rehabilitation. She said that the church that owned the property, Mount Zion, was pleased to be a partner in this effort. She said historic preservation was very important so people could know where they had been, and it could inform where they were going.

Mr. Andrews said that he shared the same concerns about the political tensions they faced. He said that he hoped that, as a Board, they could demonstrate that they were listening to the people and remained open and receptive, thereby keeping things more subdued compared to what was seen on the national scale. He said, in that vein, he had good news which was that the Plank Road Thru Truck Restriction that they had acted upon earlier had been approved and VDOT was preparing signage. He said that this had been announced in June.

Mr. Andrews noted that the 2024 National Night Out event was scheduled for August 6, from 3:30 to 6:30, which was a Putt-Putt with the Police annual event at the Putt-Putt course located Rio Rd. He said that this event was conducted to get the police into the community, and he noted that the previous year, over a thousand attendees had participated. He said that he encouraged people to join in on this event.

Ms. McKeel said that regarding how they treated their fellow citizens, her daughter noticed a utility truck driver pulled over in front of the 5th Street County Office Building who was ill and suffering from burns. She said her daughter was able to call 911 and the ambulances were able to help the man, but the thing her daughter noticed the most was a woman in a big black truck who was so inconvenienced by the ambulance, and her behavior was just appalling. She said that this incident had highlighted a concerning trend of disregard for the safety and well-being of fellow citizens, not just political discourse. She said the Fire-Rescue employees told her daughter this was not an unusual response and that it was getting worse. She said that as they navigated their community, they should prioritize health, safety, and the welfare of their fellow residents and community members. She said that a slight reduction in frustration over minor delays could contribute to a more considerate environment.

Mr. Andrews said that, with that note, he hoped everyone paid attention to the heat outside and stayed cool, both physically and temperamentally.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

Agenda Item No. 7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or

on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Marta Keene, CEO of Jefferson Area Board for Aging (JABA), said that she expressed gratitude for the support received during the budget process and ongoing collaboration with various departments. She said that today was an appropriate day to transition from discussing numbers to sharing stories and acknowledging their impact. She said that compassion was their first value, especially after their earlier discussion. She said that it was heartwarming to read the stories and realize that compassion was widespread and that they could have faith in their fellow humans.

Ms. Keene said that the stories about the JREC, the JABA Respite and Enrichment Center, were on pages two and three. She said that something as simple as a manicure or shave could make a difference in the sense of dignity for someone with dementia. She said that there was a particular story on page 10 about a woman who sought assistance in applying for long-term care Medicaid, a process that was not easy for many people. She said that they were glad to assist her, but afterward, she moved into a new apartment, and her husband passed away.

Ms. Keene said that consequently, she was experiencing grief while also dealing with macular degeneration, which made it difficult for her to read recipes. She said that this situation significantly altered the way she and her daughter had to interact. She said that their aging service coordinator had worked to arrange a home-delivered meal service, eliminating the need for grocery shopping or cooking. She said that as a result, her daughter was relieved of these responsibilities, allowing them to share meals together when they wished. She said that home-delivered meals made a significant difference, and she appreciated the support that enabled them to provide this service.

Mr. Rob McGinnis, Piedmont Environmental Council (PEC), said that his comments pertained to the work session presentation to the Planning Commission on the restructuring of the AC44 Comprehensive Plan update and the new timeline. He said that he recognized the dedication, hard work, and contributions of the staff, Planning Commission members, and the Board of Supervisors. He said that the proposed new published timeline indicated that public engagement would occur after the County Planning Team had already published a draft comprehensive plan document, despite the unknown changes that may have been made to goals and objectives.

Mr. McGinnis said that PEC recommended that the County undertake robust community engagement during this next phase and all future phases of the Comp Plan update. He said that community members should receive clear communications on the status of the previously developed goals and objectives, what those goals and objectives would be going forward, and any new goals and objectives that had been introduced. He said that the County's information regarding the status of goals and objectives should be communicated to the public as soon as possible.

Mr. McGinnis said that PEC strongly recommended that the County engage the public on the development of the proposed new section on the growth management policy before a draft plan update. He said that the growth management policy was one of the most important elements of the Comprehensive Plan and should be driving the development of the Comprehensive Plan elements. He said that the previously revised draft growth management policy statement was buried in the land use and transportation element, which limited public comment.

Mr. Randy Fleitman, Scottsville District resident, said that he had served as an economic officer in the Foreign Service for 33 years, during which time environmental issues had always been part of his portfolio. He said that climate change was one of his top priorities, and he was deeply concerned about how the Comprehensive Plan would balance all priorities while still meeting the County's greenhouse gas emissions reduction goals. He said that economic growth and adequate housing were important priorities, yet climate change threatened all aspects of their lives, and achieving these goals was critical.

Mr. Fleitman said that the Paris Conference was commendable as nations gathered, but from his own experience, subnational organizations—state, county, municipal, and local levels—were essential to America reaching its greenhouse gas emissions goals. He said that land use policies, energy policies, and other policies were of great importance to him and many others. He asked the Board to keep them well informed of the planning process, as once a draft was made public, it became challenging to make any changes. He said that they had well-educated and informed constituents in the County and City, and expert groups could highlight issues they might overlook. He said that this was crucial for them to achieve all their goals and balance their priorities.

Ms. Jean Hyatt, Charlottesville Resident, said she was a member of the Board of Directors for the local historic preservation group Preservation Piedmont. She said that she had been monitoring the County's Comprehensive Plan process and had been sharing comments and recommendations as it progressed. She said that she appreciated the hard work that had been put into it thus far. She said that there had been a long period with no updates from the planning team. She said that she was eager to learn if all the previously determined goals and objectives remained the same, if any had been revised or eliminated, and if any new goals had been added.

Ms. Hyatt said that she respectfully requested that this information be shared with the community by the end of July. She said that she requested that the County Planning Team provide for strong and full community engagement that month, which would continue through all the phases of the Comprehensive

Plan process. She said that this was important to her group as well as many other area residents. She said that her specific interests included: activity centers in the development areas and also in the rural areas; the design guidelines; entrance corridors; future development in rural areas with legacy zone parcels; and land use in rural I-64 interchanges in the historic areas of Shadwell and Yancy Mills.

Ms. Peggy Gilges, Jack Jouett resident, said that she had been involved in the AC44 planning process through the Solid Waste Alternatives Advisory Committee. She said that she had also written to the Board about the importance of maintaining a Rural Areas chapter in the Comprehensive Plan. She said that although she had been away the previous week, she had read Sean Tubbs' coverage of the refinement process, which was being proposed by the planning staff. She said that as an engaged resident, she subscribed to the AC44 mailing list, and there had been no notice to the public about a pending reorganization and rewrite of AC44.

Ms. Gilges said that the County had completed goals and objectives for all chapters of the Comprehensive Plan, and people who had been following its development had been waiting several months to see the result of advisory committee and public input on the third phase of AC44, the action steps or strategies to achieve their goals and objectives. She said that the staff had asked for permission to significantly reduce the size of the Comprehensive Plan. She said that in their presentation to the Planning Commission, they had compared the size of the document with sizes of documents from other localities, but Albemarle County was unique.

Ms. Gilges said that in this proposal, the planning staff had offered nothing concrete about what would remain and what would be left on the cutting room floor. She said that it was not appropriate for the staff to finalize a draft without further input from the public and advisory committees. She said that Planning Commissioner Clayborne had asked a very good question during the previous week's meeting: What had happened to their emphasis on climate and equity?

Ms. Gilges said that in the newly proposed AC44 changes, climate protection had appeared to have been substituted with resiliency. She said that she believed community resiliency would not be achieved unless climate change was addressed. She said that plans for population growth and economic development did not prevent them from meeting their climate protection goals. She said that adaptation measures would not be enough.

Ms. Gilges said that failing to meet their goals on climate by 2044 would have dire impacts on underserved communities and future generations. She said they had a window of opportunity to protect and preserve their natural resources to counter climate impacts and biodiversity loss. She said that there should be public disclosure about and constituent input on any revisions to AC44. She asked that attention to climate action and equity be reinforced in the Comprehensive Plan.

Ms. Christine Putnam, Scottsville District resident, said that she served on both the Natural Heritage Committee and the Solid Waste Alternatives Advisory Committee. She said that both committees had provided recommendations and feedback on the AC44 goals, objectives, and action steps. She said that they had appreciated being heard and seeing their feedback incorporated into the Phase 2 drafts. She said that committee members had been eagerly awaiting the next opportunity to engage with the AC44 planning process.

Ms. Putnam said that after listening to the July 7 AC44 Planning Commission presentation, she was concerned about transparency moving forward. She said that information should have been made available to the public regarding what aspects of the previously developed chapter goals and objectives remained unchanged, which ones had been revised or eliminated, and what new goals and objectives had been added. She said that robust opportunities for public engagement must continue after the Comprehensive Plan has been drafted, giving citizens and advisory committees time to review and provide thoughtful feedback.

Ms. Putnam said that growth management policy needed to be the center of the Comprehensive Plan. She said that how growth was managed would impact their ability to meet climate goals, protect finite natural resources like drinking water and forest cover, and to provide equitable access to a healthy environment for all of their citizens. She said that the last month of brutal heat and the threat of drought should give everyone pause, and they should consider the threat of climate change.

Ms. Putnam said that some would suffer the impact of climate change more than others. She said that the County had spent \$58 million to purchase 462 acres for the Rivanna Futures Project. She said that she wondered what actions would be taken to minimize and mitigate the impact of this development on the County's climate action goals. She said that she questioned whether climate was considered, given in the rush to move forward with this project. She said that that development would demand more housing, roads, sewer, water, waste disposal, and energy. She said that if a data center was part of the plan for Rivanna Futures, the County's climate goals would be compromised.

Ms. Putnam said that as they moved forward with AC44, she hoped that the County's leaders would remain steadfast in their commitment to addressing climate and equity while continuing to engage the public and their appointed advisory committees. She asked the Board not to let economic development opportunities overshadow this commitment.

Mr. Clay Bowen, Climate Justice Policy intern for the Community Climate Collaborative (C3) in Charlottesville, said that a few weeks ago, his supervisor had asked him to commute from his family home in Ivy to the office using Jaunt as an assessment of its reliability and availability to individuals who might rely on its services. He said that he would go into the office on Tuesdays and Thursdays, typically from 10 to 4, a relatively shorter workday compared to the majority of the workforce. He said that he did not own a car. Instead, he relied on borrowing his family's car or carpooling to get into the City.

Mr. Bowen said that without this assignment, he would have never known that Jaunt was even available as a means of transportation. He said that he had never encountered any advertising or marketing for this service until he actively researched it on Jaunt's website. He said that once he registered for a commute from his home, he learned that the operating hours for Jaunt services in his area were from 10 a.m. – 2 p.m., a four-hour window. He said that only rides within this timeframe were offered, so the latest ride which could be scheduled was 1:30 p.m. He said that the service could not offer precise pick-up and drop-off times so your actual pickup would be between 1:30 p.m. – 2:00 p.m. He said that he had found that even with his shorter in-person hours, the service was practically useless for him as CAT (Charlottesville Area Transit) standard bus routes did not reach Ivy, nor did their microtransit options. He said that Ivy Center was approximately seven miles outside of the City, an excessive distance for most to bike on a high-speed limit, hilly road with zero dedication for pedestrians. He said that for those outside of CAT's bus and microtransit systems, Jaunt was the sole option for available public transportation.

Mr. Bowen said mentioned in Phase II of AC44 was the topic of rural land use and transportation, which spoke on the need for development of a transportation system in these more rural, less accessible areas. He said that while a more thorough transportation system was needed at a minimum, increasing the operating hours of Jaunt would be an effective way to improve the service.

Mr. Bowen said that if the operating hours were increased, ideally to encapsulate a typical nine-to-five workday, Jaunt would prove to be much more useful not only for working individuals but also for people needing to run errands, commute to school, or go to a doctor's appointment. He said that with these considerations in mind, he advocated for the lengthening of Jaunts hours of operation in the Ivy area from 10 a.m. – 2 p.m. to 9 a.m. – 5 p.m. during the work week.

Agenda Item No. 8. Consent Agenda.

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

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

Item No. 8.1. Approval of Minutes: September 21, 2022, and October 5, 2022.

Ms. McKeel had read the minutes of September 21, 2022 and found them to be in order.

Ms. Mallek had read the minutes of October 5, 2022 and found them to be in order.

By the above-recorded vote, the Board adopted the minutes for September 21 and October 5, 2022, as read.

Item No. 8.2. Fiscal Year 2024 Appropriations.

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

The total change to the Fiscal Year 2024 (FY 24) budget due to the appropriations itemized in Attachment A is \$168,350. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

Appropriation #2024043

Sources:	Reserve for Contingencies (currently appropriated)	\$203,000
Uses:	General Fund - Fire Rescue	\$203,000
Net Change to Appropriated Budget:		\$0

Description:

This request is to transfer \$203,000, in previously appropriated funds, from the FY 24 Reserve for Contingencies to the Albemarle County Fire Rescue (ACFR) budget for the purchase of automated medication dispensing cabinets for ACFR. The current hospital-based drug box exchange program is scheduled to end in November 2024, at which time the County will be responsible for procuring and distributing the medications administered by the Emergency Medical Services (EMS) system. Utilizing automated dispensing cabinets provides an increased level of security, meeting requirements of the Drug Enforcement Agency and Board of Pharmacy, while making the process for ambulances to restock more efficient.

Appropriation #2024044

Sources:	State Revenue	\$135,000
Uses:	Emergency Communications Center (ECC) Fund	\$135,000
Net Change to Appropriated Budget:		\$135,000

Description:

The Charlottesville-UVA-Albemarle County Emergency Communications Center (ECC), an entity where the County serves as fiscal agent, requests to appropriate \$135,000 from an FY 24 reimbursement grant awarded to ECC from Virginia Wireless E-911 Fund for 9-1-1 staffing recognition and recruitment payments.

Appropriation #2024045

Sources:	Local Revenue	\$33,350
Uses:	Blue Ridge Health District	\$33,350
Net Change to Appropriated Budget:		\$33,350

Description:

This request is to appropriate \$33,350 in local revenue to the Blue Ridge Health District. At the end of a fiscal year, the Health District performs a reconciliation and may request that unexpended local funds be re-appropriated to the following year to support changes in projected expenses. The source of this local revenue is FY 23 Health District local savings. In FY 24, this supports the County's share of FY 24 program expenses, such as the local match required for mid-year state salaries changes. This amount is consistent with the FY 24 Department of Health Local Government Agreement, also on the Board of Supervisors' July 17, 2024 consent agenda.

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

**RESOLUTION TO APPROVE
 ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 24 Budget is amended to increase it by \$168,350;
- 2) That Appropriations #2024043; #2024044; and #2024045 are approved;
- 3) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

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APP#	Account String	Description	Amount
2024043	4-1000-94000-499000-999990-9999	SA2024043 Reserve for Contingencies to ACFR	-\$203,000.00
2024043	4-1000-33400-432000-800100-9999	SA2024043 ACFR Pharmacy Equipment	\$203,000.00
2024044	4-4100-32110-435600-160060-9999	SA2024044 ECC Grant Expenditure	\$135,000.00
2024044	3-4100-32100-324000-240424-9999	SA2024044 ECC Grant Revenue	\$135,000.00
2024045	3-1000-99000-319000-199910-9999	SA2024045 FY23 Refund	\$33,350.00
2024045	4-1000-59000-451000-379600-0010	SA2024045 FY24 additional programming	\$33,350.00

Item No. 8.3. Fiscal Year 2024 Virginia Department of Health (VDH) Local Government Agreement.

The Executive Summary forwarded to the Board states that Virginia Code § 32.1-31 authorizes local governing bodies to enter into contracts with the Virginia Department of Health (VDH) for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the VDH and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Blue Ridge Health District (BRHD), in cooperation with the VDH, is the primary provider of public health services and programs for Albemarle County and surrounding localities. BRHD offers specific health programs targeted at preventing and controlling infectious diseases, as well as initiatives aimed at improving the health of low-income women, children, and infants. In addition, BRHD provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the state, County, and other neighboring jurisdictions. Non-local funding for these BRHD programs is provided by the Commonwealth of Virginia, grants, and fees charged to individual clients. The localities served by BRHD provide matching local funds for the allocations made by the state and allocate resources for Local-Only Programs, such as food safety. The VDH requires that local governments enter into agreements stipulating the scope of health services to be provided by the health districts in their respective jurisdictions. The FY 24 agreement (Attachment A) outlines the respective obligations of the County and VDH.

There is no impact to the FY 24 budget as the funds necessary were included in the current budget except for \$33,350 that is requested for appropriation, also on the July 17, 2024 Board of Supervisors consent agenda.

Based on the vital nature of the services provided by the BRHD, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the FY 24 Virginia Department of Health (VDH) Local Government Agreement (Attachment A) and to authorize the County Executive to execute the Agreement after it is approved as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment B) to approve the FY 24 Virginia Department of Health (VDH) Local Government Agreement (Attachment A) and to authorize the County Executive to execute the Agreement after it is approved as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE THE FY 24 AGREEMENT BETWEEN THE
COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

WHEREAS, the Board finds it is in the best interest of the County to enter into Agreements with the Commonwealth of Virginia Department of Health for the operation of the local Blue Ridge Health District Health Department.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 24 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute both agreements on behalf of the County after they are approved as to form and substance by the County Attorney.

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Electronic Signature Agreement Page

**STATEMENT OF AGREEMENT TO
PROCESS NEEDED SIGNATURES OF
THE VIRGINIA DEPARTMENT OF
HEALTH (VDH) LOCAL
GOVERNMENT AGREEMENT
ELECTRONICALLY**

VDH and The Albemarle County Board of Supervisors agree to use electronic signatures, as authorized in Title 59.1, Chapter 42.1 Uniform Electronic Transactions Act of the Code of Virginia.

JEFFREY B RICHMONDSON

Authorizing officer printed name and title

[Handwritten Signature]

Authorizing officer signature

Dr. Susan Fischer Davis
Chief Deputy Commissioner, Community Health Services
Virginia Department of Health

Dr. Susan Fischer Davis
Authorizing signature

**AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND
THE COUNTY OF ALBEMARLE BOARD OF SUPERVISORS FOR FUNDING
AND SERVICES OF THE CHARLOTTESVILLE-ALBEMARLE HEALTH
DEPARTMENT**

This agreement ("Agreement") for the services to be provided by the Charlottesville-Albemarle Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and Albemarle County Board of Supervisors (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Charlottesville-Albemarle Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$1,088,621.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Albemarle County will provide by appropriation and in equal quarterly payments a sum of \$888,984.00 local matching funds and \$0.00 one-hundred percent local funds for a total of \$888,984.00 local funds for this fiscal year.

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In addition, the Board of Supervisors has approved the Charlottesville-Albemarle Health Department to carry forward \$1,706.00 in local matching funds for a total of \$890,690.00 matching funds and an additional \$31,644.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Charlottesville-Albemarle Health Department, which shall perform public health services in County Of Albemarle as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2023. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for

under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan, the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of County Of Albemarle hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

Susan Fischer Davis
Susan Fischer Davis (Oct 11, 2024 18:06 EDT)
Susan Fischer Davis
Chief Deputy Commissioner
Community Health Services
Virginia Department of Health
Oct 11, 2024
Date

Ryan L. McKay
Ryan L. McKay
District Health Director
Blue Ridge Health District
Oct 10, 2024
Date


Local authorizing officer signature
Jeff Richardson
Authorizing officer printed name
County Executive
Authorizing officer title
8/1/24
Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
 INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link-32.1-122.03; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link-32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link-32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links-32.1-35, 32.1-39, 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links-32.1-36, 32.1-36.1, 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links-32.1-49, 32.1-50, 32.1-50.1			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 42 U.S.C. 300 et seq., and 42 CFR Part 59		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
 INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links-32.1-77, 32.1-89, 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links-32.1-65, 32.1-67, 32.1-68			X
Well child care up to age 18 Board of Health Code Link-32.1-77	X		
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link-32.1-11			X
Blood lead level testing Code Link-32.1-46.1, 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link-32.1-11, 32.1-11.3,			X
Community Education Code Link-32.1-11, 32.1-23			X
Pre-school Physicals for school entry Code Link-22.1-270			X
Services for Children with Special health care needs Title V, Social Security Act Code Link-32.1-77			X
Child restraints in motor vehicles Code Link-46.2-1095, 46.2-1097			X
Babycare, Child: DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link-32.1-77		X	
Babycare, Maternal: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</p>	
<p>Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39</p>	X
<p>Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246</p>	X
<p>Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1 Chapter 6 Article 6</p>	X
<p>Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- 3.2-5206, 3.2-5208</p>	X
<p>Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link-32.1-164</p>	X
<p>Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163</p>	X
<p>Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500</p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14</p>	X
<p>Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-35.1-13</p>	X
<p>Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link-32.1-176.4</p>	X
<p>Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	X
<p>Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-35.1-23</p>	X
<p>Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-53.1-68</p>	X
<p>Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	X
<p>Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link-32.1-229.</p>	X
<p>Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links-35.1-16, 35.1-17</p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- 2.2-5201, 2.2-5211	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- 2.2-5305, 2.2-5306	X
Vital Records Code Link- 32.1-254, 32.1-255, 32.1-272	X
Immunizations for maternity and post-partum patients Code Link-32.1-11, 32.1-325, 54.1-3408.	X
AIDS Drug Assistance Program (ADAP) Code Link-32.1-11,	X
Emergency Preparedness and Response Code Link-32.1-42, 32.1-43 et seq., 32.1-229,	X
HIV Counseling, Testing and Referral Code Link-32.1-37.2	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
COMMUNICABLE DISEASE SERVICES Foreign Travel Immunizations Other:	Income A only	Defined by Federal Regulations	All
CHILD HEALTH SERVICES Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330Other: Other			
MATERNAL HEALTH SERVICES Other:	Income A only	Defined by Federal Regulations	All
FAMILY PLANNING SERVICES Nutrition Education Preventive Health Services Pre-Conception Health Care Other:	Income A only	Defined by Federal Regulations	All
MEDICAL SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
Community Education			X
Other			

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served
--

SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All

DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
 UNDER LOCAL ORDINANCE OR CONTRACT

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
Water supply sanitation- Inspection of Water Supplies. Code Link- 15.2-2144 on local regulation			
Other Environmental – identify services below			
Smoking Ordinances	X	Albemarle Code §7-308 Charlottesville Code § 24.1-11	Enforcement

shall find the individual liable to the County. The Commonwealth's Attorney has been contacted to request input. The proposed ordinance is included as Attachment A. The ordinance is included in Chapter 6, creating a new Article VI and follows Article V "Emergency Medical Services Cost Recovery."

If cost recovery is successful and pursued as recommended, the revenues generated will have a nominal budgetary impact.

Staff recommends that the Board direct staff to schedule a public hearing to consider the adoption of the attached proposed ordinance (Attachment A).

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing to consider the adoption of the attached proposed ordinance (Attachment A).

Draft: June 25, 2024

ORDINANCE NO. 24-6()

AN ORDINANCE TO ADOPT AND REORDAIN CHAPTER 6, FIRE PROTECTION, ARTICLE 6, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 6, Fire Protection, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Adding:

Sec. 6-600 Cost Recovery for Emergency Response to Terrorism Hoax Incident, Bomb Threat, or Malicious Activation of a Fire Alarm

.....

**Chapter 6.
FIRE PROTECTION**

ARTICLE VI. COST RECOVERY FOR EMERGENCY RESPONSE

Section 6-600 Cost Recovery for Emergency Response to Terrorism Hoax Incident, Bomb Threat, or Malicious Activation of a Fire Alarm

A. Definitions.

1. Reasonable expenses. Assessed cost of a locality for appropriate emergency response to a particular incident. A locality may assess either: (a) a flat fee of \$250.00 or (b) a minute-by-minute accounting of actual costs, not to exceed \$2,500.00 in aggregate for a particular incident.
2. Appropriate emergency response. Costs of providing any, all, or a combination of emergency services, including law enforcement, firefighting, or emergency medical services, in response to a particular incident, by a local agency.
3. Local agency. A law enforcement, firefighting, or emergency medical services agency of the County, including agencies that are a part of Albemarle County's coordinated and integrated fire and emergency medical system under Albemarle County Code § 6-100.
4. Qualifying offense. A violation of Virginia Code § 18.2-46.6 (subsections B and C only); a felony violation of § 18.2-83 or § 18.2-84; or a violation of § 18.2-212 or § 18.2-461.1 which is the proximate cause of any incident resulting in an appropriate emergency response by a local agency.

- B. Cost recovery authorized. Any individual who is convicted of a qualifying offense shall be liable to the County for the reasonable expenses of an appropriate emergency response for any incident proximately caused by the qualifying offense.

- C. Procedure. The County may seek cost recovery at an individual's sentencing in accordance with the following procedure:
 1. At the time of charge or indictment for an individual's commission of a qualifying offense, the County will determine the reasonable expense.
 2. The County will provide to the Commonwealth's Attorney the assessment of the reasonable expense.
 3. The Commonwealth's Attorney shall, at the time of sentencing of an individual convicted of a qualifying offense, present a request to the court to impose on the defendant liability in the amount of the reasonable expense.
 4. The court shall impose on the defendant liability in the amount of the reasonable expense.

(Ord. 24-6(), 8-21-24)

State law reference—Va. Code § 15.2-1716.1

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on_____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Mr. Pruitt	_____	_____

Item No. 8.5. Schedule a Public Hearing for Compensation Increase for Planning Commission and Other Appointed Boards.

The Executive Summary forwarded to the Board states that Albemarle County Local Government provides compensation to members serving on the following Boards and Commissions, at rates codified in the County Code: the Architectural Review Board, the Board of Zoning Appeals, the Equalization Board, the Fire Prevention Board of Appeals/Local Board of Building Code Appeals (the "Other Boards"), and the Planning Commission ("PC"). On June 7, 2023, the Board of Supervisors adopted an ordinance which increased compensation for members of the Other Boards and PC at the same rate of increase that Board of Supervisors ("BOS") members received. It was the expressed desire of the BOS to increase pay in this same manner in subsequent years.

The County implemented a 2% Cost of Living Adjustment for staff, effective January 1, 2024, to support increasing wages in response to inflation and to remain competitive with employers in our area. On June 12, 2024, the Board of Supervisors adopted an ordinance increasing compensation for BOS members by 2%, in alignment with the staff increase that occurred in January 2024. Wages for members of the PC and Other Boards were not increased at that time.

To align with the 2% compensation increases for staff and BOS members, staff has prepared a proposed ordinance (Attachment A) to increase the compensation for members of the PC and Other Boards by 2%.

The proposed ordinance will increase Planning Commission compensation from \$7,534 to \$7,685 annually, and increase compensation for members serving on Other Boards from \$83 to \$85 per meeting attended in FY25.

Staff recommends that the Board schedule a public hearing to consider the proposed ordinance (Attachment A).

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing to consider the proposed ordinance (Attachment A).

Draft: June 28, 2024

ORDINANCE NO. 24-2()

AN ORDINANCE TO ADOPT AND REORDAIN CHAPTER 2, ADMINISTRATION OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

- Sec. 2-401 Composition, appointment, terms, and compensation.
Sec. 2-905 Identified appointed boards; compensation and reimbursement.

CHAPTER 2. ADMINISTRATION

ARTICLE 2

Sec. 2-401 Composition, appointment, terms, and compensation.

The composition of the Planning Commission and the appointment, terms, and compensation of its members are as follows:

- A. *Composition.* The Planning Commission is composed of eight members, seven of whom are voting members and one of whom is a non-voting member.
- B. *Qualifications.* All members of the Planning Commission shall be County residents and qualified by knowledge and experience to make decisions on questions of community growth and development. Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them. At least one-half of the members shall be owners of real property.
- C. *Nomination and appointment.* Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows:
 1. *Voting members.* Of the seven voting members, one is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one is nominated to serve at-large.
 2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.
- D. *Terms.* The terms served by members of the Planning Commission are as follows:
 1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four-year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
 2. *Voting member, at-large.* The at-large member is appointed for a two-year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.
 3. *Non-voting member.* The non-voting member is appointed for a one-year term.

Draft: June 28, 2024

E. *Compensation and Expense Reimbursement.*

1. *Compensation.* Each voting member of the Planning Commission shall be paid ~~\$7,534.00~~ \$7,685.00 per year, to be paid in monthly installments. The chairman of the Planning Commission shall be paid an additional \$1,500.00 per year, to be paid in monthly installments.
2. *Reimbursement for travel and related expenses.* Each voting member of the Planning Commission shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

F. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.

G. *Holdover until successor appointed.* Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

(4-21-66, § 1; 2-15-68, § 1; 1-16-69; 10-16-69; 1-21-71; 7-19-73; 4-17-75; 1-15-76; 4-21-76; 1-3-77; 5-2-79; 2-13-80; 12-10-80; 2-10-82; 6-13-84; 11-14-84; 3-12-86; 9-10-86; Ord. of 8-1-90; Code 1988, § 2-4; § 2-401, Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00; Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 23-2(), 8-7-24)

State law reference(s)—Va. Code § 15.2-2212.

.....

CHAPTER 2. ADMINISTRATION

ARTICLE 9

Sec. 2-905 Identified appointed boards; compensation and reimbursement.

The duly appointed members of the boards identified in this section shall be compensated and entitled to reimbursement for their travel and related expenses as follows:

- A. *Eligible boards.* Each member of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals is entitled to compensation and reimbursement as provided in subsections (B) and (C).
- B. *Compensation to attend meetings.* Each member shall be paid ~~\$83.00~~ \$85.00 for each regular and special meeting attended, provided that any member of the Board of Supervisors and any County employee appointed to a board shall not be compensated for attending meetings.
- C. *Reimbursement for travel and related expenses.* Each member shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

((§ 2-1105: 6-20-74; 3-20-75; 10-16-75; 10-10-84; 4-13-88; Ord. of 8-1-90; Ord. of 7-17-91; Ord. of 12-11-91; Code 1988, § 15-2; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00); (§ 2-1106: 6-20-74; 3-20-75; 1-15-76; 4-21-76; 10-10-84; 4-13-88; Ord. of 8-1-90; Code 1988, § 15-3; Ord. 98-A(1), 8-5-98); (§ 2-1107: 6-2-74; 3-20-75; 10-10-84; Ord. of 8-1-90; Code 1988, § 15-4; Ord. 98-A(1), 8-5-98); § 2-904, Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 23-2(), 8-7-24)

Draft: June 28, 2024

State law reference(s)—Va. Code § 15.2-514.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ___ to ___, as recorded below, at a regular meeting held on_____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	___	___
Mr. Gallaway	___	___
Ms. LaPisto-Kirtley	___	___
Ms. Mallek	___	___
Ms. McKeel	___	___
Mr. Pruitt	___	___

Item No. 8.6. Secondary Six-Year Plan Hard-Surfacing Rural Roads Resolution.

The Executive Summary forwarded to the Board states that, each spring, the Board of Supervisors approves the Secondary Six-Year Plan (SSYP), which includes funds dedicated to paving unpaved roads in the County under the Virginia Department of Transportation (VDOT) Rural Rustic Road (RRR) paving program. This program is the preferred approach of both Albemarle County and VDOT for paving low-volume roads. The goal of the SSYP is to retain the traditional rural lane ambience, while also improving the road surface within the current right-of-way. A “chip and seal” or asphalt surface is used to pave the existing alignment and width of the road for minimal disturbance.

The process for identifying and prioritizing RRR paving projects in Albemarle is defined in the Unpaved Road Policies and Review Process (Attachment A). When a paving priority is advanced, funds are allocated to the road and the road becomes a project in the SSYP following the spring public hearing. Adjacent landowners are notified by letter and given an opportunity to comment at the spring public hearing or to County Community Development Transportation staff. Following that, the Board may choose to designate the road as an RRR by Resolution. Once a road is designated, VDOT initiates the paving process.

Following the Board’s direction at the May 18, 2022 public hearing, projects now require two-thirds (2/3) support from directly-impacted homeowners along the segment of road to be paved. Starting

in January 2024, residents were notified by mail of the potential projects on their roads and asked to provide feedback either by email, phone, or in person. For projects that already had demonstrated two-thirds support, impacted homeowners were simply notified and given the opportunity to provide feedback. For projects that still required the two-thirds support, impacted homeowners were directed to reach out to staff to voice their support for, or opposition to, the proposed paving.

The following road segment is fully funded for RRR paving in FY 25, if designated as a Rural Rustic Road by the Board of Supervisors:

-- A 0.22-mile segment of Route 600, Stony Point Pass, starting 0.90 miles south of Route 20. (Attachment B)

Before paving a road under the RRR program, VDOT requires that the governing body adopt a resolution designating the road as a Rural Rustic Road.

In the FY 24 SSYP, Stony Point Pass (Rt. 600) was recommended for Rural Rustic Paving. It was done as two separate projects, a northern portion and a southern portion, that did not connect in the middle due to poor existing conditions that prevented it from qualifying as a Rural Rustic Road. Some residents past the paved northern segment wanted the paving to extend an additional 0.22 miles south, ending at the intersection of Pennybaker Lane.

VDOT agreed to reassess that portion of the road and concluded that minor improvements to the road could be made for it to qualify for the Rural Rustic standards and be paved as a Rural Rustic Road. Signatures supporting paving on Stony Point Pass were collected during the FY 24 SSYP cycle, and the residents that asked for additional paving all lived on the affected portion of the road, removing the need to resend letters to residents.

Adoption of these resolutions would have no impact on the County budget. These resolutions would authorize VDOT to expend state funds on a project for which the Board has previously recommended state funds be allocated through the SSYP.

Staff recommends the Board adopt the attached resolution (Attachment B) to designate the segment of Stony Point Pass specified above as a Rural Rustic Road.

By the above-recorded vote, the Board adopted the attached resolution (Attachment B) to designate the segment of Stony Point Pass specified above as a Rural Rustic Road:

**RESOLUTION TO DESIGNATE ROUTE 600, STONY POINT PASS,
AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as Rural Rustic Roads; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether the 0.22-mile segment of Route 600, Stony Point Pass, starting 0.90 miles south of Route 20, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates the 0.22-mile segment of Route 600, Stony Point Pass, starting 0.90 miles south of Route 20, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that the 0.22-mile segment of Route 600, Stony Point Pass, starting 0.90 miles south of Route 20, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

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

Item No. 8.7. Proclamation Recognizing the 50th Anniversary of Albemarle High School's Graduation Class of 1974.

By the above-recorded vote, the Board adopted Proclamation Recognizing the 50th Anniversary of Albemarle High School's Graduation Class of 1974:

**Proclamation Recognizing the 50th Anniversary
of Albemarle High School's Graduation Class of 1974**

WHEREAS, in 1974, fifty years ago, over 500 students graduated from Albemarle High School eager and excited to make their mark upon this world; and

WHEREAS, many of these students fulfilled their dreams of becoming nurses, teachers, doctors, pastors, bankers, lawyers, chefs, farmers, builders, and entrepreneurs, many never got to fulfill their dreams and aspirations; and

WHEREAS, the fellow classmates of those that left us too soon would like to remember and honor the following:

**Huey Sanford "Skeet" Brock
Maureen Gilbert Brubeck
Michael Thomas Butler
Bryant Stuart Carpenter**

**Mark Stephen "Jude" Hall
Olie Martin Harris
Lawrence Wright Hartman
Arthur Giles Henderson**

**Robert Vance "Butch" Pugh
Matthew Charles Rexrode
Jennifer Ann Riffe
William Daniel "Dan"
Roberts**

**Hilda Aistrop Carter
Daniel Casey
Ned Clausen**

**Tina Lynn Hunt
Lillian "Lil" Lucille Jordan
Ashton Lee Kingrea
Chet Lang**

**Michael Earl Scruggs
Ruby Lee Seale
Bennie Millard Shifflett, Jr.
Deborah C. Sites**

**James Arthur Clements
Ronald Edward Critzer
Susan Diane Critzer
Bonnie Sue "Beep" Cutright
William Joseph Enyeart
Carl Edward Frazier
Timothy Graydon
Fredrickson**

**Jonathan Franklin Leathers, III
Charles Michael "Mike" Lewis
Jodi Ann Marston
Thomas Philip Mathews, III
C.G. Maupin
William Joseph Maupin**

**David Lee Spradlin
Horace Wayne Stephens
Michael Carl Sutphin
Terry Michael Tate
Richard Lee Thompson
Craig Garrett Van de Castle**

**Lewis Wesley "Buck" Gentry
Cynthia Ann Glosser
Jerome Lawrence Gray
Thomas R. Grinde
Janet Lynn Grinstead**

**Vincent Lewis Monroe
Alton Monroe Morris
Ronald Craig Morris
Alfon Bernard Mosca, III
Suzanne Mathews Nelson
James Colvin Pitts**

**Stephen Allen Van Fossen
Patricia Ann Washington
Beatrice Ann "Bea" White
David Ross Wood
Douglas "Sonny" Woodson**

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby recognize Saturday, August 3, 2024, on the 50th anniversary of the graduation of the Class of 1974 as the AHS Renegade Reunion Remembrance Day.

Signed this 17th day of July 2024

Item No. 8.8. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, ***was received for information.***

Item No. 8.9. Albemarle County Service Authority (ACSA) Quarterly Report, ***was received for information.***

Item No. 8.10. VDOT Monthly Report (July) 2024, ***was received for information.***

Agenda Item No. 9. **Work Session:** Review of Proposed Changes to the Outside Agency Funding Process.

The Executive Summary forwarded to the Board states that Albemarle County is invested in supporting the programs and operations of nonprofit community agencies that seek to improve life for Albemarle County community members. These agencies seek funding through the various non-profit processes, including the Agency Budget Review Team process. Applications are reviewed and evaluated by staff and/or community volunteer teams and funding recommendations are provided to the Department of Finance and Budget for consideration. In a continuous improvement effort, staff evaluate this process annually through feedback from nonprofit applicants and volunteer reviewers, debriefing sessions with staff, and consideration of best practice activities in other jurisdictions. In the Fiscal Year 2025 process, area nonprofits requested \$4,690,882, with \$2,034,515 recommended for funding.

Staff from the Health & Human Services area and Department of Finance & Budget have determined the need for changes to the County funding process to better reflect best practices and the County's human services needs. These changes would occur over two years beginning with the FY26

funding process. Initial improvements will include:

- A. changing the name to 'Albemarle County Human Services Funding Process',
- B. improving descriptions on the County website,
- C. reviewing which agencies are included in the contractual obligations pool, and
- D. applying a prioritization rubric to the recommendations process based on whether the agency contributes to a basic needs safety net or serves a vulnerable population.
- E. applicants will be asked to submit an abbreviated application reporting on significant changes in programming, progress, number of county community members served in the current year and anticipated in the funding year.

Future changes will include a revised application process, tool, technical assistance, and more sophisticated online platform; and enhanced compliance reviews by County staff.

Direction received from the Board will be incorporated into the FY 26 annual budget. Approval and appropriation of budgets after staff recommendations would continue to be determined by the Board in the annual budget process subject to total budget considerations including, but not limited to County mandates and obligations, investment in the Strategic Plan, and available revenues.

Staff recommends the Board approve this updated framework to guide FY26 funding recommendations.

Ms. Kaki Dimock, Chief Human Services Officer, said she would be talking about the past Agency Budget Review Team (ABRT) process and the review of it, as is their custom, and then make recommendations for their Fiscal Year 2026 process. She said that as background, there were many ways in which the County supported community agencies but that afternoon they were explicitly speaking about ABRT, not arts and cultural contributions or the Department of Finance & Budget application review process (which was for larger regional agencies with whom they have enduring partnerships). She said the ABRT process served as a method of evaluating requests for County funding from outside agencies, primarily nonprofits. She said that teams of community volunteers and staff reviewed and scored applications against a prescribed rubric. She said that funding recommendations were not made by the team, and final approval was made by the Board. She said that every year, they evaluate the process and make improvements.

Ms. Dimock said that in FY 25, there were 70 applications, and the number had been increasing substantially every year for the last five years. She said that this represented approximately \$4.7 million in requests from 49 different organizations. She said that they awarded just over \$2 million in funding. She said that of those applications, 49 were for the traditional ABRT process, and 12 were for the new emerging needs human services funding review that they had considered last year for the first time.

Ms. Dimock said that nine of those applications were for something broadly referred to as contractual support, which includes, for example, the Blue Ridge Area Coalition for the Homeless coordinator. She said that the coordinator received contractual support because it was not direct service, but it was critical for coordinating effect and impact for their community, which they believed was important. She said that they reviewed surveys from applicants with their community, volunteers, and staff who reviewed them. She said that they consistently received feedback from the Center for Nonprofit Excellence, which was a different process of soliciting feedback from participating nonprofits. She said that they also held an annual debriefing session between human services staff and the Department of Finance and Budget.

Ms. Dimock said, in terms of the big picture, they recommended broad changes to make the ABRT process more responsive to the community and human service goals. She said that these changes would also incorporate best practices. She said that they proposed implementing these changes over two years to avoid a sudden shock to the system.

Ms. Dimock said that one specific recommendation was to change the name of the Agency Budget Review Team, as it did not accurately reflect its purpose and was something only insiders knew. She said that they recommended changing the name to the Albemarle County Human Services Funding Process, which would be more specific about its intent. She said that this change would be accompanied by improved descriptions on the County website to help applicants determine which application best fit their programming. She said that applicants often inquired about which application they should submit for their activity, as some activities did not fall neatly into one of the predefined categories, and there had been a lack of guidance about this process. She said that they were fortunate to have John Freeman, a retired Albemarle County Department of Social Services Assistant Director, return to help with this process. She said that he was exceptional with nonprofit applicants and guiding them through this process. She said that they may not always have Mr. Freeman in that role.

Ms. Dimock said that they recommended reviewing which agencies were included in the contractual obligations pool every year to ensure clarity around identifying contractual versus traditional pool. She said that both types of applications were reviewed with the same rubric, but they followed different pathways.

Ms. Dimock said that they recommended prioritizing applications that provided critical human services to Albemarle County. She said this was one of the more substantial changes that they were recommending and would be consistent with the Board's strategic goals around community safety and expanding human service response. She said that they would prioritize applications that provided basic

needs and safety net services, as well as those that served particularly vulnerable populations. She said that they would still review and recommended programs that did not fall into these categories, but in a constrained budget environment, they would prioritize organizations that provided services the County would otherwise be compelled to provide if that agency was not doing the work.

Ms. Dimock said that there were other local governments that did the same. She said that Loudon County focused on crisis intervention and diversion services (which they identified as safety net services) to address immediate needs and reduce the need for more restrictive and expensive services. She said that Richmond historically had prioritized funding for seniors, particularly vulnerable seniors living in poverty or with additional compounding experiences. She said currently, Richmond is prioritizing homelessness, seniors, and health services for marginalized populations. She said that Washtenaw County and the City of Ann Arbor funded safety net grants to support food, health, housing, and homelessness assistance in the region. She said that they would occasionally include childcare depending on availability and if it was an urgent need. She said that the County of Santa Barbara focused on anti-poverty programming.

Ms. Dimock said that interestingly, counties like Sonoma County and Santa Clara, which were fire-prone areas, prioritized funding for programs that focused on family resiliency in response to emergencies. She said that there was a history of local governments prioritizing non-profit funding based on the actual service delivery.

Ms. Dimock said that they recommended creating an abbreviated process for that year for nonprofits that have previously been funded through ABRT to have a more straightforward and easier way of gaining access to funding, freeing up County staff to focus on longer-term changes to the ABRT process. She said that anticipated changes for FY 27 included revising the application process and updating the website. She said that there would be expanded technical assistance and enhanced compliance reviews due to concerns expressed by the Board.

Ms. Dimock said that currently, she and her team did not have sufficient staff or sufficient processes to conduct deep dive compliance reviews beyond looking at outcomes for programming. She said that what they had heard was that the Board would like them to be able to do that more regularly. She said that they would help create a design, perhaps every three years, for a deeper dive around compliance, including a look at better budget numbers or the budget process, and how the services and their impact were evaluated.

Ms. Dimock said that for the Board's consideration, they had proposed some changes for the current and following year in advance of their guide to nonprofits, which they usually issued in August. She said that they typically started having technical assistance training for nonprofits in September. She said that they wanted to ensure that the Board was comfortable with these changes and supported the idea of having a prioritization process that prioritized agencies providing safety net services like food, shelter, or emergency response, and those organizations supporting vulnerable community members.

Ms. McKeel said that she had a couple of questions, particularly about the emergency response in the context of climate change, as they were witnessing hotter days, flooding, and other issues that disproportionately affected certain populations.

Ms. Dimock said that she believed the County had not yet reached its desired level of response regarding climate change goals, community risk reduction, and increased focus on human service needs. She said that she saw a convergence of these areas in providing resiliency support to community members. She said that a small example of this was the collection of emergency kits, which included items like a small first aid kit, flashlight, emergency blanket, and whistle, to help individuals survive a 72-hour power outage or similar emergencies. She said that currently, 300 of these kits had been developed for distribution as part of the County's emergency service planning.

Ms. Dimock said that she anticipated expanding the County's response capabilities in the next several years to ensure that people who could not shelter in place during significant natural disasters had the necessary tools. She said that she saw this as an opportunity for the County to move towards a more proactive approach to disaster response. She said that some fire-prone areas had prioritized and funded resiliency improvement efforts instead of traditional nonprofit services.

Ms. McKeel said that sounded very positive and like things were moving in the direction she was hoping they would. She said for the organizations that had always applied for ABRT funding, nothing would change regarding the requirement for an audit since they were still dealing with taxpayer monies. She said that audits would still be required, along with the basic foundational pieces they would have to go through for the application process.

Ms. Dimock agreed and said that what they were asking was for those things to be foundational and for applicants to be evaluated based on what they were delivering to the community rather than the current evaluation of if they were a good nonprofit. She said they would like to apply a rubric to what nonprofits were delivering to the community and have a process that prioritizes safety net programs, ones the County would have to offer instead if the nonprofit did not do so. She said that they had a particular concern around vulnerable populations and were asking for an additional layer of evaluative permission.

Ms. McKeel said the previous year they had 70 applications, representing about \$4 million worth of requests, of which about \$2 million was awarded. She asked how the total award amount was determined.

Mr. Andy Bowman, Assistant Chief Financial Officer (CFO), said that when the Board evaluated the ABRT's work, they assessed how agencies scored and then prepared recommendations as part of the County Executive's budget to translate that. He said that for instance, an exemplary score led them to take base funding and apply a certain increase to it. He said that as they considered new agencies, they had a reasonable metric to implement something new. He said that last year, the Board had discussed a rule that allowed only a 50% eligibility for requests, which had since been removed. He said that this change influenced how they viewed new requests and their alignment with the Strategic Plan, as well as past funding.

Ms. McKeel clarified that it was based on a rubric that they use, to which Mr. Bowman agreed.

Mr. Pruitt said he was excited about this. He said a clear takeaway from the previous year's budget process was the widespread discontent with the ABRT process. He said that the community reflected these same opinions. He said that he was eager to see a new approach. He said that two years ago, the Board had implemented four different priority areas to focus on. He said that they were only able to realize these priorities through a specific discretionary pool of money set aside for them, and it was limited to just one of those focus areas.

Mr. Pruitt said that based on Ms. Dimock's presentation and the accompanying material, it appeared that this concept was going away. He said that two criteria were now in place: whether the nonprofit provided a social safety net function or served a particularly vulnerable population. He said that he wanted to ensure that he understood this new framework correctly.

Ms. Dimock said that was correct but that she imagined it was not gone permanently. She said they had entered the FY 25 process with the intention of leaving the Agency Budget Review Team process largely untouched and focus on significant investments in priority areas based on emergent human service needs in their community. She said that unfortunately, they were unable to support any of those areas, except for the Community Safety Contingency fund. She said if that was likely to be the case moving into FY26 and FY27, they were considering how else they could prioritize the applications they received to best meet the most urgent needs in their community while also considering their continuing obligations. She said she hoped that one day there would be sufficient funding to do both deep investments in emergent human services and prioritize traditional funding processes. She said that she considered it prudent to forecast that they probably would not be able to do both in the FY 26 and 27 process so this was one way to make sure they were supporting the people those organizations that are serving the people who need it the most.

Mr. Pruitt asked how detailed they had gotten regarding the evaluative criteria and rubrics they would be using moving forward. He said that he brought up this point because he was aware that community partners develop their own criteria as part of their applications, and they have the freedom to make those criteria as ambitious or ambiguous as they might choose. He said it could be easy to manipulate the numbers depending on how thoughtfully one prepared their application unless there was vetting on both ends. He said he would appreciate some clarification on what the math looked like and what the County's involvement would be around developing and evaluating the criteria that agencies brought them.

Ms. Dimock said that was a topic that was in the weeds for where they were currently, which was part of the reason they had suggested that the changes unfold over two years. She said there was substantial work required for each kind of application. She said that as part of this process, they would recommend that the County identify the criteria, not the applicant. She said that this did not mean that an agency doing something else they liked and that was good would not get funding, but the prioritized funding would be around the agencies that could best meet the kinds of interests they had. She said that in addition to the three-year improved compliance cycle, this approach would allow them to ensure that people were delivering on the services they had promised.

Mr. Pruitt asked if they were able to accomplish those goals with current staffing capacity.

Ms. Dimock said that they could not do that for every application every year with the current staffing capacity. She said that, however, they could implement a rotating process where every other year or every third year they performed an evaluation.

Mr. Gallaway asked what category arts and culture fell under.

Mr. Bowman said that those applications were received by the Department of Finance & Budget. He said that based on the Board's direction from the previous year, they streamlined the process. He said that previously, a committee comprising staff from five departments managed the process. He said that one approach, as Ms. Dimock alluded to, involved prioritizing compliance efforts where funding was greatest. He said that for instance, contributions exceeding \$1 million dollars would entail more agreements, reporting, and compliance measures compared to smaller contributions, such as \$2,500. He said that this prioritization was not binary but rather a scaled approach. He said that currently, these contributions were received by Finance & Budget and reviewed through criteria unique to these agencies.

Mr. Gallaway said that this matter should be flagged for further consideration before the next budget process. He asked for more information about Loudon County's program.

Ms. Dimock said that they prioritized crisis intervention and diversion services. She said that crisis

intervention was similar to a safety net. She said that diversion services aimed to avoid the need for more expensive and extensive services, similar to Albemarle's HART (Human Services Alternative Response Team) program.

Mr. Gallaway said that he was not familiar with Loudon's County's program, but he knew that Fairfax County had a similar one that they had finally gotten up and running about a year ago. He said that it had been a couple-year effort to get buy-in, and once they hit a point early, they had expended resources there, which led to a huge cost avoidance in their county. He said that this allowed those dollars to be freed up for repurposing, such as staffing considerations, so that they would not have to do something every three years.

Mr. Gallaway said that when they went through budgeting, they often heard staffing needs, which they considered a problem, but at budget time, they did not add many positions beyond what was requested. He said that the cost avoidance to find those dollars was an important part, and he was all in favor of the recommendations being made that evening. He said that he hoped this would help them focus on services that gave them the best value for their money down the road. He said that he believed that it was critical to find efficient programs when they had limited resources, such as when they had a \$4 million request and only a \$2 million allocation.

Mr. Gallaway said that, even though efficiency sometimes could not compete with impact, a smaller cost program might still be beneficial. He said that the impact on an individual could be significant, whereas a program serving more might score better in an application process. He said that he believed one should not be prioritized over the other. He said that getting five dollars out of one dollar in terms of cost savings was favorable but emphasized the importance of not overlooking programs with high impact and smaller budgets.

Ms. Dimock said that currently, there were leverage points that could be realized through the application if local dollars had been used to leverage larger state or federal amounts. She said that there were points for leveraging or reducing costs downstream. She said that they lacked points for evaluating the effectiveness of these measures. She said that this was the area where they were currently trying to refine their application process. She said that at that time, even exceptional applicants with reasonable numbers were evaluated the same, regardless of the number of people affected. She said that they needed a more nuanced application process, and it would take a couple of years to develop.

Mr. Gallaway said that the Fairfax program was not a department-level program. He had said that it had been a board-directed undertaking because significant buy-in was needed, not just in the government, but also in the community. He said that it may require a more all-in effort than just who was reporting to whom.

Ms. LaPisto-Kirtley said that she agreed with the approach to prioritize safety net services, health, and safety, which the Board had consistently emphasized for the past few years, particularly for the vulnerable population. She said that she believed each application should be evaluated for its effectiveness. She asked if the first two criteria would be implemented in September.

Ms. Dimock said that they were there to influence the way nonprofits were trained in the application process that fall. She said that typically, they provided guidance in August, technical assistance in September, and opened the funding portal sometime in October. She said that applications were received by the end of November. She said that volunteers reviewed them usually between Thanksgiving and Christmas, and then they made recommendations to the Budget Office by early January. She said that if they were making any changes, they were made sometime in June and July to launch the process with sufficient time for them to complete their work.

Ms. Mallek said that she hoped that the chosen questions would shift the burden onto the applicant rather than the staff. She said that by being clear and avoiding allowing them to pontificate, she believed it would prevent the issue from being clouded by their desires rather than the desired answers. She said that she hoped they would gather information about staff turnover and their training. She said that she raised an eyebrow at the disparity between the earnings of a client contact making \$35,000 a year and a top executive making \$250,000.

Ms. Mallek said that she was aware that many taxpayers were already stretched thin and needed to know their neighbors' needs were being met. She said that she was interested in the crisis prevention diversion initiative. She said that they had relied on Region 10 as there were many bed shortages, preventing HART from providing local placements. She said that she recognized gaps in this system, which might be larger in other counties, and acknowledged the challenge of securing additional funding for solutions. She said that she accepted the reality that there would always be a bottomless pit of need and committed to striving to do their best.

Mr. Andrews said that he agreed with the recommendations. He said he also wanted to see improved descriptions. He asked for clarification about the FY 26 process.

Ms. Dimock said that applicants that year should undergo an abbreviated process. She said that her team was working on the questions and the process for that. She said that once launched with the nonprofits, they intended to apply the new prioritization rubric to ensure they were more invested and involved in the conversation, as this process would be newer than it had been in the last several years. She said that they aimed to provide all the technical assistance and guidance to nonprofits that they needed.

Mr. Andrews said that they should make sure applicants were aware of the new process.

Ms. Dimock said that she was aware that the supervisors were frequently asked for guidance or information about the process by nonprofits. She said that as they developed the rubric and descriptions, they would ensure that they had the necessary resources to answer applicant questions.

Mr. Andrews said that there was consensus from the Board to proceed with the recommendations.

Agenda Item No. 10. **Work Session:** AC44 Update: Comprehensive Plan Structure and Project Schedule.

The Executive Summary forwarded to the Board states that Albemarle County is updating the Comprehensive Plan through the Albemarle County 2044 (AC44) project, currently in Phase 3. Phase 3 involves refining draft objectives, sharing actions for each Plan element, and synthesizing the content into an organized, user-friendly document. Staff will share an overview of each of the Plan's four sections and anticipated schedule overview. Staff is proposing to revise the Plan recommendations into objectives and actions within each Plan element.

Previous work sessions with the Planning Commission and Board of Supervisors in late 2023 and early 2024 provided feedback and guidance on draft goals and objectives for all Plan elements. Since completing these work sessions, the AC44 team continues to collaborate with County staff and partner agencies to develop draft Plan actions. These actions will be organized by type (e.g. plan, policy, program, etc.) Staff will develop metrics at the objective level to track Comprehensive Plan implementation.

Staff proposes a plan structure that organizes content into four different sections of the Comprehensive Plan document.

- Section 1 - Plan Context;
- Section 2 - Place Type Framework;
- Section 3 - Plan Implementation;
- Section 4 - Appendix

These sections are intended to clearly articulate the community vision and policies, how we accommodate anticipated growth and direct development, where it happens, and the tools we will use to achieve the vision. Similar structures have become common practice in other jurisdictions in recent years.

During the Work Session, staff will share the proposed Plan structure along with an overview of next steps in the AC44 project. Following the presentation, staff will ask for the Board's feedback on the Plan structure and upcoming AC44 schedule.

There is no budget impact associated with this agenda item.

Staff recommends that the Board provide feedback on the proposed AC44 Comprehensive Plan document structure and organization of plan content.

Ms. Tonya Swartzendruber, Planning Manager for the Community Development Department, said she was presenting on behalf of the AC44 (Albemarle County 2044 Comprehensive Plan update) team and that she would provide an update on the project's progress. She said that other staff members, Ms. Kanellopoulos and Mr. Holt, along with others, were present to assist her in addressing any questions they might have. She said that this presentation differed slightly from the one they had received in their packet in order to address ongoing public engagement concerns.

Ms. Swartzendruber said that they prepared two questions for the Board's consideration as they proceeded. She said that they planned to revisit these questions at the end. She said these questions were: Are there aspects of the Comprehensive Plan structure that were missing; and do the expected features for the development areas and rural areas align with the Board's expectations.

Ms. Swartzendruber said that she reminded them of earlier this spring when they had been there to discuss the goals and objectives. She said that throughout phase two, they had received extensive input and feedback from the public, community stakeholders, and other parties. She said that they had spent the subsequent months reviewing all the information gathered and built upon the existing document structure and nomenclature. She said that previous content and feedback was still incorporated; they were only reviewing the document structure at that time and were not changing any content or process.

Ms. Swartzendruber said that they had taken the time to work through the document structure to ensure it was clear and understandable for the public, leadership, and staff. She said that public engagement was vital to the County. She said that as the details of the plan were developed, there would be extensive public engagement, along with Planning Commission and Board work sessions.

Ms. Swartzendruber said that during phase one, she and her team had evaluated existing conditions and data to determine where they were and analyze future trends. She said that this process had helped them to begin to understand where they needed to go. She said that she acknowledged that there were areas where they were doing well and others where they could improve. She said that considering these areas, along with the Board's vision and priorities and stakeholder feedback, they had

developed a framework for an equitable and resilient community.

Ms. Swartzendruber said that these principles had guided the plan and its implementation, shaping what they wanted their community to be like over the next 20 years. She said that the second part of the document focused on setting their intention for where growth and protection should occur geographically. She said that the growth management policy established the Development Areas and Rural Areas, which they would use as a framework for this part of the document. She said that this section generally addressed how they would provide services and infrastructure and protect their current resources differently in each area.

Ms. Swartzendruber said that the next area was how they would work toward the vision for their community and implement the Comprehensive Plan recommendations. She said that this section included the plan elements, which they had previously referred to as topic chapters, but also included other important components of the Comprehensive Plan, such as the future area plan approach. She said that in part one, they were setting the stage by clearly stating what they needed and wanted as a community and how they would get there. She said that the guiding principles, which were what they wanted to be like and had been established as part of phase one, were as follows: Green and Resilient; Welcoming and Equitable; Connected and Accessible; and Thriving and Prosperous.

Ms. Swartzendruber said that this part essentially gave the community a target to aim for and outlined the policies for achieving it. She said that in part two, the community developed its intentions regarding the application of land use, transportation networks, protection of existing resources, and provision of public services and infrastructure, which included utilities, parks, and emergency services. She said that practically, the approach to apply these tools differed between the Development Areas and the Rural Areas. She said that these were a compilation of what was heard during phase two, and they would discuss these draft components in more detail later that summer and into the fall.

Ms. Swartzendruber said that activity areas within the Development Areas were areas where there were already nodes of activity. She said that these were the places where the community needed to focus and concentrate housing, transit, and jobs as part of redevelopment and infill. She said that these areas were envisioned to be mixed-use areas with an urban-like built environment and connected by multimodal transportation choices. She said that this was achieved by allowing a variety of housing types, efficient land use, and public investment in services and infrastructure. She said that the community design guidelines supported connected and mixed-use communities with open space networks and informed the Zoning Ordinance.

Ms. Swartzendruber said that in the Rural Areas, the primary land use would be encouraged to remain agricultural and forestry while addressing legacy land use. She said they would also protect and restore the natural environment and limit public services and infrastructure. She said that both the Development Area and Rural Area, as she had just outlined, constituted the community's kit of parts, their metaphorical toolkit.

Ms. Swartzendruber said that in part three, the community saw how it specifically used those tools to reach its desired destination. She said that this section contained the plan elements. She said that as they synthesized the feedback on goals and objectives, they needed to normalize the level of detail. She said that the goals that had been discussed over the past several months were drafted into goal statements, and objectives were combined and clarified. She said that, additionally, some of these objectives had turned into actions as they realized that they fit better at the action level of detail and were more oriented toward implementation rather than measuring plan progress.

Ms. Swartzendruber said that the gathered feedback, along with the partner departments, guided the development of actions and catalyst projects. She said that all of the actions were categorized into action types, which helped identify funding, resources, and assign responsibility for implementation. She said that varying levels of involvement would be needed from different departments to implement this plan and that it would need to be discussed accordingly. She said that staff would work to develop a draft list of catalyst projects that were prioritized projects involving several departments to be initiated in the first five years after adoption.

Ms. Swartzendruber said that this would be discussed in further detail over the coming months as part of public engagement and work sessions with both the Board and Planning Commission. She asked them to stay tuned for more details that were yet to come. She said that staff would draft metrics for tracking progress and reporting to leadership once the plan was adopted. She said that in this part they would propose an approach for future Area Plans, Comprehensive Plan amendments, and review for compliance.

Ms. Swartzendruber said the last piece of the document was the appendix, which included any other County and regional plans and initiatives as necessary. She said that it would contain their community story, which contained all the data and trends analysis discussed as part of phase one, along with a summary of public engagement, and a document glossary.

Ms. Swartzendruber said that the last slide was the anticipated high-level schedule over the next several months going into next spring. She said that if the Board agreed with the direction that she had presented, staff would move into developing materials for public engagement and Planning Commission and Board work sessions. She said that these would likely include in-person workshops on the area framework for what she had just presented as part two. She said that in late fall they would put all the pieces together and roll out the draft document. She said that by sharing the entire document as one,

they could show how all the pieces fit together and have continued opportunities for input and incorporating community priorities.

Ms. McKeel thanked Ms. Swartzendruber and said this was a lot clearer than the Planning Commission presentation, which had left her confused. She said that there had been multiple speakers who had commented on the lack of public engagement, and she had heard suggestions from people that staff had been working behind the scenes. She said that she wanted to ensure that everyone understood staff's approach, which was to step back, pause, and consider what made the most sense and how to present that clearly based on public comments. She said that she understood that staffing was always a challenge.

Ms. Jodie Filardo, Community Development Director, said that over the last few months, the team had been considering the structure of the document, which had been informed by insights from the Zoning Ordinance Modernization project. She said what they realized they were going through the normal routine of Comprehensive Plan preparation, like they have done in past years, was that they were on track to create another 900-page gorilla. She said they didn't want to do that. She said they have been challenged in the past, with such a large Comprehensive Plan, to be consistent throughout and that there were no discrepancies. She said that it had been difficult for County staff to learn the entirety of the plan and difficult for the community to understand what the County was asking for. She said they had used the previous couple of months to explore how other communities had structured their plans, focusing on those that were easy to comprehend and accessible in plain language. She said that they had reached out to these communities to confirm that this approach had been successful and have found that people were very excited about that.

Ms. Filardo said rather than just pushing on along through their regular routine, they instead they took a pause to get the structure right and then pick back up after that. She said they were very thankful for how engaged the community was and all of the people who had reached and were interested in this process. She said they had seen that all along and they fully intend to engage them again.

Ms. Filardo said that one comment at the Planning Commission that had caused concern was the fact that they had said they wanted to share a draft of the plan in its entirety, not in pieces. She said that this reflected the feedback they had received from the Planning Commission, which had been, "We see this piece, but what does that connect to? Where does it fit? We don't get it."

Ms. Filardo said that they were trying to find a middle ground where they took the information and all the feedback they had received from the community so far and move it forward while also assembling a structure that was easier to understand. She said that they would then put the document back out to receive more feedback from the community, the Planning Commission, and the Board, after which time they would take the feedback funnel in back together. She said they were aiming to create a format that would be more readable for everyone but that they fully intended to keep the community engaged in this whole process. She said that they had not engaged the community on the structure because they had been really looking at other structures around the U.S. that seemed to be working well for those communities. She said that they aimed to learn lessons and best management practices from those communities to inform their process.

Ms. McKeel said that in the County, they always emphasized the importance of best practices and comparing themselves to other communities that they admired or considered as utilizing best practices. She said that staff had taken the time to do this, and she really appreciated Ms. Filardo's explanation. She said that there would be opportunities for public engagement, as they had never shut out public engagement in the County. She said that there would also be additional opportunities for outreach to invested and interested community members, including multiple presentations to the CACs (Community Advisory Committees), the Planning Commission, and the Board.

Ms. Filardo said that they would continue to use an array of media. She said that they had an engagement website and would continue to post content on it. She said that they had previously employed pop-up meetings and were open to conducting more of that work. She said that their aim was to match the outreach approach with the enormity or volume of what they were trying to present to the community. She said they would certainly go to the routine places, including CAC meetings, the Planning Commission, and the Board.

Ms. McKeel said that this made a lot of sense to her and a user-friendly document was much more appealing to her. She said she hoped this would help them remove some of the lawyerly, attorney-like language and jargon. She said she and Mr. Pruitt had just recently been discussing simplifying language, not as it related to the Comprehensive plan but in a separate case. She said that she could only imagine the challenge new employees faced when trying to absorb complex legal language and the size of the document. She said she did not necessarily think that larger was better, but at the same time they did not want to lose what was important to them in Albemarle County. She said it sounded like staff was of a similar opinion and on the right track.

Mr. Pruitt said that he recognized that the task of making significant cuts and realignments to the Comprehensive Plan had likely been very challenging. He said that he appreciated this effort. He said that he wanted to ensure that the changes were consistent with the feedback staff had received from the Board, the Planning Commission, and the public. He said that this was an attempt to align with the extant feedback that had been received.

Ms. Filardo said she wanted to clarify that nothing had been cut yet. She said that their goal was

to level set. She said that they found from the public engagement list, that there were some very detailed, procedural matters and some high-level policy and procedure matters. She said that they aimed to balance these. She said that this was a 20-year view of their world in Albemarle County, and that that their objective was to set the scope of what was included according to the timetable. She said nothing had been cut in terms of content, but they might be reframing it into a larger, broader context.

Mr. Pruitt asked if he was correct in stating that the goal was to create a more lightweight document. He said that, in a very physical sense, it would be cut and be significantly shorter than the current version.

Ms. Filardo said that was correct.

Mr. Pruitt clarified that the strategy involved incorporating points throughout the Comprehensive Plan by reference. He said, for example, "we will execute [this broad goal], consistent with our articulated policy found in [this document, which may change]." He asked if that was the kind of framework staff envisioned moving forward.

Ms. Filardo said that was correct.

Mr. Pruitt asked for a brief, notional outline of the public comment process moving forward.

Ms. Filardo said that the goal was to achieve additional community engagement throughout the remainder of the spring and the summer. She said that this engagement would be used to inform the restructuring of the document, the realignment, and the integration of those pieces into the draft that would eventually be presented to the CACs, Planning Commission, and the Board. She said that they did not have the specifics entirely worked out.

Mr. Pruitt said that the goal was to provide a vigorous round of public comment and feedback on the document before any direct feedback was given or voting took place, comparable to what had been seen in phases one and two.

Ms. Swartzendruber said yes, that was the intention.

Mr. Pruitt said he would be remiss if he did not point out that the real locus of the Comprehensive Plan was centered around the Growth Management Policy. He said that it was the heartbeat, at the core of every piece of County policy on this matter. He said that it was not talked about or discussed in a very direct manner. He said that he felt it would need to be more directly confronted in the comprehensive planning process that year, given this structure.

Ms. Filardo said what she would offer as a clarification on that was that the direction she believed the Board had given staff was that they were not interested in realigning or expanding the Development Area into the Rural Area. She said that consequently, they had taken that as the course of action. She said that as they looked at all of the Rural Area versus the Development Area, and as they had learned with Rivanna Futures, there were some tweaks needed to make some of the parcels make sense and the boundaries make sense.

Ms. Filardo said that they were not talking about any wholesale change to that Growth Management Policy at that time. She said that what they had said in previous meetings with the Board was that they intended to bring forward those items which staff felt were worth keeping an eye on, and those items might cause the Board to want to consider expanding the Development Area or making modifications. She said in their plan they intended to identify and bring to the Board in a draft form for them to tweak those items that they may wish to hear from staff on, such as density, intensity, and population growth. She said these items may inform a different decision but that, thus far, they had heard loud and clear from the Board and the community that they were not interested in expanding the Development Area at that time.

Mr. Gallaway said that it was very difficult for him to transition from micro to macro. He said that the task would be much easier if he had a draft to work from the macro down to the micro. He said he would counter the speaker who said it was hard to change a draft once it was in place because the Board had certainly proven that they didn't care if it was a draft or a final version, they would feel free to make changes. He said he was not worried about that. He said that it was hard for him to sometimes to discern the appropriateness of certain elements within the document's structure without a broader perspective. He said that they typically approached policy work from a top-down perspective, rather than a bottom-up one. He said that this had been a micro to macro process thus far. He said that it was hard for him to determine if the structure of the document was correct or if it was missing elements without seeing a possible look at what it might be, at which point he could give feedback such as, "Why is this over here? It should be over in that section."

Mr. Gallaway said that, at some point, the Board was going to get to the action items which he knew they were all salivating to get to. He said that micro level stuff was probably going to inform some of what the proper structure was going to be, the document format, etc. He said the past time the Board went through the Comp Plan it took some time. He said the Board was supposed to review the Comprehensive Plan every five years, not take five years to do so. He said that if they allowed it to take five years to review a document, they were not doing an effective job. He said that what was missing from the guiding principles piece was that they were supposed to be achievable and attainable. He said that this was a plan that they were supposed to be working towards and implementing. He said that they

talked about their guiding principles of climate and equity, along with other items, but that this was not a wish list. He said that the action steps were supposed to be how they would implement it, which would then inform their Strategic Plan and their budgeting and allocation of resources.

Mr. Gallaway said that although he would like to take credit for this, he was informed by his Planning Commissioner, Mr. Nathan Moore, said that he was struck by the framing some people were bringing; that long-term planning should be about where did they want growth and how dense. He said that was really the secondary question but that the primary question was "how do we make a community where people could work, live, and flourish?" He said that that should be the overarching goal and should inform, through the lenses of climate and equity, their discussions on growth management, Development Area versus Rural Area, land use, and zoning concerns.

Mr. Gallaway said that the structure presented was probably fine. He said that he was open to receiving a draft in the proposed format, as it seemed reasonable to him. He said that he would be looking to the items as to how they could achieve this plan and align it with their strategic plan and budget. He said that in the meantime, he anticipated that they would continue to hear feedback.

Mr. Gallaway said there was no media in the auditorium and that he did not want people to misunderstand that there was a significant gap in disseminating information for those not on Albemarle County mailing list. He said that there was a need for people to examine agendas and attend meetings when they were scheduled. He said that there used to be two or three cameras in the auditorium as well as a radio reporter in the room during previous Comprehensive Plan reviews. He said that was not the Board fault or the public's fault, it was just the sense of what media was going to be. He said that the media's role was crucial now, and if information was not reaching social media or personal devices, people must pay closer attention and look for it. He said that otherwise, misunderstandings might arise.

Mr. Gallaway said that it was essential to recognize that even if information was presented differently, it remained included. He said that the task lay in identifying missing or altered content, which required a detailed examination of the structure document. He said that this attention to detail was vital for him and the Board.

Ms. LaPisto-Kirtley said that she agreed with Supervisor Gallaway. She said that her understanding was that the Comprehensive Plan would continue to go through the CACs and the Planning Commission. She asked if the Board would still have public work sessions, that the public was of course invited to attend.

Ms. Filardo said yes, they would have work sessions.

Ms. LaPisto-Kirtley said that this was another venue for the public to attend to get information. She said that she agreed with Supervisor Gallaway. She said that they had been receiving numerous emails stating that they were not informed. She said that it was the public's responsibility to be informed. She said that she was asking what they had done. She said that they had the newsletter and occasionally published news. She said that they needed to know the other venues through which they notified the public so that when they expressed uncertainty about what was happening, they knew where to go or who to contact.

Ms. Filardo said that the Engage Albemarle site (engage.albemarle.org/AC44) was their public outreach and public-facing site for the project, and it was the best option to get information. She said that all the critical information and elemental pieces for the project were uploaded and available on it.

Ms. LaPisto-Kirtley said that was very important because it answered the public's desire to know. She said that she liked the idea of getting the draft form because it would prevent people from delving too deeply into specifics, detracting from the overall purpose. She said that they would definitely be making changes after it was in draft format and she suggest staff remain flexible in that area.

Ms. LaPisto-Kirtley said that she applauded the decision to extend the deadline back to summer, as it provided more time for input from both the public and the Board. She said that she had a question about page seven or eight, which pertained to activity centers. She asked if activity center was another term for crossroads communities.

Ms. Filardo said no. She said that activity centers were in the Development Area, places that they expected to connect together. She said that they were areas like Stonefield, Pantops, and Hollymead, where they intended to have height and multimodal connectivity, such as MicroCAT and shared use paths. She said that these centers were also expected to be job centers. She said that activity centers represented a larger, more urban form that they were expecting, which was different from identifying crossroads communities as they had before.

Ms. LaPisto-Kirtley said good because she had visited those crossroad communities and in one case there was nothing there. She said activity centers sounded like a small downtown area.

Ms. Swartzendruber said yes, you could think of it that was and that they planned to hold a work session focused on activity centers and future land use in the upcoming months where they could dig into the details.

Ms. Mallek said she had a different perspective and that, to her, the Comprehensive Plan was a wish list and a vision; it was not the Zoning Ordinance. She said that natural resource protection had

been a priority for about 80 years. She said that she recalled a Board decision made around 2014-15, where it was determined that they would not debate which chapter was most important as they all had benefits and challenges. She said there was about 15 notebooks that stacked up to about 4 feet tall. She said yes, it took a long time but that the 2015 Comprehensive Plan was long had won national awards and was a good historical picture of the County, where people could look and see real pictures and information about where they had been when it was written.

Ms. Mallek said that the engagement in Albemarle had always been different than in other places. She said staff would remember when she went to pieces at the thought of farming the Comprehensive Plan review out to a consultant because it had always been a locally driven process and people who live here take it very seriously. She said she was in a similar position as the community with feeling out of touch and that the perception coming out of the Planning Commission meeting was that staff would reach out when they were ready, and she was glad they had clarified that.

Ms. Mallek said that as far as the renaming and reorganization, she did not do well with change, but she had trained herself to cope. She said that she did not think their original Comprehensive Plan was technical; the Zoning Ordinance absolutely required a translator, and she reached out to their County Attorney all the time. She said that this was more readable. She said that she encouraged them to seek a middle ground as far as not making it too technical. She said that they were dealing with serious topics, so they should be using serious words to describe them.

Ms. Mallek said that she was concerned about lumping a whole lot of criteria together into one sentence because people would try to avoid accountability. She said that it would not work because then there would be nothing to point to. She said that she encouraged them to think of stand-alone criteria, rather than combining them, whenever possible because it gave them something they could point to when there was an application to say if it was compatible or not. She said that if there was such vagueness in the document, they could not prove anything.

Ms. Mallek clarified that there would be meetings reviewing the plan accessible to the public before the draft was released. She said that elements of the draft would be discussed first. She said that as soon as they could get a map out, maybe in two months or four months, even if it changed, that would be very helpful for all of them. She said that it took time to get ready for that day and be properly prepared because she had so little time to review to materials. She said it took time to be properly prepared and the public wants to do the best job that they can when they came to meeting, and they need to be shown the respect of having lots of information available. She said that group meetings where 50-100 people might show up, as they had in the past, were better than pop-ups where only three people may attend.

Ms. Mallek said that the most important aspect of the meetings was hearing other people's questions, which could change their perspectives or highlight new concerns. She said that learning from each other was crucial and that they should strive to create as many opportunities as possible for this exchange. She said that involving the public in this process was vital, as it was their document, and they should be part of building the sense of community that had been discussed at the beginning of the meeting.

Mr. Andrews said he seconded the comments Ms. Mallek had just made and agreed with comments from other Supervisors. He said that regarding the questions about missing aspects, he said that he was not aware of any at that time. He said that he would need to see the draft to confirm this. He said that his expectations were still unclear, as he was trying to understand how all the components fit together. He said that in response to Supervisor Gallaway's concern, he agreed it was challenging to assess the draft's alignment with community engagement until it was available. He said that he believed there was a strong need for increased community involvement throughout the development process. He said that they should strive to be as transparent as possible with the public, even with preliminary materials like the catalyst projects, land use, and transportation frameworks. He said they should also expect the Board to review pieces and make big changes to the draft which was why it was better to provide it to them sooner so they did not run up on a deadline and feel crunched for time.

Mr. Andrews said that to answer the question "Are there aspects of the Plan you think are missing?" he would point to slides 5 and 9 of the presentation. He said, "Equity and Climate Action Lens" and the Guiding Principles were really important to him. He said that he believed he should be able to see them reflected in everything part of the plan going forward, not just in an introductory section, but as something with substance throughout. He said that another change he noted from the Planning Commission was on slide 9, where it said "Elements (Goal Statement, Objectives, & Actions)" and he noticed a lack of description regarding how ten goals would be integrated into a unified goal frame. He said that he understood that the goals would still be present, just formatted differently, but there was a concern that they might be shuffled or lost.

Mr. Andrews said that as those kind of changes took place and they began to reformulate, shift how they were presenting them, he believed it would be beneficial to have mapping that indicated the current location of each goal. He said that they had examined numerous chapters and goals throughout their review process. He said that he believed it was crucial to ensure that they still recognized these goals, even as they shifted.

Ms. Filardo clarified that the Board would prefer a crosswalk outlining the document changes.

Mr. Andrews said yes, some sort of crosswalk or mapping would be helpful to see where these things were that were there before. He said those were his big concerns but that he agreed that the public

should be engaged as much as possible. He said that it had become increasingly difficult to ensure that people truly understood the ongoing process and that communication remained important.

Ms. LaPisto-Kirtley said that it was important to remember that the Comprehensive Plan was a guide, not a step-by-step process but a flexible framework designed to serve the community's evolving needs, and it would be reviewed periodically.

Ms. Filardo said that one of the things the staff had been working on with the Office of Performance and Strategic Planning was how to integrate the Comprehensive Plan actions that they would be asking the Board to adopt, based on feedback from the community, the Planning Commission, and the Board's Strategic Plan. She said that they had recognized the importance of the Board's Strategic Plan and had put forth an intention to move forward with it. She said that they had acknowledged that the Board may wish to implement the Comprehensive Plan goals and objectives.

Ms. Filardo said that they had been working to integrate these elements more effectively than in the past. She said that their expectation was that there might be specific projects with a five-year planning horizon. She said that the Board would inform the departments about the five-year goals. She said that in such cases, they would inform the Board of the necessary funding and capital requirements, which would inform the budget and capital planning processes.

Recess. The Board recessed its meeting at 3:07 p.m. and reconvened at 3:22 p.m.

Agenda Item No. 11. **Discussion:** Disposable Plastic Bag Tax Litter Collection Program Update.

The Executive Summary forwarded to the Board states that, on May 4, 2022, the Board of Supervisors approved an Ordinance to impose a disposable plastic bag tax per Virginia Code § 58.1-17.45 through 58.1-1748. The ordinance was effective January 1, 2023, with certain retail stores in Albemarle County being required to charge \$0.05 per bag provided to customers at checkout. The tax was implemented to curb the use of disposable plastic bags and encourage the use of reusable bags.

Per the Virginia Code, revenue generated by the Disposable Plastic Bag Tax can only be used for the following purposes: environmental cleanup, education programs designed to reduce environmental waste, mitigating pollution and litter, or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.

In April of 2023, reusable bags were distributed to eligible recipients from various locations in Albemarle County, including Yancey Community Center, Greenwood Community Center, and the 5th Street County Office Building.

Staff are in the process of developing a program to collect litter along County roads, reducing the amount of environmentally harmful waste reaching local waterways.

Currently, multiple groups contribute to litter collection efforts along the County rights-of-way, including County mowing contractors (bi-weekly in mowing season), VDOT mowing contractors (typically three times per year in mowing season), and private groups participating in VDOT's Adopt-a-Highway program (spring and fall). The new program's intent is not to replace existing efforts but to augment them. Those roads will receive additional collection efforts outside of the current cycles. The program will also provide service to many roads not previously included in other programs. Staff hope to begin this new program in the fall of 2024.

The litter collection program will utilize revenue generated from the Disposable Plastic Bag Tax.

Staff recommends the Board receive this presentation as a project update

Mr. Cai Mowry, Deputy Chief of Operations for Facilities and Environmental Services (FES), said that litter posed a safety, health, and environmental hazard. He said that litter could build up, interrupt stream flows, harm animals, clog infrastructure and increase flooding risks. He said that the data came from the 2020 study by the Keep America Beautiful group, a follow-up to their 2009 study.

Mr. Mowry said that overall, they observed an improvement in educating people and working to reduce litter during these two periods. He said that however, it was estimated that there were still around 24 billion pieces of litter on U.S. roadways and another 26 billion pieces along the shoreways, totaling roughly 2,000 pieces of litter per mile.

Mr. Mowry said that local roadways had the most litter, primarily due to higher traffic volumes, which correlated with an increase in trash. He said that this suggested that a significant amount of roadway litter could eventually end up in waterways if left unaddressed. He said that the Disposable Plastic Bag Tax, enabled by the 2020 General Assembly, aimed to mitigate climate and environmental impacts caused by disposable plastic bags used by vendors for groceries and other items.

Mr. Mowry said that the revenue from this tax was restricted to four specific uses: funding environmental cleanup programs, providing education programs designed to reduce environmental waste, mitigate pollution and litter, or distribute reusable bags to WIC and SNAP recipients. He said that

the Board of Supervisors had approved this tax, which commenced on January 1, 2023.

Mr. Mowry said that when the program was enacted, there was not much data available. He said that within the first six months of the program, the revenue exceeded expectations, with approximately \$47,000 collected in FY 23. He said that for FY 24, the revenue reached approximately \$120,000, and projections indicated that future levels would likely be similar to or slightly higher than FY 24. He said this equated to approximately 2 million bags.

Mr. Mowry said that they aimed to examine the correlation between traffic levels and litter volume. He said that they initially sought to identify any existing litter programs in the County. He said that they discovered three primary programs: Albemarle County's litter and mowing program, VDOT's litter and mowing program, and the VDOT-sponsored Adopt-a-Highway program, which the County's residents were good participants in. He said that they analyzed the data and compared it to VDOT published data for traffic throughout the County and the state to determine roads that had a significant amount of traffic but were not being serviced by any larger existing programs. He said they would then take that data and determine a level of service based upon the average daily traffic.

Mr. Mowry said to get the average daily traffic they used the VDOT published data. He said that there was a substantial amount of reliable data, which had been published by VDOT over several years. He said that they categorized their roads into four tiers, with Tier 1 roads being those with an average daily traffic of over 4,000 vehicles. He said that these roads, which carried most of the local traffic referenced in the Keep America Beautiful study, were their primary focus. He said that roads with less than 1,000 vehicles had some buildup but were not as significant as the more well-traveled roads in the County.

Mr. Mowry said that their selection criteria for these roads were primarily the average daily traffic and secondly that they were public roads accepted into VDOT's maintenance system. He said that generally, they aimed to utilize public roads outside of most residential neighborhoods. He said that this was primarily because a large majority of these neighborhoods were managed by HOAs, which maintained their common areas, including litter and mowing projects, especially along their main thoroughfares.

Mr. Mowry presented a slide with a graphic illustrating the three major programs throughout the county and the roads they covered. He said that out of the 900 rough miles of roadway in the county, approximately 400 miles had some sort of formal scheduled litter program during the year. He said that VDOT, which owned all the roads, covered approximately 240 miles of county roads and conducted the program three times a year, typically in May, July, and October.

Mr. Mowry said that Albemarle County maintained litter and mowing collection along most of the entrance corridors into the City of Charlottesville, covering about 40 miles, and they typically performed the task every two weeks. He said that this was condition-dependent, and due to the dry weather, they had recently held off on mowing, as it was not necessary. He said that they strove to perform the task twice a month. He said that the Adopt-A-Highway groups had covered about 126 miles in the County, all on their own, and they had typically picked up twice a year as part of their charter with VDOT, usually in the spring and fall.

Mr. Mowry said that about 65 miles of roadway received no service, with traffic above 1,000 cars per day, were identified throughout the County. He said that there was one district that was slightly more rural than the others. He said that the major roads in this district had been serviced by VDOT, but other than that, they had experienced less traffic.

Mr. Mowry said that their recommendations moving forward involved focusing on tiered roads that currently had no service. He said that they proposed to perform approximately four services per year for Tier 1 and Tier 2 roads, which equated to once a quarter. He said that this included collecting litter as no one else was currently doing it. He said that for Tier 3 and Tier 4 roads, which were slower, they suggested two services per year. He said that during the winter season, when grass did not grow, and no one was performing litter collection or mowing, they planned to conduct up to two collections on all Albemarle County and VDOT service roads.

Mr. Mowry said that this was in response to the increased number of resident complaints about trash during winter. He said that to further augment their services, they proposed initiating a one-year pilot program to engage an outside contractor. He said that the results of this program would be assessed at the end of the year based on litter collection totals and the overall effectiveness of the program, as determined by County personnel inspecting the roads. He said that this could be coupled with litter educational efforts, including signage and community engagement.

Mr. Mowry said that the County's street sweeping initiative had proven effective in removing trash and debris from curbs. He said that it only worked for curbed road and while curbs prevented debris from spilling onto the roads, they also directed it to stormwater infrastructure, potentially harming local waterways. He said the street sweeping program, which had come online the previous August, had cleaned approximately 730 miles of curbed roads and collected over 250 tons of debris, trash, and tree limbs. He said that the program had received positive feedback, especially from bike riders who appreciated the removal of both the larger debris and the small gravel from road edges.

Mr. Mowry said that a mowing and litter collection program that covered 60 miles of heavy-use entrance corridors, previously managed by VDOT, was now overseen by the County. He said that they

replaced or repaired over 100 signs annually due to vehicle accidents, instances where signs were taken home, or began to lean due to weather. He said that their focus was on enhancing their vegetation management program, targeting areas along the right-of-ways that VDOT might overlook, such as clearing trees near roadways, auto accident cleanup, and general overgrowth cleanup.

Mr. Mowry said that they maintained Rio Road and the Route 29 planters, which required significant upkeep. He said that they were developing a new plan to populate these areas with more native grass, which was less maintenance-intensive. He said that they spent considerable time assisting residents with various service calls and ensuring they were directed to the appropriate agency, when needed.

Ms. McKeel said that the Albemarle Charlottesville Regional Jail had previously operated a robust litter pickup program, which was well-received by the community. She said that inmates earned money and good-time rewards while helping to clean up litter. She said that however, the program was no longer in operation due to the absence of a population that could be sent out. She said it did not seem as though the plastic bag tax was changing people's behavior yet. She said that the revenue generated from the program was very helpful, even though it meant people were still using plastic bags. She asked if the litter cleanup also collected illegal signage such as political signs in medians.

Mr. Richardson said that the Board regularly addressed the issue of illegal signs, especially during election seasons and throughout the year. He said that he intended to collaborate with Ms. Wall to explore the possibility of consolidating this issue, although he admitted that he was not an expert. He said that Ms. Wall could provide more insight into this matter. He said that although he could not predict whether it would occur, he confirmed that it was a complex issue. He said that distinguishing between signs on easements and private property was not always clear-cut. He said that they would need to investigate this further with Ms. Filardo's and the Department of Community Development.

Ms. McKeel said she appreciated that but there were some areas they could tackle such as medians. She also said there were some tricks to the trade such as looking at where telephone poles were located. She said it was a great presentation, that she was thrilled with the program, and that they really were doing what was needed to get plastic bags and other litter out of their streams and off the streets, which their community certainly appreciated.

Mr. Pruitt asked Mr. Mowry to go back to the slide that displayed the map of Albemarle County and the visual of the Tier roads. He said that he would politely push back on one of the core planning assumptions. He asked if the data was available from VDOT for individual collections on the Adopt-a-Highway program roads. He said that he knew that the charters stated they were obligated to conduct two annual collections, but he knew from personal experience that this was not always the case. He said that he had worked with an organization in the Adopt-a-Highway program, and they had been four years out of compliance with litter maintenance. He said that it was not uncommon to be out of compliance. He asked if they knew what the litter collection coverage was based on data.

Mr. Mowry said that they did not have the accurate data from VDOT concerning the actual collections for each individual Adopt-a-Highway group.

Mr. Pruitt said that he was curious if it could be incorporated fairly easily to identify because Adopt-a-Highway roads were often heavily trafficked roads, and they get adopted because people cared about them. He said that if the coverage on them was not adequate or if the organization committing coverage had lapsed in their membership, capacity, or memory that this was a thing they have to do, then maybe that should be including those roads as ones the County was proposing to cover.

Mr. Pruitt said that he expected a lot of them to be higher priority in a community sense and in terms of vehicle capacity than the ones currently being proposed. He said that he recognized that this was a data lift and he did not know how easy it was to incorporate. He said that he trusted the department to use its best judgment. He said that he was also curious about whether organic waste was being considered as a form of litter, such as green waste that contributed to backed up culverts. He said there was a culvert in his neighborhood that was backed up and it was several pounds of organic waste with maybe two plastic bags mixed in. He said he was not taking an opinion one way or the other but was trying to understand the scope of what was being proposed.

Mr. Mowry said that at that time, it was primarily going to be non-organic litter such as plastics, bottles, paper bags, and plastic bags. He said that they did not have the staffing to address organic litter, such as leaf debris.

Mr. Lance Stewart, Director of Facilities and Environmental Services, said that their focus had been on developing a program to utilize the plastic bags tax, which had restrictive uses. He said that if they were to explore a program that fell outside of what was allowed by the state code, they would need to come forward with a recommendation for what such a program might look like and how they might fund it outside of the plastic bags tax. He said that there was some overlap between roads that VDOT managed and roads that were in the Adopt-a-Highway program. He asked Mr. Mowry to address this in further detail.

Mr. Mowry said that when he drew the map, he took the viewpoint that, if it was a contracted service, it would take precedence over the Adopt-a-Highway. He said that the map showed Albemarle County work and VDOT's work primarily adjacent to the Adopt-a-Highway work. He said that where there was some overlap, he prioritized contracted services such as VDOT on the map instead of Adopt-a-

Highway. He gave Berkmar Road as an example and said that although there was an Adopt-a-Highway group for a large section of that road, the County also goes through there every two weeks, so it was marked on the map as County maintained.

Mr. Gallaway asked for more information about the areas of roadways not serviced by any group, as listed on slide 12. He said he would like to get a closeup so he could see them better, even if they were not all named.

Mr. Mowry offered to provide closeup maps of given districts so all of the roads could be identified more easily. He said it was a balance to show all of the roads in the county while also making them discernable.

Mr. Andrews asked if that was what Attachment A was listing or if that was something different.

Mr. Mowry said that Attachment A listed the roads that met their criteria. He said that they were almost at the point of completely finalizing the list. He said that this included all of the roads listed, but it did not include every single one, as some of them were residential roads. He said that the list did not include what tier the road was but that he could provide the Board a more detailed list.

Mr. Gallaway said between the closeup maps and a more detailed list he would be able to identify what he needed. He said that the next step was to consider the implications if the budget expanded. He said that while he did not dispute the current allocation of funds, he proposed that additional resources could be directed towards enhancing the stormwater management program, particularly in relation to litter entering waterways and affecting downstream communities who were not responsible for creating that litter. He said this was especially important for those in the urban ring, where for instance, in the area from the Woodbrook neighborhood up to the river, things in parking lots find ways to the property downhill. He said wind and water pushed debris onto these lower properties and into the waterways. He said that there were potential methods to capture this litter in the waterways but not when it ended up on another property.

Mr. Gallaway said that although the stormwater team had been exploring solutions, they faced budget constraints. He said that he suggested that funds for land and environmental mitigation, including litter mitigation, would be appropriate. He said that this approach could address litter before it reached downstream areas, particularly in urban regions. He said that he was curious about the legal authority to address improper litter maintenance from businesses, such as improper storage, debris on their property, or otherwise.

Mr. Rosenberg, County Attorney, said that he would follow-up with more information. He said that depending on the conditions, it could be a zoning violation.

Mr. Gallaway said that if a place failed to address litter issues before it escalated, it became everyone else's problem. He said that he fully endorsed the idea of educating individuals about this issue. He said that, however, they also needed to extend this approach to businesses, as they must manage any litter on their property before it became a communal problem. He said that he was curious about potential solutions to address the root cause of the issue.

Mr. Gallaway said they were dealing with the issue after it happens, dealing with the impact of a behavior. He said trying to change that behavior at an individual level was very hard. He said he supported the education part of the plan that was presented but that he thought they should expand it to educating businesses as well, because it was contingent on them to handle any litter that accumulates on their property before it becomes everybody else's problem. He said this was a bigger deal in the urban ring and greatly impacted drainage. He said it didn't matter if the drainage was piped or open, that is where it was going, and the litter ended up in wooded areas or into the waterways and impacting people downstream.

Mr. Gallaway said he was curious about augmenting this so that it was really targeting the places that were having issues and perhaps they could stem some of the creation of the issue, similar to the way the street sweeper was targeting the end result of the issue. He said he did not think their police could only do something if they saw someone litter and it was caught.

Mr. Gallaway said that he believed the responsibility for maintaining private property, including upkeep with weeds and their own mowing, was sticky. He said that he questioned what could be done if property owners violated the established guidelines, especially regarding entrance corridors. He said that he also expressed concern about approved developments that had not yet begun, which may let the land languish until they were underway, leading to both upkeep and litter issues.

Mr. Gallaway said that he supported the idea of rerouting issues that were under VDOT's responsibilities for safety or emergency situations to them. He said that this was particularly true for culverts that had become blocked due to litter debris or trees growing out of storm drains, as it fell under VDOT's jurisdiction. He said that VDOT had safety concerns regarding individuals working in their right-of-ways. He said that they should not expend resources on these matters under VDOT's jurisdiction unless it involved a lower-cost item.

Mr. Mowry said that was correct. He said that they typically directed it to VDOT, particularly when there was a safety or line of sight issue for the roadways, and they were very responsive, especially for safety concerns.

Mr. Gallaway said there was a world of difference on Rio Road this year compared to the previous Summer. He said you could see now some of the underlying issues that were created the previous summer when things were not being maintained. He said the residents that live and travel along there were very appreciative.

Ms. LaPisto-Kirtley asked if in a residential area grass in the median was a VDOT issue or a County issue.

Mr. Mowry said that many roads were VDOT's responsibility if they were public. He said that unless it was very tall and became a line of site issue, VDOT was not typically going to address it.

Ms. LaPisto-Kirtley asked if the County would address it if VDOT did not.

Mr. Mowry said that those were the types of things they were looking for and had been vigilant about to ensure they were not overlooked. He said that they had been making efforts to utilize their assets to address them.

Ms. Mallek said that residents had expressed concerns that the pride people had in where they lived had disappeared. She said that every day, someone threw beer cans at the end of her driveway, which seemed like a protest. She said that from the statistics, it appeared that there had been no reduction in plastic bag usage since the implementation of taxes. She said that she wondered if there was a way to identify any reduction, noting that they had not had a count before the taxes were introduced.

Mr. Mowry said that he did not know the answer to that.

Ms. Mallek said that she had made contacts for a company that manufactures hemp bags, Assistance with Dignity, which were specifically designed to assist individuals on various support programs. She said that she would share this information with Mr. Mowry because she believed that the County should not be distributing plastic bags, which were what all the recycled grocery bags are, as they degrade and perform the same functions as regular plastic.

Ms. Mallek said that she was very enthusiastic about the rural routes. She said that for years, the GMC company had taken their staff there twice a year to perform extensive work. She said that they had relocated, and this had been lost. She said that recruiting individuals to assist with the Adopt-a-Highway program proved to be challenging when the danger was so significant. She said that the banks on Markwood Road between Buck Mountain and Boonesville were steep, and there was nowhere to go when people zoomed down the road. She said that this created a different level of hazard, unless one had a vehicle equipped with flashing lights and could compel people to slow down while they were working.

Ms. Mallek said that she concurred with the complaints about the wintertime visibility when all the leaves were gone, revealing all the debris that had accumulated and grown over during the summer. She said that she was very appreciative that the consideration was being given to implementing a winter pickup program. She said that she understood why, when a storm occurred, the person tasked with cutting down a large tree from the road wanted to move on to the next task. She said that there were still hundreds of locations in rural areas where the cut face of a 12-inch diameter oak tree was at the edge of the pavement, leaving nowhere to go if an oncoming vehicle approached. She said she understood this was not within the scope of this program but perhaps they could advocate with VDOT when they encounter these instances. She said that after big storms the utility companies often left large pieces of debris in people's front yards, which could be hazardous for elderly residents. She said that she did not know where the leverage was to address this issue.

Ms. Mallek said that she would pass along some information for future investigation. She said she had received contacts about the bushes at the roundabout at Berkmar and Hilton Heights, and people really would appreciate being able to see through the intersection to be able to see the oncoming traffic, especially since there was a combination of pedestrians and vehicles in that area. She said there had been some near misses there and the people who had reported it to her had chalked it up to not being able to see that there was someone speeding coming at them. She said that she assumed it fell within the County's jurisdiction, as it pertained to streetscape matters, but if not, she would appreciate them bringing it up with VDOT.

Ms. Mallek said that during her train journey to Tampa, she was astonished by the miles and miles of swamp surrounding the train, acres of area littered with plastic bottles and bags trapped against the bank. She said that she recalled a time when she had lived in Western Massachusetts, where local governance had allowed for stringent environmental measures. She said that restaurants had been required to print their identities on paper cups, and if their restaurant's waste accumulated on the streets, that business had to provide trash bins. She said that this policy had ensured accountability and had worked effectively. She said they probably did not have the authority to do this in Albemarle.

Ms. Mallek said that she was pleased to hear that VDOT was now picking up trash before mowing, as she had witnessed the alarming transformation of a single paper towel into thousands of pieces after it has been mowed over. She said that she was looking forward to Mr. Richardson's report on the multi-use initiative when staff was out doing inspections or whatever to document signage. She said that she would be happy to go out and do some of this work as well with proper photographic documentation, as they had used to do for years.

Mr. Andrews said that he fully supported the program, believing it to be a great idea. He said that he hoped there would be a process to consider which roads should be added. He said that he recalled Supervisor McKeel mentioning how people used to be able to make requests associated with the jail program, which he thought would be helpful for the new program as well. He said that they should focus on a reporting mechanism, making sure that they were only taking care of what they needed to and left VDOT to do their own work, and could hopefully learn over time which areas were problem areas.

Mr. Andrews said that a contractor was being hired. He said that he emphasized the importance of understanding the contractors' reporting and how much they could be relied upon. He said that he also stressed the need to ensure that contractors were being responsible, as their employees were at hazardous risk walking along the roadways. He said that he believed it was crucial they monitor the program very closely.

Agenda Item No. 12. Closed Meeting.

Mr. Andrews said that they anticipated a possible need to hold a second closed meeting after the Public Hearings in the event they were not able to do all of the work required before 6 p.m.

At 4:09 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, Agricultural and Forestal District Advisory Committee, Crozet Community Advisory Committee, Economic Development Authority, Historic Preservation Committee, Jefferson Area Board for Aging Advisory Council, Pantops Community Advisory Committee, Piedmont Virginia Community College Board, and Solid Waste Alternatives Advisory Committee;
- Under Subsection (1), to discuss and consider appointment of an interim county attorney;
- Under Subsection (5), to discuss the expansion of an existing industry in the southern part of the county in the Scottsville Magisterial District, where no previous announcement has been made of the business's interest in expanding its facilities in the community;
- Under Subsection (8), to consult with legal counsel regarding specific legal matters requiring legal advice relating to the possible exercise of authority under Virginia Code § 40.1-57.2 to implement collective bargaining; and
- Under Subsection (39), to discuss or consider information subject to the exclusion in subsection (3) of § 2.2-3705.6 related to business development in the Rio Magisterial District.

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

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

Agenda Item No. 13. Certify Closed Meeting.

At 6:06 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said there was not a normal monthly report that evening but that he had asked Mr. Bart Svoboda to address the Board regarding beneficial fill hauling, a topic he expected they would also hear about from some citizens who were at the meeting. He asked Mr. Svoboda to provide an update since the last time he was before them on that topic.

Mr. Andrews said that when people sign up to speak during Matters From the Public they usually indicate the topic they will be speaking towards so this would be a very appropriate time for Mr. Svoboda to update the Board, before that happens.

Mr. Bart Svoboda, Zoning Administrator and Deputy Director of Community Development, said he had a couple of slides to update the Board on where they were at and the process they went through for the Special Exception. He said that SE202200068 was for a fill area in Earlysville, with Earlysville Forest serving as the access route. He said that the Board had been receiving emails and inquiries, but the

primary concerns seemed to be about the truck traffic and the access route. He presented a slide with a pink line that showed the access route listed as Condition 3 in the Special Exception as the preferred route. He said there were about 20 homes or so along that route. He said that the special exception was approved in February 2023.

Mr. Svoboda presented a slide with the list of conditions. He said these conditions were on top of what was required in the Ordinance. He said that the first condition was the hours of operation. He said that there appeared to be a question from community members about the possibility of trucks operating outside these hours. He said that the second condition was the number of trucks. He said that when this special exception was presented before the Board, they did not limit the number of trips. He said that they did limit the number of trucks per day, but not the number of trips per day. He said that up to 10 trucks were allowed, but they could make as many trips as they wanted within the specified hours.

Mr. Svoboda said that if the area where the dirt was being obtained was close, they could make more trips. He said that if the area was far away, they would have a longer turnaround time, but the number of vehicles was not to exceed 10. He said that there were other requirements within the ordinance, but these were the two that were primarily being discussed. He said that the special exception was valid until August 31, 2028.

Mr. Svoboda said that one of the exceptions the property owner had received was a limit from one acre to up to four acres. He said that, based on aerial photographs taken in February, the disturbance area was approximately two and a half to three acres. He said that staff was at the point where they needed to get verification from the property owner, something they had not discussed with him yet, but as they were doing their own investigation into the inquiries over the previous month, these were the things they had discussed.

Mr. Svoboda said that as far as next steps and what staff was up to, multiple staff had gone out at various times trying to verify information and conditions. He said step one was for staff to get together and compare what they had found. He said step 2 was to review that and compare it with the information provided by the community and nearby residents via phone and email and address any issues with the property owner.

Mr. Andrews thanked Mr. Svoboda for the review and update. He said that since there was no back and forth debate during Matters From the Public, it was particularly helpful to receive this update from staff ahead of time.

Agenda Item No. 16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board

Ms. Kathy Erskine, White Hall District resident, said that she was there with a group of concerned neighbors regarding the dump truck situation. She said she had provided the Board with a pamphlet with evidence and exhibits. She said that she and others had collected evidence of violations for many months, but the County and Board had not addressed them and turned a blind eye. She asked "Why?" She said the few times they had seen a County vehicle in the neighborhood the dump truck traffic was suspiciously later than normal. She said that the exception the Board had made was disrupting the lives of hundreds of their constituents in favor of one and would continue to do so for four more years every day except Sundays. She said that she had to stay indoors and avoid her deck in order to avoid the up-to-93-decibel dump truck noise, which she could still hear in the shower with windows closed.

Ms. Erskine said that their windows rattled, and their houses shook and questioned how people could work, make phone calls, or hold meetings with such noise. She asked why she should have to walk her dog before 6:45 a.m. and after 6 p.m., when the onslaught was supposed to finish, to avoid having to walk between trucks. She said that most of the time, that meant she was walking in the dark. She asked why they were ignoring the safety of hundreds of their constituents, many of them children who live right on that road where up to and over 100 times a dump truck goes by. She said that there were no sidewalks or shoulders on the road. She said that she wondered why anyone would choose to interpret 10 trucks a day as allowing an unlimited number of trips from 10 trucks for 10.5 hours. She said that she had consulted with attorneys who had stated that 10 trucks should only be 10 truckloads. She questioned the need for so many loads and said 10 truckloads should be plenty, especially in a residential neighborhood.

Ms. Erskine said this was not to mention what was being carried in these trucks and referenced tab 12 of the pamphlet she had provided to the Board. She asked what was in these many trucks and why there were so many loads necessary. She said if this was a situation where the impact from one person did not impact so many then it might be fine but that they wanted their neighborhood back.

Ms. Erskine said that the immediate problem could be solved by enforcing a limit of 10 total truck loads. She said that it was the County's responsibility to address enforcement because the neighborhood did not allow this exception, the Board did.

Mr. William Erskine, White Hall district resident, said that he had prepared a video where all footage taken on July 10, 2024. He said he hoped the Board would find it as loud and annoying as they did. He played the video which showed trucks passing by a stationary camera with time stamps.

Ms. Sam Giannangeli, White Hall district resident, said the Board had heard from her neighbors about the level of disruption the Earlysville Forest community had been subjected to due to the clean earth fill exception. She said this included loud noise, fumes, and heavy trucks that literally shook their homes for 10 and a half hours a day, six days a week, when the restrictions were adhered to. She said that on July 10, the Board members had received an email indicating that no violations had occurred to date. She said she was present to emphasize that the County had not addressed their concerns in full and had disregarded their attempts to communicate them. She said that she had shared with the Board a manila folder that contained a copy of just one unanswered email. She said that she urged the Board members to engage with the evidence they had been provided that day and to do the community the courtesy to work with them to resolve this problem.

Ms. Giannangeli said her first point was that the County did not have the capacity to monitor violations based on the time of day, as had been stated to community members by multiple people, including Lisa Green (Manager of Code Compliance) and Jody Filardo (Director of Community Development). She said that the Board could not in good conscience determine that there were no violations when the County lacked the capacity to collect the evidence.

Ms. Giannangeli said secondly, the community members had received conflicting information from the County regarding project duration restrictions. She said that the exception explicitly states that each fill project must be completed within one year. She said that however, Lisa Green had stated that this limitation did not apply, despite it being explicitly stated in the exception. She said that publicly available satellite imagery had confirmed that the duration of the fill project had well exceeded one year. She asked if the Board could please help in resolving this misunderstanding.

Ms. Giannangeli said, thirdly, that the Clean Earth Fill Code stated that VDOT must approve the entrance used for clean earth fill to the highway. She said that they had verified through a FOIA request that VDOT had never approved, or even been asked to approve, the entrance being used. She said that this put the activity in violation of the Clean Earth Fill Code and the exception. She called upon the Board to revoke this special exception. She said that it was their responsibility to act to resolve the concern.

Ms. Giannangeli said that conditions were not being met, and the constituents had been gravely impacted by the results. She said that to quote County Code, "The Board of Supervisors may revoke a special exception if the Board determines after public hearing that the permittee or any successor has not complied with any conditions of the special exception." She stressed that it said "any conditions" and said that she had given them three in three minutes. She said, "To quote Mr. Spock, the needs of the many must outweigh the needs of the few or the one."

Mr. Gary Green, White Hall district resident, said that he resided in Earlysville Forest. He said that it was absurd that they had approximately 100 of these 50,000 - 80,000 pound, four and five axle dump trucks were passing their home up to six days a week. He said that with an exception granted for only 10 trucks per day, he believed this defied all logic and common sense for these trucks to be allowed to drive unlimited passings on a residential subdivision street. He said that he was certain the Board members would agree that 100 times per day past their houses six days per week was excessive. He said that this was blatant noncompliance.

Mr. Green said that the granted exception stated that all truck traffic must occur between 7:30 a.m. and 6:00 p.m. He said that there had been multiple recorded violations of this rule, both before and after the specified time. He said that they had apparently gotten word that this had been noticed and now at 7:20 a.m., trucks were observed stacking two to four deep in the deceleration access lane that goes into Earlysville Forest, disrupting the once quiet neighborhood.

Mr. Green said that as an audio engineer at the Paramount Theater for 15 years, managing sound was his job. He said that on a normal day without trucks, he had measured a 45-decibel rating. He said that there was no need to lower the microphone as he spoke very loudly. He said that walking down the street with these monstrous dump trucks, accelerating uphill and engine braking, he had measured 95 decibels. He said that to highlight the perceived volume of noise, the double volume at 75 decibels was 85 decibels. He said that the double volume at 85 decibels was 95 decibels. He said that this was sound they heard and felt. He asked where in the impact assessment did they account for that.

Mr. Green said that another noncompliance was regarding County Code §5.18.28, the property owner needed VDOT approval for the driveway and access easement. He said that the residents found no evidence of such request or approval. He said that one day, trying to leave the subdivision, they encountered a parked dump truck blocking the lane. He said that he waved them around into oncoming traffic because he was waiting for another truck. He said that they asked the driver where the dirt was coming from. He said the dump truck driver told them that it was from Fontaine Avenue, and said "it ain't dirt, it's big rocks and stuff."

Mr. Green said that to support that, they showed pictures of the contents of one of the dump trucks to a civil engineer with 40 years of commercial construction experience. He said that he confirmed that the material was concrete, not dirt or fill. He said that in the last meeting regarding this issue, some Board members had seemed to think this issue was funny, making cutesy comments about turning it into a mini-series with Mr. Gallaway as the landowner. He said that it was not funny, and this was offensive to the residents of Earlysville Forest.

Mr. James Asher, White Hall District resident, said that he had emailed photographs of violations to them, including one particularly alarming instance where a dump truck driver had his hands off the wheel in order to videotape him, either not driving his truck or driving it with his knees. He thanked the Board for the service provided by the Board of Supervisors. He said that in the current political climate of the country, he could not imagine what they had to put up with in order to provide their service, and he appreciated what they did.

Mr. Asher said that he personally knew some of the Board members, and he knew them as thoughtful, intelligent, and reasonable people. He said that those who knew himself and his wife personally knew them as somewhat intelligent, reasonable, and thoughtful people. He said that they were not complainers or reactionaries; they were in attendance that night in response to the Board decision to allow these trucks to travel through Earlysville Forest.

Mr. Asher said that six days a week, ten multi-ton dump trucks with unlimited trips traversed this area. He said that he could not fathom how the Board came to that decision. He said that when discussing their residence with friends and relatives, he used to describe Earlysville Forest as a place of beauty and serenity, akin to a state park. He said that now they likened it to living in a construction site with a parade of dump truck, after dump truck, after dump truck.

Mr. Asher said that it was as if they were living in a construction zone. He said that he believed it was crucial to address this issue, considering the scale and impact of this industrial traffic on the community. He said that although he was not an expert on the regulations and rules of order, he respectfully requested that the matter be brought back to the table for further discussion and another vote by the Board so that the irrational decision could be rectified.

Mr. Jacob Thadithil communicated using American Sign Language with the aid of a sign language interpreter, Mr. Seán Sopht.

Mr. Thadathil, White Hall district resident, thanked the Board for allowing him to be there to discuss the dump truck issue. He said that he sold his old house in northern Virginia and moved down to Charlottesville, then bought a house on Hunters Road, which was in the Earlysville Forest area. He said that once he settled in, he started taking a walk on a regular basis for his constitution, exercise, on Earlysville Forest Road and its adjoining roads as well. He said that for about one year, he was doing this walk in the afternoon.

Mr. Thadithil said that one time in the afternoon, he was walking and noticed a dump truck zooming by him incredibly fast, absolutely over the posted speed limit of 30 mph on the road. He said that it truly terrified him. He said that it terrified him so much that he stopped walking and had not walked since. He said that at the HOA board meetings, the board they have there and its members had also discussed their concerns.

Mr. Thadathil said that a friend of his, Ms. Cathy Schneider, told him her concerns and feelings about it as well. He said that Ms. Schneider experienced a great deal of traffic where she lived, because her home was located right there on the traffic circle of Carriage Hill and Kindrick Farms. He said that she could see from her window over 100 passings of dump trucks in a day. He said that he did not understand why she had to deal with that frustration.

He said that homeowners paid real estate taxes on a yearly basis, and the County office had a responsibility and commitment to them to preserve people's safety when they were walking and utilizing their roads and provide a peace of mind while they were at their homes. He said that he had a suggestion for the County Board and the County offices to resolve the issue with the dump trucks, which was that they should coordinate with the Sheriff's Office and VDOT. He said that among the three, they should devise a plan to install monitoring systems and cameras along the roads of Earlysville Forest and the adjoining roads so that enforcement could be implemented.

Mr. Thadithil said that this would ensure that dump truck drivers adhered to the speed limit of 30 miles per hour. He said that another measure the County office should consider was amending regulations to reduce the hours or provide hours of closure on the road for commercial traffic. He said that this would allow children going to their bus stops in the morning and afternoon, as well as safety for other people who used the roads.

Mr. Thadithil said that the County office needed to investigate these suggestions and make necessary changes to limit the number of trucks and traffic on the road and reduce the hours for them to utilize it. He said that this would provide an increased measure of safety for children and residents who walked on the roads, especially Earlysville Forest Road. He said that these were just some of his ideas to provide peace of mind and reduce the risk, accountability, and liability for the County and Kindrick Farms. He said that property owners were experiencing these issues, and he asked that it be made a higher priority to mitigate it.

Ms. Genevieve Blair, White Hall resident, said that she lived in Earlysville Forest and that her neighbors had done a great job of presenting this information, so she would not reiterate it. She said that she did want to add that she sent an email last week to Ms. Mallek that outlined her concerns and observations. She said that she was appalled that exception had been approved without any

responsibility for monitoring the situation. She said that it was mind blowing to hear from the gentleman earlier that it was purposefully left as 10 trucks and not 10 truck trips.

Ms. Blair said that immediately around the corner where the trucks queued in the morning on Advance Mills and blocked visibility for those turning left, was a school bus stop. She said that her husband and she had been residents for over 20 years and walked their children to that bus stop repeatedly. She said that she was extraordinarily concerned that trucks turning at an unacceptable rate could hit a bus, children, family, or pets. She said that it was mind-blowing that this had not been taken into consideration.

Ms. Blair said that over the last week, she and her husband had witnessed two trucks going down and one truck coming up at the same time, with tires going off the road because the road had no separation between pedestrians and grass. She said this was unsafe and called upon the Board members to examine this issue and consider it from the perspective of a child, from kindergarten up who may be waiting at that bus stop for a school bus. She said that the lack of visibility, the speed, and the load of these industrial trucks, which were not like a Snow's Garden trucks dumping mulch for yards. She said that these were huge, industrial trucks. She said that they had not adequately heard the air brakes as they descended a hill in a video earlier, but they in fact vibrated through the whole valley of the neighborhood. She said that she asked the Board to address this issue, recognizing its unsafe nature, and to enforce the exception that limited it to 10 truckloads or 10 truck trips per day, not 100 plus trucks.

Ms. Blair said there was no use to have a deck or a forest with birds because the residents could not enjoy it with this incredible amount of unacceptable industrial traffic through a quiet neighborhood.

Ms. Blair said she appreciated the Boar's time and attention.

Mr. Edwin Mortlock, White Hall district resident, said that he had also been involved in previous exchanges regarding this subject through emails, correspondence, and meetings. He said that regarding the last speaker's point about safety, he recalled that about 9 months or a year ago he raised the same concern, and all that happened was that his email got forwarded to the Kindrick Farms owner.

Mr. Mortlock said that he had received a reply from the Kindrick Farms owner, who stated that there was no safety issue as it was a County road and there was no problem. He said that he walked his dog three or four times a day all the way up to the hill at Carriage Hill, and he had personally witnessed a school bus incident where children were waiting for the bus, and a dump truck came down the hill, blasting its horn to notify the children.

Mr. Mortlock said that the truck driver looked in its rearview mirror just as the school bus was coming around the blind corner, almost causing an accident. He said that statistically, it was likely to happen again. He said that while it was a lovely neighborhood, there were no sidewalks, but now it was an industrial zone. He said that when he had purchased his home two and a half years ago, there was no indication that he was moving into a construction zone. He said that the neighborhood was populated by young parents with small children, retirees of his age, and numerous runners.

Mr. Mortlock said that he could not believe that this had been approved in the manner it appeared to have been, unanimously. He said that despite hearing excuses about insufficient resources to marshal this exception, that was not a reason to refrain from doing so. He said that he was not requesting the complete shutdown of the activity; rather, he was advocating for an exception with limits that could be overseen and resourced. He said that the noise, although quieter on projection than when standing next to the road, was still noticeable, especially when trucks moved uphill, as they exerted more effort.

Agenda Item No. 17. **Public Hearing: SP202400005 Tandem Friends School Increased Enrollment.**

PROJECT: SP202400005 Tandem Friends School Increased Enrollment

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 09100-00-00-002A0, 09100-00-00-002C1

LOCATION: 279 Tandem Lane

PROPOSAL: Request to amend previously approved Special Use Permit SP201900007 to permit an increase in the student enrollment of a private school from 250 to 400 students, at an existing private school campus on a parcel of approx. 24.51 acres.

PETITION: Private school, in accordance with Section 13.2.2.5 of the Zoning Ordinance. No dwelling units proposed.

ZONING: R-1 Residential – 1 unit per acre

OVERLAY DISTRICT(S): EC – Entrance Corridor Overlay District; AIA – Airport Impact Area Overlay District; and Steep Slopes – Managed

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial; in Neighborhood 4 in the Southern and Western Urban Neighborhoods Master Plan area

The Executive Summary forwarded to the Board states that, at its meeting on May 28, 2024, the Planning Commission (PC) voted 7:0 to recommend approval of SP202400005 with the conditions stated in the staff report, except for condition 1(c), which was amended to permit relocation of the middle school so as to accommodate continued secondary access to the site.

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

The PC public hearing included discussion about both traffic impacts to and from the subject property and (re)location of an approved middle school site to preserve a continued second access onto Mill Creek Drive. No members of the public spoke at the hearing. The PC recommended amending condition 1(c) to allow the middle school site to be relocated to accommodate a continued secondary access. After the meeting, Community Development staff and the County Attorney's Office proposed non-substantive revisions to clarify the condition language.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202400005 Tandem Friends School Increased Enrollment, with the proposed conditions.

Mr. Syd Shoaf, Senior Planner I, said that he would be providing staff's presentation for a Special Use Permit SP202400005, Tandem Friends School Increased Enrollment. He said that the special use permit request to amend an existing special use permit to increase the student enrollment from 250 to 400 students. He said that the subject property, which was approximately 25.51 acres and located south of the City of Charlottesville at 279 Tandem Lane, was zoned R1 Residential and had been home to the Tandem Friends School since 1972. He said that the Comprehensive Plan designated it as Neighborhood Density Residential.

Mr. Shoaf said that the site contained multiple buildings and athletic fields associated with the school, as well as two means of access onto Mill Creek Drive. He said that since 1972, nine special use permits had been approved, four of which had been related to increasing capacity or enrollment at the school. He said that the last student enrollment increase had been approved in 2014 for a capacity of up to 250 students. He said that the last special use permit that had been approved was in 2020 for an outdoor-style pavilion.

Mr. Shoaf said that a two-story middle school building with a 15,000-square-foot building footprint had been approved in 2016, but it had not yet been constructed. He said that the surrounding properties were mostly institutional areas. He said that Monticello High School was one of them, located to the north across Mill Creek Drive. He said that to the west was Monticello Fire Rescue Station. He said that to the south were County School Board-owned properties that were zoned R1. He said that these parcels were largely wooded, with a single-family home located on one of the properties. He said that in the greater surrounding areas, there were three Albemarle County Schools, which included Monticello High School, Mountain View Elementary School, and a future elementary school site.

Mr. Shoaf said that the request was to amend a previously approved special use permit, SP 201900007, to permit an increase in the student enrollment from 250 to 400 students. He said that according to the applicant, the current facilities on the site had a capacity for up to 350 students. He said that once that capacity was met, the applicant would have needed to construct the previously approved two-story, 15,000-square-foot building footprint middle school building to accommodate additional students.

Mr. Shoaf said that in sum, there were two factors favorable. He said that the first was that it was consistent with the review criteria for special use permits contained in the Zoning Ordinance. He said that the second was the use was consistent with the Southern and Western Neighborhoods Master Plan. He said that there was one factor unfavorable, which was the proposed increase in enrollment would generate additional traffic on Avon Street, Mill Creek Drive, and Scottsville Road. He said that although there would be an increase in the number of trips in the area, it was a minimal addition beyond the existing trip volumes. He said that the number of trips that would be generated did not pass a threshold that would have warranted additional transportation conditions to offset the impact.

Mr. Shoaf said that there were five total conditions. He said that three were carryovers from the previously approved special use permit. He said that condition number three was revised to reflect the change in maximum school enrollment. He said that condition number 1C was revised after discussion and recommendation at the Planning Commission public hearing. He said that condition number five was new and addressed the trip impacts in the area. He said that in sum, staff recommended approval with the conditions as recommended in the staff report.

Mr. Gallaway asked if the last condition was amended from previously or was a completely new condition.

Mr. Shoaf said that it was completely new.

Ms. Mallek asked if Monticello High School changed their release times, would they notify Tandem so they could change their own staggering time or if they had to find out themselves.

Mr. Shoaf said that the matter had been discussed with the applicant. He said that it was really up to them to stay up to date with Monticello High School. He said that they hoped that some sort of agreement could be reached between the two schools so that they could notify each other.

Mr. Andrews asked if the concern about a secondary or alternate entrance to the property had been remedied.

Mr. Shoaf showed the special use permit approved in 2016 for a middle school, on the screen, and said that the yellow area indicated the proposed location for the school. He said that if the permit were approved as it was, it would have conflicted with the existing secondary means of access. He said that to address this, condition number 1C had been revised to allow for flexibility for the middle school's reorientation while maintaining the secondary access route.

Mr. Andrews opened the public hearing. He asked if the applicant had a presentation.

Ms. Kendra Moon said that she worked with Line + Grade Civil Engineering and was representing Tandem Friends School. She said that she was accompanied by Whitney Thompson, the Head of School, and Michelle Schlesinger, the Director of Finance and Operations. She said that they could address any additional questions after her presentation. She said that she would try to summarize what had already been covered by Mr. Shoaf and focus on the proposal and traffic of the site.

Ms. Moon said that Tandem Friends School, an independent day school established in 1970, served grades 5 through 12 and had exactly reached its 250-student limit. She said that the proposed amendment would allow up to 400 students, which was a drastic increase that was meant to be a plan for the far future so they did not have to return with another request to increase the enrollment. She said that the immediate increase was expected to be 15 to 30 students, based on the current waitlist. She said that their facilities had empty seats, and they could accommodate approximately 100 additional students within their existing classrooms.

Ms. Moon said that a new building would be needed once the student limit reached 350. She said that an example of their commitment to the 250-student limit was evident when they had returning siblings applying; one was accepted, and the other was turned away. She said there was a need for increased school capacity in the area and that about half of Tandem students lived in Albemarle, offsetting the local schools. She said that this independent school so it was slightly different but it did help alleviate the public school system. She said that approximately 55 of their current students were in the southern feeder pattern district, which meant that ultimately, if they were not going to Tandem, they would be going to Monticello High School and would be contributing to traffic regardless.

Ms. Moon said that displayed on the slide was the projected capacity for Albemarle Public Schools over the next 10 years. She said that they could see in red where they were over capacity. She said that Albemarle, Monticello, and Western all would be over capacity. She said that the request was consistent with the Comprehensive Plan for the area and was surrounded by institutional uses. She said that Monticello High School was directly across the street, and Mountain View Elementary School was off Avon, contributing to traffic at the Mill Creek and Avon intersection. She said that a future elementary school was planned southwest of this site. She said that Tandem's campus had two entrances: the northern entrance, which was the main entrance and exit, and the southern entrance, which was an exit only. She said that it had gym facilities, parking, and classrooms internal to the site.

Ms. Moon said that a future building, possibly a middle school, was planned slightly shifted back to take into account the Planning Commission comments about keeping secondary access open for emergency purposes. She said that even with a special use permit, they would have to return to the County because a site plan and erosion plan would still be required if a building was constructed. She said that given that it was an existing site, there were no immediate construction, or anything proposed on the site. She said that the biggest impact was expected to be traffic.

Ms. Moon showed a slide with the current circulation patterns and said that the main entrance was located just across from Monticello High School, where vehicles entered and exited, and had the option to exit at the south entrance onto Mill Creek. She said that Tandem and Monticello High School shared the costs of a police officer managing traffic during peak pick-up and drop-off times in the morning and evening.

Ms. Moon said that to understand the traffic impacts better, the start and end times of the schools in the area were considered. She said that one of the conditions was that the pick-up and drop-off times at Monticello High School were staggered by at least 15 minutes. She said that currently, they were almost 10 minutes apart. She said that the pick-up and drop-off windows generally spanned about 30 to 45 minutes, causing vehicles to be spread out over that time. She said that mornings were likely to see the most concentrated traffic due to after-school activities, which may help to spread it out more.

Ms. Moon said that Mountain View Elementary had significantly different start and end times compared to Tandem Friends School, reducing potential conflicts. She said that it was assumed that the future elementary school would follow the same schedule as Mountain View. She said that a traffic impact analysis (TIA) for the Southern Feeder Pattern Elementary School in the area had been conducted, but it had not considered the increased traffic at Tandem Lane. She said that, based on that TIA, there did not seem to be a concern for the intersections in the area, as they had all been at acceptable levels of service.

Ms. Moon said that the trip generation figures were listed, although the anticipated number was slightly less than these figures. She said that this estimate was based on two data points and was considered a rough estimate. She said that the Tandem's Assistant Director of Operations, who was on site daily during drop-off and pick-up, knew all the parents and the number of students coming and going. She said that he had estimated approximately 1.54 trips per student. She said that therefore, at its maximum, there could be around 616 trips per day, with some variation.

Ms. Moon said when looking at the safety of the intersection, that although there had been no crashes in the last eight years that seemed to be correlated with school, there had been one incident at 9:10 a.m. that could potentially be associated with school, as it had occurred just after the start of school. She said that to assess traffic, an image of the intersection during the morning rush hour had been examined. She showed a video, sped up five times, that showed the traffic flow at the intersection. She said that despite the rapid pace, it had provided an idea of the traffic volume.

Ms. McKeel asked if the staggered times for pickup and drop-off were fixed or subject to change. She said that they should consider that this would be a factor for years to come and may require altering to accommodate future changes in the school operations.

Ms. Whitney Thompson said that she served as the Head of School. She said that while the dismissal times were fixed, a significant number of students participated in after-school activities, resulting in varied departure times. She said that consequently, only a portion of students left at the designated end-of-day time. She said that the school had a longstanding daily schedule, which had been in use for years. She said that however, an increase in enrollment would be more likely to lead to internal traffic challenges before affecting the surrounding area.

Ms. Thompson said that currently, the school managed traffic effectively. She said that, if necessary, adjustments, such as staggering middle and upper school arrival and dismissal times, could be considered, although the school preferred not to make such changes. She said that they currently, students could arrive anytime between 8:00 a.m. and 8:45 a.m. on Fridays, so there was a trickle of cars throughout that time, which never got heavy. She said that to clarify, they would have to make an adjustment if they needed to.

Ms. McKeel asked if Monticello and Tandem had the ability to work together to adjust the times if necessary.

Ms. Thompson said that they could work together, although Monticello likely had less flexibility in all aspects due to the size of the school and because it was not an independent agency. She said that public school arrival and dismissal times were also dictated by bus schedules. She said that Tandem would likely adjust around them, but now, it would be a while before they needed that at all. She said that even when they dismissed all students at the same time, it was barely complicated and would take a while to become an issue.

Ms. McKeel said that to clarify, the enrollment and capacity projections for this district were from October 2023, which was just projections from a point in time and not necessarily accurate in depicting the actual enrollment in the area's schools. She said the County Schools were looking to build a high school and two elementary schools within the time they were talking about, which was not reflected. She said this was not their fault but that the school division should more accurately reflect this in their projections through maybe an asterisk or something.

Mr. Pruitt asked if Avon Street or Mill Creek onto Founders would be used to access the southern feeder pattern elementary school property.

Mr. Kevin McDermott, Deputy Director of Planning, said that they had not officially defined their construction access. He said that it appeared that the construction and future traffic would be coming in and out of Founders from Mill Creek, and they were not expected to be able to construct over to Galaxie for quite a while.

Mr. Andrews said that he also wanted to confirm that if the public schools started to stagger their start times over a long period of time, this condition would not prevent Tandem from starting on time, as the County schools may implement a more flexible schedule that expanded the start time by an hour or two. He said that he worried that Tandem might inadvertently block their start time due to a school change that had been more creative than what they had considered so far.

Ms. Rebecca Ragsdale, Planning Manager, said that staff believed the condition would not cause any problems in that regard. She said that it had enough flexibility to interpret the condition so that if Monticello's hours were nontraditional and staggered differently, it would not be required that Tandem stagger in a fixed manner.

Ms. Michelle Shlesinger said that they felt comfortable with the addition of the fifth condition, as it specified drop-off times rather than the start and end of school time, providing them with more flexibility. She said that their drop-off began at 8:00 a.m., but the start of school time differed. She said that consequently, they believed they could adjust these times while maintaining the special use permit's requirements.

Ms. Mallek asked if the condition was essential for the County to impose, as it seemed like something the schools could work out with each other as the situation evolved. She said that it seemed it would be difficult to enforce when they could not predict changes in the start times for the schools.

Mr. Andrews asked if the fifth condition had been added at the Planning Commission meeting.

Mr. Shoaf said that it had been added prior to the Planning Commission meeting. He said that the intent of the condition was to offset any potential traffic impacts to the area following any increase in

student enrollment.

Mr. Pruitt asked if this condition was added prior to the presentation to the 5th and Avon Community Advisory Committee.

Mr. Shoaf said that they had no conditions drafted at the time of the 5th and Avon Community Advisory Committee meeting.

Ms. McKeel asked who would be responsible for monitoring the condition after it was implemented to ensure it was being upheld by the school.

Mr. Shoaf said that the Zoning Department would monitor that. He said that the proposed conditions had been reviewed by the Zoning staff and they had no objections to them.

Ms. LaPisto-Kirtley noted that they did not have sufficient staff to monitor all imposed conditions in the County. She said hopefully the applicant would follow them if they went into effect, but they could not always monitor them.

Mr. Pruitt said that when examining these conditions, he considered them community-enforced norms that granted them legal authority. He said that in the construction discussion regarding the development in the same neighborhood, it was established that the responsibility to report noncompliance fell on the party most likely to be injured. He said that in this case, it would be the responsibility of Monticello High School, and it was easy enough for them to report that there was noncompliance. He said that without knowing the full history of these decision points, he understood Ms. Mallek's point but was not supportive of removing the condition.

Mr. McDermott said that they had conducted a traffic analysis for the new southern feeder pattern. He said that honestly, even with the new feeder pattern school, there were no current conditions on Mill Creek that they had major concerns about. He said that this condition had been put in place to try and preempt any potential future problems. He added that Monticello and tandem had been working well at managing traffic together, as was evidenced by the jointly hired traffic guard.

Mr. McDermott said that however, a condition could always be a problem to monitor. He said that they had that issue, but he thought they had finally addressed it with the other private school. He said that if the Board decided that it was not necessary, he believed the staff would be comfortable with it. He said that it was not an awful condition but may not be necessary if the schools continued to work together as they had been.

Mr. Gallaway asked if they could create a condition which would trigger the implementation of the staggered times in the future when the enrollment of the school was at a higher capacity.

Mr. McDermott said that the staff had discussed the possibility of, instead of mandating the condition at the current time, changing it to accommodate an additional 100 students, at which time the new school building would be constructed. He said that this change would necessitate a traffic analysis of the intersection to determine if a staggered time schedule would be necessary for the special use permit of the new school site plan.

Mr. Andrews asked if it would be acceptable for Condition 5 to stagger the pickup and drop-off times at Tandem Friends School once the enrollment exceed 350 students.

Ms. Thompson said that she believed a staggered start time triggered by 350 students would be fine. She said that they were worried about the traffic study direction of this conversation. She said that they had found it logical to consider the delay condition relevant to 350 students, as it had aligned with practical concerns about identifying potential traffic bottlenecks.

Mr. Andrews offered the applicant a 5-minute rebuttal which they declined.

Mr. Andrews closed the public hearing and brought the matter back before the Board for comments or a motion.

Mr. Rosenberg said that he had emailed some updated language for Condition 5 to the Board members.

Mr. Pruitt **moved** that the Board of Supervisors to adopt the Resolution attached to the staff report as Attachment D with the amendment to Condition 5, which should read "At such time as student enrollment equals or exceeds 350, student pickup and drop-off times must be staggered by 15 minutes or more with the pickup and drop-off times at Monticello High School. Ms. Mallek **seconded** the motion.

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

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

INCREASED ENROLLMENT

WHEREAS, upon consideration of the staff reports prepared for SP202400005 Tandem Friends School Increased Enrollment and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-13.2.2(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 R-1 Residential zoning district, with the applicable provisions of *County Code* § 18-5, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400005 Tandem Friends School Increased Enrollment, subject to the conditions attached hereto.

* * *

SP202400005 Tandem Friends School Increased Enrollment Special Use Permit Conditions

1. The development of the use must be in general accord with the concept plan entitled "SUP Amendment Concept Plan – Resubmission," prepared by Train Architects, dated 09 December 2019, and last revised 10 December 2019, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specific plan, development and use must reflect the following major elements as shown on the plan:
 - a. Building orientation
 - b. Building size (including height)
 - c. Location of buildings, with the exception of the Middle School, which may be shifted to allow for a second means of access.
 - d. Limits of disturbance
 - e. Parking lot layout and landscaping

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Additional buildings may be authorized only by a new special use permit.
3. Total school enrollment may not exceed four hundred (400) students.
4. Amplified sound from the pavilion will be subject to maximum sound level regulations as provided in County Code § 18-4.18.04. Amplified sound is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning. Unamplified sound will be subject to the maximum sound level regulations, as provided in County Code § 18-4.18.05(N).
5. At such time as student enrollment equals or exceeds 350, student pick-up and drop-off times must be staggered by 15 minutes or more with pick-up and drop-off times at Monticello High School.

Agenda Item No. 18. **Public Hearing: SP202400003 Olivet Preschool Increased Enrollment.**
PROJECT: SP202400003 Olivet Preschool Increased Enrollment Request
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL: 04300-00-00-00800
LOCATION: 2575 Garth Road
PROPOSAL: Amend existing special use permit (SP201500009) for a day care/preschool to increase maximum enrollment from 24 students to 48 students within the existing church and to increase the time of operation from 8am-1pm to 8am-2pm.
PETITION: Sections 10.2.2.7 and 5.1.06 of the Zoning Ordinance to allow a day care/preschool.
ENTRANCE CORRIDOR: No
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICTS: None
COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots) in Rural Area 3 in the Comprehensive Plan

The Executive Summary forwarded to the Board states that, at its meeting on May 28, 2024, the Planning Commission (PC) voted 7:0 to recommend approval of SP202400003 with the conditions stated in the staff report. No members of the public spoke at the public hearing.

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

At the PC meeting there was minimal discussion, and no objections made to the special use permit application. Following the PC meeting, the applicant submitted a revised narrative and classroom plan (Attachments D and E) to correct date references and to clarify use of classroom space.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve SP202400003 Olivet Preschool Increased Enrollment with the proposed conditions.

Mr. Syd Shoaf, Senior Planner I, said that this item was a special use permit request to amend an existing special use permit to increase the total enrollment from 24 to 48 students. He said that the subject property was approximately 9.19 acres and located west of the City of Charlottesville at 2575 Garth Road. He said that it was zoned Rural Areas and was the location of Olivet Presbyterian Church. He said that the Comprehensive Plan designated it as Rural Areas.

Mr. Shoaf said that the site had been home to the church since the early 1900s and included a fellowship hall, Sunday school and preschool classrooms, and other church-related facilities. He said that a special use permit was approved in 2015 for a preschool with a maximum enrollment of 24 students. He said that the surrounding properties were zoned Rural Areas and consisted of single-family residential uses.

Mr. Shoaf said that the applicant was proposing to increase the enrollment from 24 to 48 students, and additionally, the church was proposing to increase the time of operation from 8:00 a.m. to 1:00 p.m. to 8:00 a.m. to 2:00 p.m. to allow for extended pickup time for students. He said that there were no proposed changes to the site itself, and this drawing shown depicted the current student drop-off flow. He said that the applicant had enough classroom space to accommodate an increase in enrollment to 48 students. He said that the special use permit application had been reviewed under the factors for consideration as outlined in the Zoning Ordinance.

Mr. Shoaf said that staff believed that the proposed special use permit would not be detrimental to adjacent parcels, would not change the character of the nearby area, and would continue to be in harmony with the rural areas zoning district and was consistent with the Comprehensive Plan. He said that there were two recommended conditions for this application, one for amending the previously approved condition from 24 students to 48 students, and the second for the hours of operation as requested by the applicant.

Mr. Shoaf said that there were three factors favorable to this application. He said that it was consistent with the review criteria for special use permits contained in the Zoning Ordinance. He said that the proposal provided a preschool daycare option for community members who lived and worked in the area. He said that there were no detrimental impacts to joining properties anticipated. He said that staff recommended approval with the conditions included in the staff report.

Ms. Mallek asked if it would be better off to increase the maximum enrollment further so that the applicant would not have to return in the future for another increase, especially considering the shortage of childcare and childhood education in the area. She said she did not want the applicant to have to return again in the future and go through the expense of another special use permit if possible.

Mr. Andrews opened the public hearing. He asked if the applicant had a presentation.

Ms. Dale Dealtrey said that she was one of the pastors at Olivet Presbyterian Church, representing the church and Seth Lovell, who was on sabbatical leave. She said that she was aware of the community's need for quality preschool education, and the church sought to expand its preschool capacity in order to meet that need. She said that Betsy Grenell, the preschool director, and Al Rieser, the chair of the property committee and director of the site, were present to address questions about the preschool, the building, and the site. She said that the church expressed gratitude to Mr. Shoaf and the Planning Commission for their assistance and guidance in the a special permit process.

Mr. Gallaway asked if the applicant's building had space for more than 48 students.

Mr. Al Rieser said that they could accommodate more, but they felt that it was the ultimate size they wanted it to be in order to provide a quality education.

Mr. Gallaway asked if that was true for the 2:00 p.m. end time as well.

Mr. Rieser said yes, that was fine. He said that they were having more demand to keep children later in the day, but they did not want to become a childcare center because it was well beyond their scope.

Mr. Andrews said that the applicant may consider requesting permission to have a later end time, with the understanding that they would not be required to stay open that long.

Ms. McKeel said her concern was that the end time did not acknowledge the working schedules of people who required childcare.

Mr. Rieser said that childcare centers had a whole different set of requirements and regulations that they were not interested in pursuing, including nap times and cots.

Ms. McKeel asked if the applicant could discuss their scholarships and how they are being utilized.

Ms. Betsy Grenell said that the scholarships had been utilized differently over the past couple of years. She said that it depended on the needs of the family. She said that they currently had one student on a 50% scholarship and would have another child next year on a 50% scholarship. She said it really depends on the needs of the family.

Ms. McKeel asked if they had the ability to offer more scholarships.

Ms. Grenell said yes, they had the ability to offer more as they grew.

Mr. Rieser said that as their enrollment grew, they would have more resources to offer more scholarships.

Ms. McKeel said she knew that there was a need for this kind of childcare and scholarships were really hard to come by.

Ms. Grenell said they really tried to be flexible and work with families. She said there was one child who didn't need a scholarship but instead stayed for their extra day program from 12 p.m. to 2 p.m. because the mother needed that time to work. She said for that child they offered the family the extra day free of charge.

Mr. Andrews offered the applicant 5 minutes for rebuttal which they declined. He closed the public hearing and brought the matter back before the Board.

Mr. Gallaway said his next comment to staff was not relevant to this application but to the broader topic. He said that in the future, these types of requests for increased enrollment should be considered in terms of the future needs of the organization so that they did not have to return multiple times for incremental increase requests.

Mr. Andrews **moved** that the Board of Supervisors approve Special Use Permit SP202400003 with the Resolution (Attachment F) attached to the staff report. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

**RESOLUTION TO APPROVE
SP202400003 OLIVET PRESCHOOL INCREASED ENROLLMENT**

WHEREAS, upon consideration of the staff reports prepared for SP202400003 Olivet Preschool Increased Enrollment and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.2.2(7) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

5. not be a substantial detriment to adjacent parcels;
6. not change the character of the adjacent parcels and the nearby area;
7. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas zoning district, with the applicable provisions of *County Code* § 18-5, and with the public health, safety, and general welfare (including equity); and
8. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400003 Olivet Preschool Increased Enrollment, subject to the conditions attached hereto.

* * *

**SP202400003 Olivet Preschool Increased Enrollment
Special Use Permit Conditions**

1. Enrollment may not exceed forty-eight (48) children/students or the number of children/students approved by the Health Department or Department of Social Services; whichever is less.
2. The hours of operation for the preschool may not exceed 8:00 a.m.-2:00 p.m. Monday through Friday.

Agenda Item No. 19. **Public Hearing: Public Hearing to Consider Easements Adjacent to 999 Rio Road East.** To consider granting a 20' public utility easement and a variable width grading easement to the Albemarle County Service Authority and 999 Rio LLC, respectively, across an emergency access strip owned by the County (Parcel 062F0-00-00-000E2). This easement is to facilitate the development of the adjacent 999 Rio Road East property.

The Executive Summary forwarded to the Board states that 999 Rio Road is a residential project

whose rezoning to Neighborhood Model District (NMD) the Board approved on March 4, 2020. The Board subsequently approved an amendment to the NMD on May 3, 2023.

In 2021, the developer requested a water and sewer line easement across the adjacent County-owned Parcel 062F0-00-00-000E2, which serves as an emergency access between Rio Road East and Shepherds Ridge Road. Following a public hearing on June 2, 2021, the Board authorized that easement.

The developer is now requesting additional grading and public utility easements across the County's parcel.

Virginia Code § 15.2-1800 requires a public hearing prior to the conveyance of most County-owned property, including these proposed easement interests. A proposed subdivision plat (Attachment A), currently under review with staff, shows the location of the proposed public utility and grading easements on County-owned Parcel ID 062F0-00-00-000E2. The proposed deeds are attached as Attachments B and C.

The County would receive the estimated fair market value for the easements. However, given both the limited size and scope of the requested easements, that value (\$16.54) is minimal.

Staff recommends that, after holding the public hearing, the Board adopt the attached resolution (Attachment D) to authorize conveyance of the proposed easements, once approved as to form and substance by the County Attorney.

Ms. Rebecca Ragsdale, Planning Manager, said that this was a public hearing where an applicant had requested easements over County property, a project called 999 Rio. She said that she would now walk through the details. She said that the request pertained to easements over parcel 61A3B1. She said that the intent of this County-owned parcel had been to provide emergency access from Rio Road to Shepherd's Ridge.

Ms. Ragsdale said that the easements were primarily for grading and a small portion for ACSA public utilities. She said that the public hearing process was required by state code. She indicated on the slide where the County-owned strip of land was approximately located, highlighted in yellow. She said that 999 Rio was to the north, the property was at the corner of Belvedere Boulevard, Dunlora was to the east, and Shepherd's Ridge to the northeast.

Ms. Ragsdale said that the proposed plat was contained in the packet. She said the prior easement was outlined in green with the new easement highlighted in yellow. She said that also shown was the grading easement proposed and the teeny tiny bit that was needed for the Albemarle County Service Authority (ACSA) easement. She said that this was approximately where the boundaries were adjacent with the Bob Hauser property. She said that a summary had been included in the staff report, which stated that staff believed it to be consistent with providing infrastructure and placemaking for new housing in the Development Area.

Ms. Ragsdale said that the developers, or owners, paid the fair market value for the area of the easements. She said that staff had consulted with Fire Rescue, and they did not have any concerns about it adversely affecting their easement. She said that there were other opportunities for emergency access that were not present when this property was dedicated to the County. She said that staff recommended authorization of this request.

Mr. Andrews asked how the County came to own this specific piece of property and what the County would otherwise use it for.

Mr. Gallaway said that at the time it was acquired, there was only one way in and one way out, of Shepherd's Ridge, Dunlora Farm Road. He said there now existed multiple points of access in the area, including the connection to Belvedere Drive at the back of Dunlora and Free State that connects across the railroad

Mr. Andrews opened the public hearing. He said there was no applicant, and no one signed up to speak so he closed the public hearing. He said the representatives for 999 Rio were present if any member of the Board had questions for them.

Mr. Gallaway asked if the representative for 999 Rio LLC could provide a brief update on the timeline once it was approved.

Ms. Nicole Scro, the representative for 999 Rio LLC, said that it had been a lengthy timeline for a second round of site plan approval, which had taken about a year and a half. She said that Shimp Engineering could provide a more precise timeline for the final approval, but they had already received preliminary site plan approval and ARB (Architectural Review Board) approval already. She said that this was the third submission of the final site plan and anticipated receiving final approval within the next 60 to 90 days. She said that the project's progress depended on Craig Builders' timeline, as they would likely proceed with construction during November 2024 or March 2025, due to winter conditions.

Mr. Andrews closed the public hearing and brought the matter back before the Board.

Mr. Gallaway **moved** the Board of Supervisors to adopt the Resolution attached to the staff report

as Attachment D. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

RESOLUTION APPROVING THE PROPOSED CONVEYANCE OF EASEMENTS ACROSS COUNTY-OWNED PARCEL 062F0-00-00-000E2

WHEREAS, the County owns Parcel 062F0-00-00-000E2 between Rio Road East and Shepherds Ridge Road;

WHEREAS, the developer of 999 Rio Road has requested that the County grant grading and public utility easements across this County-owned Parcel; and

WHEREAS, the requested easements are necessary for the development of the neighborhood model development at 999 Rio Road East.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the granting of the proposed easements across Parcel 062F0-00-00-000E2 in exchange for their fair market value, and authorizes the County Executive to sign any necessary or related deed or document, once approved as to form and substance by the County Attorney.

Agenda Item No. 20. **Public Hearing: ZTA202300002 Personal Wireless Service Facilities.** To receive comments on proposed amendments to the following sections of the Albemarle County Code: Section 18-3.1 – to add and update existing definitions. The changes include changes to comply with State and Federal rules and regulations. Changes to the definition of avoidance area will permit administrative review of clustered facilities and facilities in agricultural/forestral districts. Changes to the definition of concealment elements of eligible support structure will permit treetop towers to be 30 feet above the height of nearby trees instead of 10 feet. Section 18-4.21 – to allow small cell facilities by right in all zoning districts provided that they are in compliance with §15.2-2316.3 of the Code of Virginia and notice is provided to the County. Section 18-5.1.40 – to increase antenna projection from 12 inches to 6 feet to 20 feet depending on the type of facility; to eliminate limits on monopole diameter, size of antennas and the number of antenna arrays.

The Executive Summary forwarded to the Board states that, on February 27, 2024, the Planning Commission (PC) held a public hearing and recommended approval of this zoning text amendment (5-1), Mr. Murray dissenting. (Ms. Firehock was absent from the vote).

The PC acknowledged that the ordinance had not kept pace with technological advancements. The PC commented on the retention of historic areas as avoidance areas. The PC noted that historic areas were rural in nature and though fiber may bring internet, it would not address the need for modern farm equipment that relied on cellular connections. The current requirement for a special use permit in historic areas allows for a determination of impacts to historic resources. The PC noted that if the updated Comprehensive Plan provided clarification of how historic resources may be impacted, the ordinance may be amended in the future to remove historic areas as avoidance areas. Comment was also made about considering an acceptable palette of colors for equipment for towers and equipment. Comment was offered that there should be a designation of biodiversity areas, or other environmentally sensitive areas, where towers should not be permitted. The need for increased setbacks from property lines and residences was discussed. The PC noted that it was working to find a balance in the regulations.

The PC requested that staff provide clarification of the term “ridge area.” This term currently refers to “a ridge area map approved by the board of supervisors.” Staff has consistently interpreted this language to refer to the mountain resource areas contained in the (Board-approved) Comprehensive Plan, and is not proposing any changes in wording or practice.

After the PC public hearing, staff made suggested changes to the ordinance to provide clarity, correct grammatical errors, and provide consistency in language and structure with other sections of the ordinance. No substantive changes were made.

Staff recommends adoption of the proposed ordinance (Attachment E).

Mr. Bill Fritz, Development Process Manager, said that he would introduce Chris Musso from the Berkley Group and Susan Rabold from Cityscape Consultants.

Mr. Chris Musso said that he was a planner with the Berkley Group, a local government consulting agency in Virginia. He said that tonight he was joined virtually by Susan Rabold, the Vice President and project manager of Cityscape Consultants, who are experts in telecommunications and wireless facilities.

Mr. Musso said that over the past year, the Berkley Group, in partnership with Cityscape, had worked with Albemarle County Planning staff to re-examine and revise the Albemarle County Personal Wireless Facilities ordinance, also known as the telecommunications ordinance. He said that he was pleased to share the results of this work with the Board.

Mr. Musso said that they would begin by discussing the purpose of this endeavor and the background of wireless policy within Albemarle County. He said that they would then review the work that had been conducted, including community engagement that had taken place. He said that they would share the highlights of proposed changes before turning the floor over to the Board to conduct a public hearing. He said that the PowerPoint presentation was just a summary of key changes but that the Board should have the full Ordinance in front of them and he hoped they had a chance to review it and the survey

Mr. Musso said that he would provide a brief history of this project. He said that Albemarle County had adopted a wireless policy in the year 2000. He said that as wireless technology developed and became more prevalent, the need for additional regulations surrounding wireless facilities had become apparent. He said that in 2004, Albemarle County had adopted the existing wireless ordinance. He said that since then, the ordinance had seen several minor amendments to address changes in technology, needs, and development. He said that the ordinance had not seen a complete rewrite or overhaul since its inception.

Mr. Musso said that the project aimed at re-evaluating the entirety of the wireless ordinance and revising it where necessary. He said that as technology advanced, regulations surrounding it had to evolve. He said that much of the regulation surrounding wireless technology was determined at the state or federal level, usually from the FCC (Federal Communications Commission).

Mr. Musso said that the aim of the project was to ensure that Albemarle County wireless regulations matched those found in the Code of Virginia and the recommendations by the FCC. He said that in addition, they wanted to ensure that the County's regulations were intended to help the wireless industry meet the growing demand for wireless services in the County to better serve the community. He said that the work was split into two separate phases: research and development.

Mr. Musso said that after introducing the project to the public and industry professionals on March 7, 2023, Cityscape consultants began with a thorough inventory assessment of all existing wireless facilities in Albemarle County, as well as those just beyond the border that still served the County, including accepted but not built facilities. He said that from this, a service map was created to identify potential gaps or areas with no or poor wireless coverage in the County. He said that both of these were shared with industry leaders in the community on June 13, 2023, and were available through the County.

Mr. Musso said that following the creation of both the wireless inventory and service coverage maps, an analysis was conducted to determine if the policy had been a partial cause of the service gaps, meaning if the ordinance had been a barrier or a hindrance in creating those service gaps, and if so, what changes could be proposed to improve future network service. He said that the proposed ordinance changes were a direct result of changes from state or federal regulations, the gap analysis, as well as community engagement.

Mr. Musso said that a key aspect to any project like this was engagement with the community. He said that before work began on the project, staff held a kickoff meeting on March 7, 2023, open to the public and industry stakeholders, where initial feedback was received, and suggestions were gathered to start the project. He said that before the draft ordinance was developed, an online survey was conducted through Engage Albemarle from August 7 to August 27, 2023, to determine what the community wanted to change about wireless facilities in the County and to collect suggestions for potential changes. He said that the recommendations in the ordinance were primarily based on the majority opinions and updates to the Code of Federal Regulations.

Mr. Musso said that he would highlight a couple of the key proposed changes to the ordinance. He said that AFDs (Agricultural and Forestal Districts) and cluster facilities were removed from the list of avoidance areas, which should allow treetop towers in these areas to be addressed administratively instead of requiring a special use permit.

Mr. Musso said that updates were made to reflect changes in industry terminology and federal and state regulations, as was discussed. He said that small cell facilities were allowed to be used as a space for regulation. He said that the reference to tree height as a concealment element was removed, which should permit administratively approved treetop towers to be installed and modified so that they were 30 feet above the height of the reference tree. He said that providers were required to supply a statement that facilities were in compliance with FCC regulations.

Mr. Musso said that the limit on the number of arrays permitted on towers was removed, allowing more antennas per tower, and the size limit on antennas was removed. He said that the maximum projection of antennas of 18 inches on facilities, structures, and buildings was removed to accommodate antenna and radio size changes in the industry and to promote greater coverage of wireless signals by permitting radios to be placed on the tower rather than the ground. He said that these were the key changes. He said that these recommendations could be approved as presented or with any changes that might be discussed during the public hearing.

Ms. McKeel said that she wanted to confirm that the original wireless facility ordinance would be

going away after approval of the new ordinance in order to avoid any confusion for the public or staff.

Mr. Fritz said that the approved ordinance will be the law that would be followed. He said that the proposed ordinance was not entirely consistent with the old policy. He said that for example, the old policy recommended AF districts as an avoidance area, whereas the current proposal aimed to remove AF districts as an avoidance area.

Mr. Fritz said that the older document suggested that entrance corridors should be considered as avoidance areas, while the current ordinance did not include entrance corridors. He said that whatever the approved ordinance was would be the rules that would be followed. He said that he believed it had been proposed to be removed from the updated comprehensive plan and not readopted.

Ms. McKeel said she was extremely pleased with the number of responses they had to the survey. She asked if the survey provided any context or if the questions were just the questions.

Mr. Fritz said that CAPE (Office of Communications and Public Engagement) had worked with them to create and share the survey. He said it was largely because of them that there had been that many responses. He said CAPE provided information for those who wanted to see the background. He said that although the survey had not contained this information, there had been a link available on the survey page, allowing individuals to either continue with the survey or access the additional information.

Ms. McKeel asked if someone could explain the difference between broadband and cellular coverage, since she had received some questions from constituents.

Ms. Susan Rabold said that she was representing Cityscape Consultants. She said that the code pertained to the wireless telecommunications facilities that enabled cell phones to function without the need for Wi-Fi or other devices that might not be connected to a home Wi-Fi network. She said that broadband was typically associated with cable and fiber-to-the-home or fiber-to-business services. She said that these towers could have broadband to them, they were not directly linked to the deployment of broadband, which was most commonly referred to as fiber-to-the-home; it was a wireless signal.

Ms. McKeel clarified that this ordinance was meant to address gaps in cellular coverage and did not pertain to broadband internet service in the County. She asked why there were no questions on the survey regarding safety and health concerns, especially as it related to the need for cellular service for emergency services and the increased weather events and climate change-related catastrophes.

Mr. Musso said that cell phones played a major role in ensuring safety. He said that they asked more broad and general questions about what was most important to individuals, including aesthetics and cell phone coverage. He said that overwhelmingly that people prioritized cell phone coverage over aesthetics. He said that the construction of towers was regulated through the building code, which addressed the safety aspect.

Mr. Musso said that cell phone coverage was a critical issue in Albemarle County, as it was challenging to obtain coverage in some areas, making it difficult to call 911 when needed. He said that although a specific question about the importance of safety was not included, it was assumed to be important to everyone. He said that safety was inherently linked to cell phone coverage.

Mr. Pruitt said that there was a three-tier system for this ordinance, each tier with its own review and criteria that determined their placement. He asked if staff could provide a brief explanation for each tier.

Mr. Fritz said that Tier 1 was the administrative process. He said that there were concerns about the current language in the draft, which might not clearly state that a Tier 1 facility involved adding an antenna to an existing building, as was currently allowed and staff intended for the new draft to continue to allow. He said that the attachment to a water tower or building should continue as an administrative process, and the language may need to be amended in order to clearly state that intent. He said that Tier 2 referred to a treetop tower, and Tier 3 encompassed anything not classified as Tier 1 or Tier 2, which required a special use permit.

Mr. Pruitt asked if Tier 2 was an administrative process.

Mr. Fritz said yes.

Mr. Pruitt asked if Tier 3 was a legislative process and would be presented to the Planning Commission and the Board of Supervisors in order to seek approval.

Mr. Fritz said that was correct; it required a public hearing.

Mr. Pruitt asked if it also would be presented to the Architectural Review Board (ARB).

Mr. Fritz said yes, the ARB would review and provide comments on special use permit applications.

Mr. Pruitt asked what the time frame was for that process.

Mr. Fritz said that it was 150 days for a special use permit. He said that they were permitted by

the FCC to take 90 days to do the Tier 2 facilities, but the local ordinance stated that Tier 1 and Tier 2 should be done within 60 days.

Mr. Pruitt asked if staff was equipped to handle that timeframe for turnaround, and if the Board was equipped to handle that timeframe for special use permits approval.

Mr. Fritz said that they had been able to process the applications within the timeframes in the past. He said that occasionally, an applicant had granted them the opportunity to extend the timeline, but they had been able to do it without that. He said that Ms. Borgersen, the Clerk, could attest that staff had to work closely with the Clerk's Office to ensure a quick turnaround from the Planning Commission to the Board.

Mr. Pruitt said that he understood that they were subject to a federal scheme. He asked for clarification on the specific criteria that explicitly forbade them from taking into account certain factors.

Mr. Fritz said that they could not prohibit service or have the effect of prohibiting service. He said that they could not make a distinction between functionally equivalent service providers. He said that they could not make decisions based on RF emissions to the extent that they were regulated by the FCC.

Mr. Pruitt said that there were some members of the community who were concerned about health issues related to RF emissions, and they had made regulatory suggestions that seemed to indicate a desire for routine inspections. He asked if this was something they had seen in comparison to peer localities and whether it was permissible.

Mr. Fritz said that the consultant had recommended that applicants or operators provide evidence of compliance with FCC regulations, a requirement that was not present in the ordinance. He said that this evidence had to be certified by the applicant, as the staff lacked the expertise to analyze it. He said that if the applicant's statement was later found to be false, action would have to be taken. He said that this proposal had been discussed in multiple meetings, where the staff had expressed caution about making decisions based on RF emissions.

Mr. Pruitt said that he knew that the FCC process had its own review. He said that it had considered criteria that the County also looked at. He asked if staff had a mental, quick list of the types of review that the FCC conducted beyond just emissions standards.

Ms. Rabold said that she was unsure if she understood the question. She said that the FCC had not been examining each individual application that communities across the United States were considering. She said that unless a facility exceeded 199 feet in height or fell within a flight pattern, there was no designated federal agency to review each facility.

Mr. Pruitt said that he had heard that other people described federal regulatory reviews that addressed environmental quality and historic resource preservation. He said that he was curious if Ms. Rabold could highlight the types of federal-level reviews that addressed these criteria.

Ms. Rabold said that perhaps they were referring to the State Historic Preservation Act (SHPA) requirements in the National Environmental Policy Act (NEPA), which were the National Environmental Assessments that had to be conducted when a new tower was proposed, examining the relationship between ground disturbances and flood zones, as well as flora, fauna, and soil types. She said that view sheds from identified historic structures and properties were also considered. She said that for new tower applications, approval from the regulatory agency for both NEPA and the SHPA had been required.

Mr. Pruitt said that in the provided packet of materials, a community industry associate highlighted two specific concerns they suggested were expressly displaced by FCC regulations. He said that there seemed to be a controlling decision from the Fourth Circuit Court regarding this. He said that he was interested in how this related to how they considered concealment elements and the criteria for small-scale facilities. He asked if this was still an ongoing issue or if it had been addressed.

Mr. Musso asked when those comments had been received.

Mr. Pruitt said that it was provided to the Planning Commission on December 15, 2023, and was from Crown Castle.

Mr. Fritz said that he would have to review the comments to fully understand the issue, but regarding small cell, the ordinance says they were allowed to do small cell in accordance with state code. He said that there could not possibly be any inconsistency there due to the adherence to the code.

Mr. Pruitt said that he felt that the definition for concealment elements had seemed inconsistent with the Fourth Circuit's agreed-upon definition.

Mr. Musso said that he had not made any significant policy changes since the Planning Commission meeting. He said that they had made only minor grammatical updates and changes, such as those mentioned, to the ordinance, but the ordinance that he saw before him, in terms of regulations, remained the same as the one presented to the Planning Commission. He said that as for the definition of concealment elements, he would need to review their specific comments and concerns to provide a clear answer.

Mr. Fritz said that he was unfamiliar with those specific comments, but he would try to find the relevant information.

Mr. Gallaway said there was a map that was displayed when they were talking about removing AFD's from the avoidance areas. He asked if they had a similar map of historical areas still being considered as avoidance areas.

Mr. Musso said yes. He said that on the map, the area in green represented the historical districts and purple was the Development Areas.

Mr. Gallaway asked if the mountain top avoidance areas were also displayed in the map.

Mr. Musso said that he did not believe so, but the County likely had a map of those areas.

Mr. Pruitt said the mountain top areas could be easily pulled up using the GIS (Geographic Information System) maps.

Mr. Gallaway asked if there was a single visual that cross-referenced the gaps in coverage.

Mr. Musso said that the coverage maps were not included in the packet, but they were used to create the regulations for this ordinance. He said that the inventory and coverage maps were very long and were shared with the County earlier in the process of creating this ordinance.

Mr. Gallaway asked if taking out the AFD avoidance areas would impact the amount of special use permits that would be presented to the Board.

Mr. Fritz said no because they had had very few in the past that were proposed in the AFD.

Mr. Gallaway asked if the practice of applications coming before the Board for special use permits would change in essence.

Mr. Fritz said that the number of special use permits would likely not substantially decrease. He said that the number of special exceptions would likely decrease quite a bit due to the new regulations. He said that the Architecture Review Board had the authority to issue a County-wide certificate of appropriateness for approximately 17 different categories of use, including wireless.

Mr. Fritz said that if the facility aligned with the approved design criteria, they could issue that certificate. He said that the ARB had not yet adopted the design criteria because they were aware that the Board of Supervisors was working on this zoning text amendment. He said that if the zoning text amendment were approved, the ARB could, with resources permitting, adopt the design criteria and incorporate it into the building permit review.

Mr. Gallaway asked if it was necessary for facilities to be only one color, or if it was possible for there to be a pragmatic palette of colors.

Mr. Fritz said that a member of the public had proposed that the color aspect be amended, and staff was not opposed to amending the ordinance so that the color of the facility be determined by the agent in order to suit the situation for which the facility would be located. He said that brown would be appropriate for a wooded area, and gray would be appropriate for an urban area, depending on the environment. He said that it would be consistent with what they did for balloon tests.

Ms. McKeel said it did not appear to her as if the color of the monopole was addressed in the 9 criteria that were being suggested. She said she thought she had just heard that was where it was addressed.

Mr. Musso said that change originated with a member of the community and that, while staff was agreeable to that change if it was the preference of the Board, it had not been made in the ordinance.

Mr. Gallaway asked if changes to the ordinance should be made before voting on the matter tonight.

Mr. Rosenberg said that they could, but staff had identified the need to make some further changes to the ordinance. He said that he did not believe the ordinance was ready for adoption by the Board this evening in any case. He said that they could take direction from the Board on these other issues along with the issues Mr. Fritz had identified previously and provide a revised ordinance to the Board for action at a later date.

Mr. Fritz said that staff would like to have the opportunity to ensure there were no inconsistencies and make appropriate changes, which would then appear on the consent agenda for action at a later date.

Mr. Rosenberg said that they could conduct the public hearing this evening, but he believed that the matter could not appear on the next meeting's consent agenda. He said that this was because the rules of the Board required that when they deferred an item that was subject to a public hearing, the public must be given the opportunity to comment upon the matter a second time.

Mr. Gallaway asked if they could review the maps provided by Ms. Rabold.

Ms. Rabold said that displayed on the screen was the propagation map, assuming each site had the same service provider. She said that the map showed yellow for coverage within buildings, green for coverage in vehicles, blue is for outside, and areas with no coloration indicated definite gaps. She said that there were different providers that ensured different connectivity in their networks, so there was not a single service provider that had this exact footprint; they did this exercise to show the full potential buildout.

Ms. Rabold said that the next image was a map that displayed the sites in relation to the mountain protection area. She said that the map depicted the mountain protection areas in purple. She said that there were a few sites within those areas. She said that she was uncertain whether they had been approved before the year 2000, when the previous code was adopted. She said that however, those were the protected mountain areas. She said that she intended to overlay the next map to observe the pattern of propagation.

Ms. Rabold said that this map included the mountain protection areas and the Agricultural Forestal Districts. She said that currently, there were visible gap areas on the map to the left, which represented the agricultural forest zone districts, and gap areas throughout the southern region and along the eastern part of the County. She said that by removing the Agricultural Forest Districts from the avoidance areas, they believed that new facilities could be encouraged in those areas for deployment.

Ms. Rabold said that the next map included the historic districts along with the AFDs and mountain protection areas. She said that as a result, the avoidance areas were building on each other. She said that there was a 200-foot setback along the scenic byways to indicate where wireless facilities were not permitted, which was depicted in white. She said that the last map captured all existing avoidance areas. She said that the proposal included removal of the agricultural forested district, which was shown as a yellow area.

Ms. McKeel noted that 48% of the County's land was in avoidance areas, which was why people consistently voiced concerns over the lack of connectivity. She said that a significant portion of avoidance areas was in the Scottsville District.

Mr. Musso said that County staff had all of these maps available for the Board to review.

Ms. LaPisto-Kirtley said that the primary concern was that most people desired cell phone service. She said that at that time, nearly half the County lacked access to this service due to designated avoidance areas. She said that the ordinance aimed to eliminate agricultural and forestal districts, as well as historic and scenic byways, from these areas to ensure universal cell phone service in Albemarle County.

Ms. LaPisto-Kirtley said that staff typically may consider relocating structures over 20 feet to avoid obscuring views in historic areas, and it was essential to permit cell phone towers throughout Albemarle to guarantee service for everyone. She said that it was unjust to deny service, and they must anticipate future technological advancements that may render current towers obsolete. She said that it would be prudent to include a clause requiring the removal of cell phone towers, or decommissioning, if a more suitable technology emerged. She said that she would like to see avoidance areas taken out of the ordinance completely and staff should consider the best placement for towers.

Mr. Musso said that the survey had asked three questions about how people felt regarding the reviewer for historic districts, AFDs, and scenic byways. He said that approximately 50% of all respondents had been okay with administrative approval of those projects. He said that another 30% had been okay with Board of Supervisors approval, and only about 15% had said they should not exist at all in those locations. He said that it was the Board's decision to make, but he felt that the community response may provide some context for the appropriate direction.

Ms. LaPisto-Kirtley said that she had noticed that when she read the questions, the majority of people had wanted them approved administratively through staff. She said that she believed this was because they were present, had the expertise, and had sought a more objective approach.

Ms. Mallek asked for clarification regarding radio placement on cell towers.

Mr. Musso said that the proposed change, listed as #9, pertained to the equipment being placed on the tower rather than on the ground. He said that Ms. Rabold was more familiar with radio terminology and could provide more input.

Ms. Rabold said that when discussing the characteristics and attributes of a cell tower, the image on the left showed two cell towers in Albemarle. She said that the tower on the right had the antenna located at the top of the tower. She said that the tower on the left also had the antenna and remote radio units, also known as remote radio heads. She said that these remote radio heads assisted in improving the power to the antenna, thereby enhancing the signal strength and network accessibility.

Ms. Rabold said that the current code dictated that due to size and infrastructure limitations, the industry operated in low, mid, and high band frequencies. She said that each frequency required separate equipment. She said that to maximize the provision of all three bands for the technology, they maximized the antenna space at the top and relocated the remote radio heads, which were visible in the central tower, to the antennas.

Ms. Rabold said that this type of deployment was common in Albemarle, where signal loss occurred as it ascended from the ground to the top of the tower. She said that by placing antennas on the ground, signal strength and propagation distances were reduced due to their removal from the antenna's location. She said that the goal with changes to the ordinance had been to elevate the remote radio heads, or radio units, closer to the antenna to mitigate this issue. She said that signal loss could be up to 30% when they were located on the ground.

Ms. Mallek noted that one of the maps displayed indicated five or six approved tower sites along Route 20 South, which had never been constructed in the historic district. She said that there were also many approved sites in the White Hall District remained unbuilt due to insufficient returns in the area for the companies. She said that in those situations, the building of the towers was unrelated to avoidance areas. She said that regarding NEPA and SHPA, she would like to know if they received that information as part of the application for a tower. She said that if they were not required, they likely should not start a local process until they were complete.

Mr. Fritz said that it was common for staff to receive inquiries from service providers before they had submitted an application, asking for information on historic resources and other necessary steps for their NEPA reports. He said that, however, staff did not evaluate these reports because they were a federal requirement.

Ms. Mallek asked if they were received by the Department of Historic Resources, who then filtered it down to the County.

Mr. Fritz said that the County did not receive the NEPA reports; they provided information that was included in the NEPA report.

Ms. Mallek asked if the applicant controlled that process, so the County was receiving filtered information at best.

Mr. Fritz said that the County received the information required as per the ordinance.

Ms. Mallek asked how concealment elements were being implemented in the proposed ordinance.

Mr. Fritz said that the only change made to the concealment elements was the removal of limitations on tower height relative to the reference tree for a support structure. He said that the conditions on the size of the antenna were also removed, and this may affect specific applications that came before the Board of Supervisors and required special use permits. He said that a tree tower was still covered by the definition of a concealment element.

Ms. Mallek asked if the proposed ordinance would include removing the tower height requirement entirely.

Mr. Fritz said no. He said that they were altering the definition of a concealment element. He said that they were not permitted to make an increase that defeated concealment elements. He said that by eliminating the connection to a reference tree in the definition of a concealment element, they permitted a tree-top tower, which was 10 feet taller than the tallest reference tree, to increase its height by 20 feet, resulting in a 30-foot height above the reference tree.

Mr. Fritz said that they had explored various methods to achieve this and concluded that it was not suitable to declare a tier 2 as 30 feet above, as it could then increase by an additional 20 feet. He said that consequently, they had left it at 10 feet and removed the reference to the reference tree, permitting the tree-top tower to rise 30 feet above.

Ms. Mallek said that there was mention of the ridgeline in the western side of the White Hall District, which was in the Shenandoah National Park. She said that this was not a viable option. She said that she had worked diligently over many years to encourage applicants to build on the side of the mountain facing the mountain, which would require only a building permit. She said that they had refused due to the lack of population in that area.

Ms. Mallek said that she had repeatedly stressed the importance of considering financial management when deciding tower placements. She said that she was not in favor of the proposed massive changes in the ordinance, as they would result in minimal improvements in rural and some growth areas. She asked if staff could provide the number of approved permits that had not resulted in construction.

Mr. Fritz said that the number was provided in the inventory, but he could not recall the exact number.

Ms. Mallek asked if larger setbacks, such as 1000 feet from residential areas or schools, had been considered as part of this ordinance.

Mr. Fritz said that he did not recall that ever coming up during any conversations. He said that in the Board packet, there were comments from community members included which discussed increasing setbacks from residences. He said that it was never a proposal made in session with the Planning

Commission public hearing or in any drafts.

Ms. Mallek said that she felt that this was an important aspect that had been overlooked.

Mr. Fritz said that they had also received comments to reduce setbacks, but they deferred to their consultant who recommended that what they were currently doing was indeed following best practices, so no changes were proposed. He said that if the Board directed them to do so, they would make that change.

Ms. Mallek said that she certainly pushed back on the position that the grand majority of everybody wanted cell service above all else. She said that when she added up the people who wanted the Board of Supervisors to stay involved versus those who did not want any changes, that was the largest group. She said that she had great concerns about the pie charts and their complexity, making them even more difficult to understand online, as one could manipulate statistics to support various interpretations.

Ms. LaPisto-Kirtley clarified that she was in favor of avoiding having cell towers on the ridgeline.

Mr. Andrews said that he believed it was crucial to align with the Virginia Code. He asked if the FCC's policies were requirements or recommendations.

Mr. Musso said that he believed that the FCC policies were mandatory. He said that as a statewide planner, his expertise was confined to Virginia. He said that he was certain that Ms. Rabold would have more knowledge on the subject, but he was sure that the FCC regulations were required.

Mr. Andrews said that he understood the concerns about the size of their historic districts and many agricultural forestal districts. He said that he had also considered a citizen's point that was not included in the maps, as it pertained to biodiversity and critical wildlife corridors. He said that these areas, which were not on the GIS maps but were mentioned in other maps, would be bad choices for clear-cutting and erecting cell towers due to the environmental impact.

Mr. Andrews said that he was unsure about the level of review required for such areas and how to properly delineate them in the context of limiting the avoidance areas. He said that he was sympathetic to concerns about setbacks from residences. He said that his primary concern was whether increasing the height of an existing tower by 20 feet would undermine previously established setbacks.

Mr. Fritz said that if they had a tower that was 100 feet from a property line and they could increase it by 20 feet according to the federal regulations, they could not do so because it would violate the setback, so they would not be entitled to that increase. He said that this was staff's interpretation.

Mr. Musso said that it was recommended to interpret it as such.

Ms. Rabold said that the definition of substantial change allowed the industry to increase the height of a tower on private property by 10% or 20 feet, whichever was greater, as long as it did not exceed the definition of substantial change. She said that they were not permitted to transform a concealed facility into a non-concealed facility. She said that regarding the setback from a property line, if an increase in height caused the tower to no longer meet the setback requirements, it would be considered a substantial change.

Ms. Rabold said that increasing setbacks beyond current levels could create barriers to entry, as demonstrated by instances where towers were placed too far from property lines, making them impractical to cover roadways with their propagation signals or making them more conspicuous. She said that these considerations led to the support of existing setbacks without recommending changes.

Mr. Andrews said that he expressed his concern that there was one tower that had already been controversial. He said that it was located next to an historic district and very close to the line. He said that not only had it pushed the setback limits, but it was also very close to the residence, which was near the line. He said that adding another 20 feet of height could put it at risk of hitting the residence if it were to fall.

Mr. Andrews said that he acknowledged the difficulties of trying to create a one-size-fits-all approach for all different contexts in which these towers might be built. He said that this was one of his major concerns. He said that he wanted to ensure that the staff had been closely examining the issue, listening to people, and guiding providers to appropriate locations.

Ms. LaPisto-Kirtley asked whether a 20-foot increase in tower height necessitated a change in the setback standard.

Mr. Fritz said that in the existing and proposed ordinance, there was a one-to-one setback and height-to-setback ratio. He said that this could be reduced in two ways: if they obtained an easement on the adjoining property or if they had granted a special exception.

Ms. LaPisto-Kirtley asked if the setback was related to the height of the tower.

Mr. Fritz said yes; it was always proportional, but there was an absolute minimum of 25 feet.

Ms. LaPisto-Kirtley asked if existing towers could not be raised by 20 feet as they would not maintain the required one-to-one setback ratio.

Mr. Fritz said that they could not do so unless they had an adequate setback or obtained an easement from the adjoining property.

Ms. McKeel said that she was concerned that the proposed ordinance had criteria that did not meet federal guidelines.

Ms. Rabold said that the Virginia statutes did not match the federal guidelines word for word. She said that the definition from the Code of Federal Regulation stated that a small wireless facility was an antenna no more than three cubic feet in volume. She said that in contrast, in North Carolina, Virginia, Florida, and some other states, this had been lobbied to be changed to six cubic feet in volume.

Ms. Rabold said that it was correct that there were discrepancies between the state and federal definitions. She said that the definition concerning the six cubic feet versus the three cubic feet had come from the state definition. She said that this was a question for the county attorney regarding which definitions should be used, either the state or the federal ones.

Ms. McKeel stated that her understanding was that the federal laws took precedence over state laws.

Ms. Rabold said that the industry had lobbied for more flexibility and larger facilities. She said that at times, they used both definitions. She said that they had had a discussion early on to align with state guidelines. She said that they could change the definitions and go with the word for word federal guidelines.

Ms. Rabold said that the industry often cited state statutes, claiming they were allowed to perform certain actions. She said that this raised the question of whether they should adjust the definitions to match federal standards or maintain the state's guidelines. She said that this discrepancy was likely where the issues were being highlighted.

Mr. Pruitt clarified that state law could be more restrictive than federal law without displacing it. He said that if a local or state law was displacing the purpose of a federal administrative act, then the federal law would supersede it.

Mr. Rosenberg said that he was not prepared to address it this evening. He said that as there were several reasons that the ordinance was not ready for the Board's action, he would recommend deferral of the item to a specific date. He said that staff recommended August 21 as the date they could take up the matter again. He said that they could revise the ordinance to address the issues appropriately.

Ms. McKeel said that the state and federal guidelines were consistent in terms of their action timelines, so the County ordinance must be consistent with them as well.

Mr. Fritz said that small cell facilities would be by right; they did not require a permit. He said that the timeline in that case would be zero days. He said that for the other facilities, there had been issues with administrative approval of applications. He said that the ordinance had 60 days, 90 days, and 150 days for meeting the specific timelines.

Ms. McKeel asked if the cables, wiring, and grounding rods would be inside or outside of the monopoles.

Ms. Rabold explained that the definition of concealment for a new tower was that all personal wireless facility antennas were internal to the base station or tower, and it was designed not to be readily visible as a wireless communication facility. She said that, therefore, if a concealed facility had been constructed, the coax cables had to be located inside the facility.

Ms. McKeel asked if that meant that they did not have to address that separately.

Ms. Rabold said yes.

Mr. Fritz said that regarding the routing of cabling, the ordinance had always required that if the wiring was on a wooden pole, which obviously could not be mounted internally, it would be put in the least obvious orientation to conceal it from view. He said that in the case of a metal monopole, it would be mounted internally. He said that this was in the current ordinance and would remain in the language for the future.

Mr. Andrews opened the public hearing.

Valerie Long said that she was from the law firm Williams Mullen, representing several wireless carriers that they worked with regularly, as well as tower builders who built these facilities for those wireless carriers. She said that she had some relevant maps on a flash drive that may be helpful. She said that she appreciated that the consideration of the ordinance would be deferred, as there were several issues that could be clarified to make this document more useful for the general public.

Ms. Long said that she had been working with it for approximately 20 years since its adoption, and it was very confusing due to its structure and the numerous rules that had not been clearly stated. She said that the only way to understand the rule was by defining several terms. She said that what constituted an eligible support facility, what was exempt co-location, what was concealed co-location, and what was a base station had been confusing to follow. She said that addressing these questions would be quite beneficial.

Ms. Long said that Mr. Pruitt, along with several others, had alluded to comments from Crown Castle and other industry associations. She said that it was possible that these comments had not been given due consideration, as they had been at the very end of a very long list of public comments. She said that she had only seen them that morning. She said that she suggested that careful attention be paid to these letters. She said that they should adopt the 6409 regulations as stated in the letters, as they represented federal law.

Ms. Long said that the definitions used in the ordinance were not consistent, and she did not believe that the concealment elements definition was legal under federal law. She said that she recommended removing historic districts and scenic byways at a minimum, as previously discussed and mentioned in her communications. She said that she did not believe that the setbacks were prevented by the co-location extension. She said that federal regulations stated that co-locations up to 20 feet shall be approved, and did not consider whether or not they violated setback regulations.

Mr. Andrews closed the public hearing and the matter rested with the Board.

Mr. Rosenberg said that this matter could be deferred without readvertisement so long as it was deferred to a date specific.

Ms. Mallek asked if staff had a list of items to be considered

Mr. Fritz said that staff had identified a couple of issues and mentioned them to the Board in some previous correspondence. He said that the three identified items were the verification that what was permitted as a Tier 1 under the current ordinance remained permitted as a Tier 1 under the new ordinance, the ability of the agent to determine the color of the tower and equipment instead of having it specified in the ordinance, and the ability of the agent to determine when a tree survey was or was not required. He said that there were instances where a tree survey was unnecessary or of minimal value.

Mr. Fritz said that they reviewed the state code and federal code regarding small cell facility criteria, which indicated that state code was more permissive than the federal code, but the state code stated that a locality shall abide by that code. He said that staff would verify the direction to take on that issue, but they did not have a clear answer regarding inclusion or exclusion of historic districts, scenic highways, and byways.

Ms. McKeel said that they also must consider conservation easements as part of this topic.

Mr. Fritz said that regarding the conservation easements, one key point to note was that the ordinance did not evaluate the entire easement, but it was evaluated against resources identified for protection in the conservation easement. He said that specifically, for an open space easement, there was no particular resource identified for evaluation against which a special use permit request or any review. He said that however, if an adjoining property protected by the easement contained a historic or typically historic feature, that would be the focus of their evaluation.

Mr. Pruitt asked if that was a qualitative evaluation of the reviewer and was not specific such as setbacks or avoidances.

Mr. Fritz said that was correct. He said that it mentioned providing adequate opportunities for screening the facility, and it must be sited to minimize its visibility from adjacent parcels, regardless of the distance from the facility. He said that the facility also must be sited to minimize its visibility from any entrance corridor, overlay district, state scenic river, national park, or national forest, regardless of whether the facility was adjacent to the district, river, park, or forest. He said that if a facility was located on or adjacent to land subject to a conservation easement or open space easement, the facility must be sited so it was not visible from any resources specifically identified for protection in the deed of easement.

Ms. McKeel said that she did not believe that someone who owned land with a conservation easement should be able to restrict their neighbor from placing a cell tower on their property. She said that it appeared to be a property rights issue.

Mr. Fritz said that this was not a proposed addition to the ordinance; it was already contained in the ordinance and could be removed at the request of the Board.

Mr. Gallaway asked if in the case of an open space easement, there would still be screening involved for the facility.

Mr. Fritz said that it would be the same as they would do for any other property.

Mr. Gallaway asked if the facility should not be seen from a specific identified resource.

Mr. Fritz said that was correct.

Mr. Pruitt asked if it was required to be not visible from the resource or if the visual impacts must be minimized.

Mr. Fritz said that the language stated that it must be sited so that it was not visible from any resource specifically identified for protection.

Mr. Pruitt said that he agreed with the concern about property rights and restraints. He said that he would also recognize that there were resources they wanted to protect. He said that he would have been fine with this if it had been a discretionary, qualitative thing, as he believed the community survey indicated that people were comfortable with County experts making discretionary decisions based on specific criteria they had identified as important. He said that however, as it currently stood, there seemed to be zero flexibility, which was alarming. He said that if he owned land, he would want to ensure that his house and the surrounding mountains were clearly defined in the deed.

Ms. LaPisto-Kirtley said that if someone had a historic home, such as Mount Vernon, and they wanted to put up a monopole next door, she understood the concern about not wanting to see it from Mount Vernon. She said that however, she acknowledged that there might be other historic elements, such as in her area there was a very old, very large fireplace. She said that in response to Mr. Pruitt's question, she wondered if there was any flexibility regarding such matters. She asked if staff had that discretion.

Mr. Fritz said that this was something that staff must review and consider.

Ms. Mallek said that they should consider minimizing visibility as opposed to not allowing it at all.

Mr. Andrews said that he did not believe that the question of avoidance area had been settled much. He said that, if they decided to open up the historic district and the scenic area, they should consider wildlife corridors, which were large forest blocks that were connected. He said that they were highlighted in their biodiversity plan. He said that a cell tower was likely not economically sensible for those areas, and also would be detrimental to the environment.

Ms. McKeel said that AFD, scenic highways, and scenic byways should be taken out of the avoidance areas. She said that she supported ridgelines and historic districts as being included as avoidance areas. She said that she was unsure about the biodiversity action areas.

Mr. Pruitt said that he was opposed to avoidance areas including scenic byways and agricultural forestal districts, and he was deeply opposed to the historic districts as avoidance areas. He stated that he would not vote on it if it included historic districts as an avoidance area. He said that he could go either way on ridgelines but accepted it if that was the Board's will. He said that he was interested in learning more about biodiversity action areas, although he believed those areas lined up with the ridgeline areas.

Mr. Gallaway said that when they had discussed removing AFDs while preserving the historic district, the historic preservation areas had essentially eliminated half of the AFDs due to overlapping boundaries. He said that this resulted in the AFD still existing within a different district, which was the aspect he was striving to reconcile. He said that he appreciated the point about Shenandoah National Park, but that did not mean he wanted to eliminate ridge areas everywhere. He said that the mapping aspect had interested him, particularly regarding the gaps and their reasonable nature.

Mr. Gallaway said that generally, he agreed with Mr. Pruitt and Ms. McKeel on this matter. He said that he would add a layer of consideration for biodiversity, as mentioned by Mr. Andrews and Commissioner Murray, who also emphasized the importance of historic resources over the full district. He said that this nuance may benefit from additional time for thoughtful consideration. He said that overall, he was inclined towards supporting the biodiversity aspect and how it overlaid into the existing framework.

Ms. LaPisto-Kirtley said that she was in favor of removal of the avoidance areas, including the AFD, historic district, scenic byways, while retaining the ridgeline, and gaining more knowledge about biodiversity corridors was important because she lacked sufficient understanding of how these elements interacted and overlaid.

Ms. Mallek said that because they had not addressed wildlife corridors and biodiversity, she was very interested in including that language after staff reviewed it. She said that however, she also had experience with other situations where towers were approved, so she wanted to keep them all in if she had was to vote.

Mr. Andrews said that he was inclined to agree that AFDs should not be an avoidance area. He said that he found himself on the fence about scenic byways, but there appeared to be enough consensus among the participants. He said that he believed historic districts were too extensive, yet he supported the idea of exploring historic resources and considering smaller areas that might require recognition. He said that he would certainly propose looking into biodiversity corridors and would be supportive of them being included as avoidance areas.

Mr. Musso said that he believed they had received adequate direction, so staff would make these changes and return to the Board.

Ms. McKeel **moved** the Board of Supervisors to defer action until September 4, 2024. Mr. Pruitt

seconded the motion.

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

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

Mr. Gallaway asked Mr. Fritz how the ARB would proceed with the County-wide certificates of appropriateness.

Mr. Fritz said that it would be determined after the approval of the ordinance.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that he attended the National Association of Counties (NACo) conference for the first time. He said that while he had attended the Virginia Association of Counties (VACo) meetings before, he found that the NACo networking was incredibly valuable. He said that the level of information was high and relevant in many aspects. He said that he would like to share pertinent information when they discussed related agenda items.

Ms. Mallek said that NACo staff were lobbyists in Congress, and their work was focused on promoting platforms that could be utilized similarly to how Mr. Blount engaged with legislative staff. She said that there were many different perspectives, and steering committees, which included representatives from various regions and backgrounds, had been fascinating. She said that she anticipated receiving contact from the defense person regarding Sentinel Landscapes, which offered financial and planning resources that could benefit the rural buffer around Rivanna. She said that they were always seeking federal resources to assist the community.

Agenda Item No. 22. Closed Meeting.

At 9:50 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to boards and commissions, including, without limitation, Agricultural and Forestal District Advisory Committee, Crozet Community Advisory Committee, Economic Development Authority, Historic Preservation Committee, Jefferson Area Board for Aging Advisory Council, Pantops Community Advisory Committee, Piedmont Virginia Community College Board, and Solid Waste Alternatives Advisory Committee.

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

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

Non-Agenda Item. Certify Closed Meeting.

At 9:59 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 14. Boards and Commissions.
Item No. 14. a. Vacancies and Appointments.

Ms. McKeel **moved** that the Board accept the following for their Boards and Commissions vacancies and reappointment list:

- **Appointed** Mr. Christen Bird to the Crozet Community Advisory Committee with said term to expire on March 31, 2026.
- **Appointed** Mr. Lewis Nelson to the Historic Preservation Committee with said term to expire on June 4, 2026.
- **Appointed** Ms. Elizabeth Boyd to the Jefferson Area Board for Aging Advisory Council with said term to expire on May 31, 2025.

- **Reappointed** Ms. Kate Kaminski to the Pantops Community Advisory Committee with said term to expire on June 30, 2026.
- **Reappointed** Ms. Patricia Rooney-Knowlton and Mr. Russell Madison Cummings to the Piedmont Virginia Community College Board with said terms to expire on June 30, 2028.
- **Appointed** Ms. Kristy Shifflett to the Piedmont Virginia Community College Board with said term to expire on June 30, 2028.
- **Appointed** Ms. Jane Mills and Mr. Zackary Landsman to the Solid Waste Alternatives Advisory Committee with said terms to expire on May 31, 2028

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

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

Agenda Item No. 23. Adjourn.

At 10:02 p.m., the Board adjourned its meeting to August 7, 2024, 1:00 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 11/06/2024
Initials: CKB