

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 19, 2023, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

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

ABSENT: None.

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

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

Ms. Price said Albemarle County Police Officers Matt Riley and Kristian Hernandez were present at the meeting to provide their services.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price stated an item would be added to Matters from the Board to request authorization from the Board for the Chair to sign a letter of support for the Botanical Garden of Piedmont America the Beautiful Challenge.

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

Mr. Andrews **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 Ms. Price.  
NAYS: None.

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

Ms. LaPisto-Kirtley stated that she held the first community meeting at the Westminster Canterbury with her constituents, where they discussed concerns of the community as well as budget information. She said that she enjoyed taking a farm tractor ride in the Rivanna District and thanked Paul Haney and David Norford for the opportunity.

Ms. Mallek stated that last night marked the completion of the three spring town halls for the constituents of the White Hall District. She thanked the Albemarle County Police Department (ACPD) members, Terry Walls, Kevin Miller, Jason Barden, and Jeremy Wood, who provided transportation town halls and public safety briefings, and answered questions of the residents of Crozet, White Hall village, and Earlysville. She thanked the residents who attended and discussed issues of public safety, bicycle and pedestrian safety, the tax waiver program in the budget, clean fill, and growth and infrastructure issues in general.

Ms. Mallek announced that on Friday, April 21, 2023, at 11 a.m., there would be the 57th annual rededication on the hill that heals, the Dogwood Vietnam Memorial on John Warner Parkway. She said that parking on the hill at McIntire Park with access off the bypass through the skate park beginning at 10 a.m., with parking guides and buggy access to the site from parking if needed. She said that Charlottesville Dogwood Vietnam Memorial was the first civic/public memorial in the United States and was dedicated to the 28 young men from the Charlottesville and Albemarle area who served to sacrifice their lives for the country in the war in Vietnam.

Ms. Mallek said that the first Albemarle casualty was SP4 Champ Jackson Lawson, Jr., a resident of Earlysville and a very young man at the time, and his grandson is currently the president of the Earlysville Fire Company. She said that the stories of these 28 people remembered with plaques at the memorial site were an important place to visit. She said that the April rededication and the wreath-laying in December for Wreaths Across America were two events at the memorial to which the public was invited, and parking was available on non-ceremony days at the rescue squad across the street.

Ms. Mallek said that other Albemarle County soldiers' memorials were at the County Office Building on McIntire and at the Blake on Rio Road. She said that Post 2044 would host a Memorial Day ceremony for the combined Crozet VFW 8436 and 2044 on May 29, 2023, at 10 a.m. at the Earlysville Center, 600 Earlysville Green, with Colonel Joel Jenkins as the keynote speaker and music provided by the Senior Center Second Wind Band, and everyone was welcome to attend.

Ms. McKeel announced that two-thirds of Virginia was currently abnormally dry, and central Virginia, specifically Albemarle County, was in a moderate drought. She said that it was concerning that

they were 4 inches low on rainfall and in a warning status for groundwater levels. She said that these factors combined with high winds made a prime environment for fires, and citizens must be careful when flicking cigarette butts out of car windows. She said that the County's water reservoirs were full, and they would attempt to keep them that way.

Ms. McKeel stated that she recently had the opportunity to tour the Van der Linde Recycling Center in Troy, Virginia. She said that the facility offered weekly tours, and she encouraged everyone to participate in learning about their processes. She said that Van der Linde Recycling was only the second facility in Virginia to receive certification from the Recycling Certification Institute, which was a national organization.

Ms. McKeel said that they performed yearly audits and the facility was powered entirely by solar energy. She clarified that this recycling center dealt with items that were not part of the curbside recycling process. She stated that they sold mulch, gravel, recycled shingles, topsoil and fill dirt, and were now recycling mattresses, as well as carpeting and padding. She said that the Albemarle Economic Development folks had recently visited the facility as well.

Mr. Andrews stated that there would be a second budget town hall for the Samuel Miller District in connection with the 5th and Avon CAC (Community Advisory Committee) meeting, scheduled for tomorrow night, 7:00 p.m. at the 5th Street Office Building, Room B. He stated that Batesville Day was upcoming on May 6, 2023, and he encouraged everyone to attend.

Ms. Price stated that 83% of the material dropped off at Van der Linde Recycling Center was recycled, as opposed to 100% of the material going to a landfill. She said that she would like to see the Rivanna Solid Waste Authority (RSWA) research ways to improve recycling in that area.

Ms. McKeel noted that UVA was the largest customer of the facility.

Ms. LaPisto-Kirtley asked if it was a MRF (materials recovery facility) facility or for general trash and recycling.

Ms. McKeel said that it was for general trash and recycling.

Ms. Price said that garbage items that could not be recycled went to different section than dry waste. She said that the Van der Linde Recycling Center had piles of asphalt, timber, and other materials to be reprocessed, and was a great facility.

Ms. McKeel said that Van der Linde Recycling also hired their employees from the local area.

Ms. LaPisto-Kirtley asked if there used to be a MRF facility associated with the process.

Ms. Price said that they did that process for recyclable products, but wet garbage, like meat packaging, did not get processed in that way.

Ms. McKeel said that that was differentiated with the request for products that would not typically be thrown into a curbside trash can.

Ms. Price said that since their last meeting, she had the opportunity to attend an open house and met the new chancellor at PVCC (Piedmont Virginia Community College), David Doré.

She said that Sunday night, she and Ms. LaPisto-Kirtley attended a community Iftar dinner for Ramadan, for which they were both honored to participate in. She said that the Red Cross Heroes Celebration was occurring tomorrow morning at The Center, the Dogwood Park Vietnam Memorial 57th Commemoration was on April 21, and the Panorama Natural Burial Cemetery was having their grand opening on April 22.

Ms. Price stated that the grand opening of the Forum Hotel at the Darden School would be next Thursday, the therapeutic docket would be celebrating their five-year anniversary, and there would be a public hearing for the tax rate next Wednesday.

She stated that she had the pleasure of being invited back to her law school to be on a panel at a symposium, which had been a great event to participate in.

Ms. Mallek thanked Ms. McKeel for speaking about the drought. She said that two grassfires had happened yesterday on each side of the mountain. She said that the event highlighted the interconnected nature of their roadways, because when one was decommissioned, nothing else could function. She said that there had been red flag warnings issued recently, which was concerning, and she was glad to see no burn permits were issued because people were being more sensible. She said that she was glad that Van der Linde Recycling was operating efficiently. She noted that the high plastic bag usage caused incredible issues for recycling machinery as well as for farm machinery and for animals.

Ms. LaPisto-Kirtley said that there was a sign warning drivers of the fire on Route 29 south, but it was not effective signage to notify people about the specifics of the issue. She said that at the last community cleanup she participated in, they collected 35 bags of trash.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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Agenda Item No. 7. From the Public: Matters 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. Carol Fairborn, White Hall District, stated that she had been a homeowner in the West Lake Hills Community in Crozet since 2017. She said she had four concerns regarding the Riverbend development's Oak Bluff housing proposal for Crozet. She said that the first was that the plan called for the construction of 134 dwellings, which would impact the already-congested neighborhood roads, causing danger to the public, and she formally requested the Board to order a traffic study of the plan's effects on this geographic area prior to this proposal moving forward. She said that she appreciated that the growth of Crozet was a priority for the County, but they could all agree that it must be done responsibly, and the necessary infrastructure must be put in place first. She said that this plan should not be allowed to move forward until after completion of the Route 240/Route 250 Eastern Avenue connector road by VDOT.

Ms. Fairborn said that the second concern was that this plan would impede upon land which was a part of the Westlake HOA (Homeowner Association). She said that the plan called for building homes and a new access road off of West Hall Drive, using land parcel 56-LF. She said that that particular parcel belonged to the West Lake HOA, and the developer had no legal right-of-way to build upon it.

Ms. Fairborn stated that the third concern was that this plan would harm the environment, besides the loss of habitat for wildlife, the construction and residential runoff would increase the flooding risk for West Lake homes and further pollute Lickinghole Creek, which was, per the Virginia DEQ (Department of Environmental Quality), already an impaired stream. She said that furthermore, that stream fed into the South Fork Rivanna River Reservoir, which was the primary source of water for Charlottesville. She stated that she formally requested the Board to order an independent environmental impact study of the plan's effects on the geographic area prior to the proposal moving forward.

Ms. Fairborn said that the fourth concern was that the proposal would impair the character of the surrounding neighborhoods. She said that the plan called to rezone the land into PRD (Planned Residential Development) zoning, which allowed up to six dwellings per acre, and the plan also included buildings as tall as 65 feet, which would be an eyesore and obstruct the beautiful views in Crozet.

Ms. Fairborn concluded with a logistical question for the Board, which was that other than eminent domain, did Albemarle County own the actual rights to build the Route 240/Route 250 connector road, or was the County relying upon Riverbend Development to grant the easements to the County to build the connector road? She stated that she formally requested the Board to provide the status of the VDOT project, verify which entity held the rights to build that connector road, and to publicly communicate its findings.

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Mr. Keith Smith, Chair of the Piedmont Community Land Trust, said that before the Board was an overview of the uses for the \$625,000 that the Board granted the Piedmont Community Land Trust, and he would provide a summary of what had occurred.

Mr. Smith stated that the funding had been converted into 12 permanent, new construction units, which translated into \$4.8 million worth of homes. He stated that the average AMI (area median income) was 65%, average household income was \$49,500. He said that with these 12 homes, in addition to money from another source, they had been able to create a total of 23 homes.

Mr. Smith said that the buyers of the homes included many Albemarle County employees, including AHIP (Albemarle Housing Improvement), ACPS (Albemarle County Public Schools), the County of Albemarle, UVA Hospital, City of Charlottesville, and City of Charlottesville Public Schools.

Mr. Smith said that this process created permanent affordable housing and helped homeowners build equity. He said that the \$52,000 the County granted them as a one-time contribution was so important because it would continue to give forever in the way of allowing homeowners to sell their homes and make money to purchase market-rate homes, then allowing new homeowners to purchase the affordable home that was now for sale.

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Ms. Sally James, White Hall District, stated that her comments were an addition to those concerning changing the requirements of the real estate tax relief for elderly and disabled. She said that first, the proposal to increase the net worth from \$200,000 to \$250,000 came nowhere near being of any practical help to seniors in the County, taking into account inflation and the increased cost of living, and recognizing anyone responsible for saving for their retirement years meant a net worth figure should be closer to \$400,000, as seen in northern Virginia.

Ms. James said that in addition, farmers who cared for large tracts of land despite low incomes could never qualify with such a low net worth limit because of the predicament of being land-poor. She suggested the net worth eligibility be eliminated altogether, thus saving County staff and applicants a tremendous amount of work to document these monies and making the determination for eligibility a more

level playing field. She said that instead, as had been suggested, qualified applicants by income alone if deemed necessary, lower or keep the same the current income limit amounts to help compensate for the percentage of revenue lost by eliminating the net worth requirement. She said that this simplification of the process would not affect those already qualifying for relief, thus not affecting that percentage of the funds.

Ms. James said that another suggestion to generate income was to increase the amount of cash proffers from developers, which she understood at present were quite low, and of course the County would benefit from additional real estate taxes from these new properties. She said that finally, after attending Supervisor Mallek's town hall meeting on Saturday, she came to realize one reason why there may be a disconnect in understanding the concerns of residents living in the rural areas.

Ms. James said that the people living and often farming in the country had been there sometimes for generations and had watched the tax rates and assessments rise year after year, and conversely, someone who had recently moved to the area only knew what the real estate situation was when they arrived and had no history to compare it to. She said that long-time residents had invested years of time, sweat, heart, and money to maintain their properties and had helped build their community with a continuity missing in more transient neighborhoods.

Ms. James said that they had helped build this County and continued to care for it. She asked the Board not to penalize them by making it too difficult financially to continue to live in the homes and communities that they loved. She said that the loss of these long-time residents and families would affect the County as a whole by losing this valuable core of stability and wisdom.

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Ms. Carmen Alicia Morale Perez Nies, White Hall District, said that she was before the Board to comment on changing the eligibility requirement for the elderly and disabled who sought tax relief. She said that she spoke not only for herself, but on behalf of many low- and modest-income elderly taxpayers who did not qualify for tax relief and who would remain ineligible even after their proposed modifications were enacted. She said that it would help if the Board did away with the net worth eligibility requirement, which the state did not mandate, and the Board had the authority to eliminate.

Ms. Nies said that they were not asking the County to increase services for them but wished to live out their lives in dignity in the homes they loved, surrounded by their families and friends. She said that she wished to emulate the latter years of the life of her father, who passed away at 100 years two years ago this April. She said that he managed his resources so that they could pay for his care until the end of his life, and that was no small feat. She said that he was the youngest of 14 children and left his home in Puerto Rico to come to the United States in 1930, and in six years, he went from being a shoeshine boy on the streets of New York to helping plan and execute Operation Overlord to free Europe from tyranny.

Ms. Nies said that as a boy trained in military intelligence, he was attached to the 116th Infantry Regiment in Staunton, Virginia, becoming proficient in French, German, and Russian. She said that he had total recall of all enemy positions on the coast of Normandy, France. She said that her father fought so that they could live in a democracy, and as a civilian, she tried to do her part to preserve his legacy. She said that it was in this spirit that she was asking the Board as democratically-elected representatives to take the simple step to eliminate the net worth eligibility if necessary, just as Henrico County did, and to put a cap on the amount of tax allowed. She said that they could try the approach for a year and then reevaluate.

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Ms. Price said that the three individuals, the two that just spoke and the next one, when they signed up for Matters From the Public for Items that are not Public Hearings, they actually are speaking about items for which we have a public hearing at 6 p.m. She asked if the Board could consider allowing the third individual who signed up to speak on the same subject to speak now so that they would not have to return at 6 p.m., or having the option to come back at 6 p.m.

Ms. Price said that the Board and the Clerk's Office needed to make sure that people understood that this was for matters for which they did not have a public hearing, not for matters for which they did have a public hearing. She said as a courtesy to those community members who came, she asked if the Board was willing to waive that requirement for today in order to allow those individuals to speak now rather than having to come back.

Ms. Price asked the County Attorney if a vote to waive the requirement was necessary.

Mr. Rosenberg said that as the issue had been raised, he suggested the Board vote on the suspension of the rules for this one subject.

Ms. Price **moved** that the Board suspend its procedural rules to allow speakers to provide their comments now on Item 16. Adoption of an Ordinance to Modify the Real Estate Tax Relief for the Elderly and Disabled, which would be considered in a public hearing later that evening.

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 Ms. Price.  
NAYS: None.

Ms. Price reiterated that the item being discussed by public speakers was a public hearing at 6 p.m. She said that due to the confusion, they did not wish to penalize those speakers and would allow them to speak and would consider those comments when considering the ordinance.

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Mr. J. Dirk Nies, White Hall District, said that for the Board's consideration, he wished to provide guidance derived from five Virginia Counties on how to set eligibility requirements for real estate tax relief for elderly and disabled residents, which in the words of Henrico County, "are deemed to be bearing an extraordinarily high real estate tax burden in relation to their income and financial burden."

Mr. Nies said that focusing first on net worth, the net worth for Albemarle County was currently \$200,000, for Arlington it was \$467,402, Fauquier County \$440,000, Henrico County, \$500,000, Loudoun County, \$920,000, Prince William County, \$340,000, with exemption of up to 25 acres of land on which the residents resided.

Mr. Nies said that for income levels for which 100% of real estate tax relief was available to the elderly, Albemarle County was currently at \$37,550, Arlington was at \$54,706, Fauquier was at \$72,000, Henrico was at \$75,000, Loudoun County was at \$77,000, and Prince William County at \$72,000. He said that he hoped the Board found these eligibility requirements in these Counties informative in their deliberations this evening.

Mr. Nies said that in closing, he left them with a quote from the Henrico County website, which was "the tax relief credit will provide a projected \$11.2 million back to Henrico County property owners. These funds were not factored into the 2023-2024 budget and were surplus from real estate tax dollars collected in prior fiscal years. State code specifically allows for surplus funds to be refunded to taxpayers. Returning these funds will not impact funding for education, public safety, recreation, or any other County agencies, programs, or services."

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Mr. Dade Van der Werf, Samuel Miller District, requested the Board remove from the consent agenda item 23-219, the Bellair Personal Wireless Facility Special Exception and either reject the request or impose conditions consistent with their authority under §33.9.

Mr. Van der Werf said that as the Board considered this matter, it was important to understand that the existing site was no longer in compliance with the proposed site plan submitted with the application of 2017, which enabled the installation of the current metal pole structure. He said that several trees shown on that plan and indicated to be conserved had died or declined, including the reference tree, which, as noted in the application, provided significant canopy screening of the tower.

Mr. Van der Werf said that in terms of reasons for rejection of the request, he disagreed with the report and analysis provided, and did not concur that a modified regulation would satisfy the purpose of the chapter, at least to the equivalent specified in the requirement, referencing the standoff of antennae allowed from the tower.

Mr. Van der Werf said that the proposed antennae were significantly larger and would project significantly farther than those currently installed and which complied with the regulation, and he had provided in the correspondence to the general email a diagram that illustrated how much more they projected. He said that it was not reasonable to say that they did not have a material impact relative to the regulation. He said that additionally, the full array was proposed to be located at the very top of the pole where effectively no screening for a treetop tower existed.

Mr. Van der Werf said that lastly, he did not believe it was an avenue provided, but the other avenue that was allowed to provide special exceptions was when there was interest in the public health, safety, or welfare, and in this case, cell service was provided by the existing, complying installation, as well as by two other carriers who provided service to this vicinity. He said that if they did elect to approve this special exception, he requested the Board give consideration to attaching conditions, as they were authorized to do by §33.9. He said he had provided in the correspondence to the Clerk for the record a diagram for their consideration which would provide screening to succeed that for the tower, which was in decline.

Mr. Van der Werf said that he was eager to bring the matter before the attention of the Board today because he understood that they would be updating the wireless ordinance and regulations this year and wanted to highlight the importance of legacy sites like this throughout the County, which would create and distribute treetop towers, often times in sensitive residential areas such as his own. He said that he hoped they would consider ways to establish and balance the interests in creating cell service but also in balancing the interest of property owners and avoiding visual impacts.

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Mr. Neil Williamson, Free Enterprise Forum, said that on today's agenda, there was scheduled a work session, not public hearing regarding an Affordable Dwelling Unit (ADU) Ordinance. He asked the Chair if this was the appropriate time to speak on this matter.

Ms. Price said that was correct.

Mr. Williamson continued that there was an executive summary for the work session that included a line item for the budget, and the budget line item was understated in that particular document, which referenced that the ramping up of such costs would be dictated by the number of developments that came forward. He said that the Free Enterprise Forum had identified 16 specific elements, some of which would have to be in place regardless of how many people were engaging in the program.

Mr. Williamson said that based on their analysis, the ADU program would require the County Executive or their designee to annually set price limits on ADU sale and set price control limits on ADU resale, establish qualifications for all potential ADU buyers, recruit and certify potential purchasers, creating and maintaining a database of County-certified purchasers, maintain account files and correspondence with all lenders associated with each and every financed ADU purchase.

Mr. Williamson continued that they must maintain ADU annual certifications, maintain a home improvement file for each and every ADU, maintain a list of eligible home improvements, establish and maintain a housing fund reserve account, track ADU resales even after the 40-year affordability period to capture "excess proceeds," track marital status of ADU owners to ensure divorce settlements accurately reflected the ADU status, track monthly rent and family size of all ADU rental units, annual recertification of rental ADUs, annual recertification of ADU tenants, issuing zoning violations, and collecting fines for violations. He said that the Albemarle County Office of Housing currently had one employee.

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Mr. Paul Haney, Albemarle County Farm Bureau, said that he was a resident of the Rivanna District. He stated that he came prepared to announce a new farmer after a recent tour, but apparently the 6 a.m. start time every day was a bit of a problem, so there was no new farmer.

Mr. Haney said that regarding the comments of the Board about fire, they should be very concerned, and that they had a fire in the woods about every day.

Mr. Haney said that emailed to the Supervisors was the General Assembly wrap-up from the Farm Bureau this year, with specific information about the farm use tags. He said that if a vehicle was 7,500 pounds or greater, it did not require a placard from DMV, but if it was less than that, it required a placard from DMV, which went into effect January 1, 2024. He said that in the summary provided, it clarified that 7,500 pounds was the point at which tags were not required, but any vehicle under that amount must get placards. He said that 7,500-pound pickup trucks qualified to have no placard, but 5,000-ton pickup trucks, SUVs, and panel vans had to have them, and no car under any circumstances could have a farm use tag. He said that they were meeting with the Chief of Police to discuss this, as there had been some confusion at a state-level for police organizations to clarify that. He said that there was a producers meeting next month, for which three had and three had not responded.

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Ms. Valerie Long, Williams Mullen law firm, stated that she was present to speak about two matters on the agenda that were related, but primarily about the ADU ordinance scheduled for a work session later today. She said that the ADU ordinance would require affordable housing as the new goals of Housing Albemarle on all applications that went through the rezoning or special use permit process, and they would be mandatory under that ordinance, however, the affordable developers incentives grant program up for consideration later tonight, which was intended to be the incentives to enable the developers to be able to provide the amount of affordable housing desired by the County, was not at all guaranteed, capped at a low level, and the proposal itself for each project did not achieve the goals of enabling developers to provide the amount of incentives necessary.

Ms. Long said that her strong concern, and that of the many clients who had reviewed these proposals, was that even if the ADU Ordinance were adopted, but the grant program did not balance that out, no one would be able to develop any housing under rezonings, much less affordable units. She asked that the Board consider that.

Ms. Long said that there were a number of other challenges. She said that the ADU Ordinance would apply to both rental and for sale projects, but the grant program only applied to rental programs, so that would be another burden to providing for-sale units, which was already a challenge.

Ms. Long said that the Board's goal was to provide an ordinance and grant program that would enable the private development community to be able to provide the amount of affordable housing in their goals, but the ADU Ordinance did not include that, and she was unsure of why they were not being considered at the same time. She said it was requested that the Board not move forward an ADU Ordinance today that did not provide a directly-related, connected developers incentive program as had been discussed by the Board over the past two years.

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Agenda Item No. 8. Consent Agenda.

Mr. Andrews requested to have discussion on Item #8.3.

Ms. Price said that was acceptable.

Mr. Gallaway said that items that were to be pulled were supposed to be pulled before they approved the agenda, so they needed to modify the rule to allow for an item to be pulled at the consent

agenda time. He said they could have discussion, but if the item were pulled, they would have to deal with the rule.

Mr. Andrews said discussion was fine, they could discuss it after the vote.

Ms. Price said that the floor was open for a motion.

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 Ms. Price.  
NAYS: None.

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Item No. 8.3. Consideration of Permit Approval for Area Private Emergency Medical Services Agencies.

The Executive Summary as forwarded to the Board states that the applicant has requested a special exception to modify County Code § 18-5.1.40(b)(2)(c), which requires that antennas be mounted so that the closest point of the back of an antenna is no more than 12 inches from a facility and that the farthest point of the back of an antenna is no more than 18 inches from a facility. This special exception request is to increase the distance of the farthest point of the back of the proposed antenna from 18 inches to 30 inches from the facility.

The applicant's special exception request (Attachment A) and staff analysis (Attachment B) are attached.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve the special exception, provided that no antenna projects more than 30 inches from the face of the monopole to the farthest point of the back of the antenna.

**By the above-recorded vote, the Board adopted the resolution as presented in Attachment E to approve the special exception, provided that no antenna projects more than 30 inches from the face of the monopole to the farthest point of the back of the antenna:**

**RESOLUTION TO APPROVE  
SE 2023-00002 BELLAIR PERSONAL WIRELESS FACILITY**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2023-00002 Bellair Personal Wireless Facility application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exception in County Code §§ 185.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the County's zoning regulations to at least an equivalent degree as the specified requirement and that the proposed special exception would not have adverse visual impacts.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c) as specified in the SE 2023-00002 application, provided that the farthest point of the back of any antenna authorized by this special exception may not project more than 30 inches from the face of the monopole.

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Item No. 8.1. Approval of Minutes: June 2 and June 16, 2021.

Ms. McKeel had read the minutes of June 2, 2021, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of June 16, 2021, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of June 2 and June 16, 2021, as read.**

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Item No. 8.2. Restated and Amended Note for the Lewis & Clark Exploratory Center of Virginia, Inc.

The Executive Summary as forwarded to the Board states that the Lewis & Clark Exploratory Center (LCEC) is a hands-on learning center focused on the 1804-1806 expedition commissioned by Thomas Jefferson. The LCEC leases property jointly owned by the County of Albemarle and the City of Charlottesville in Darden Towe Park, where there is an educational building, access road and parking area, and trail network that connects the site to the Rivanna River and other parts of the park.

On April 3, 2013, the Board of Supervisors approved an appropriation of \$130,000 to the Economic Development Authority (EDA) to fund a loan to LCEC to cover a shortfall in construction costs of the center and surrounding site. The EDA loan agreement and note to the LCEC were originally executed on April 17, 2013. The \$130,000 loan was due to the EDA by October 17, 2013. The note was first amended on February 8, 2017, and then amended again on December 21, 2017. The due date of the second amended note was June 30, 2018. The LCEC made consistent monthly payments on the note since March 2022, including a \$5,000 payment on January 18, 2023.

The EDA is responsible for servicing the loan. On February 9, 2023, the LCEC agreed to an amended and restated note to address the remaining balance through annual installment payments that increase in size each year (Attachment A). The amended and restated note is due and payable to the EDA by December 31, 2026. As of March 2023, the outstanding balance is \$119,722. The amended and restated note includes early payment credits to encourage the LCEC to retire the debt sooner.

The EDA approved the amended and restated note at its meeting on February 21, 2023. The County's original loan agreement to the EDA requires approval from the Board of Supervisors before the EDA can extend the repayment obligation.

If approved, the EDA expects to collect the remaining outstanding balance of \$119,722 less early payment credits by December 31, 2026.

The EDA recommends the Board of Supervisors adopt the resolution to approve the amended and restated note for the repayment of the EDA's 2013 loan to the Lewis & Clark Exploratory Center.

**By the above-recorded vote, the Board adopted the resolution to approve the amended and restated note for the repayment of the EDA's 2013 loan to the Lewis & Clark Exploratory Center:**

**RESOLUTION APPROVING AN EXTENSION FOR THE REPAYMENT OF  
THE LEWIS & CLARK EXPLORATORY CENTER LOAN**

**WHEREAS**, the Board of Supervisors approved an appropriation of \$130,000 to the Economic Development Authority (EDA) to fund a loan for the Lewis & Clark Exploratory Center (LCEC) on April 3, 2013 to cover a shortfall in construction costs of the center and surrounding site;

**WHEREAS**, the loan agreement and note to the LCEC was originally executed on April 17, 2013 with a due date of October 17, 2013;

**WHEREAS**, the note was first amended on February 8, 2017, and then again on December 21, 2017, with a subsequent due date of June 30, 2018;

**WHEREAS**, the LCEC executed on February 9, 2023, and the EDA approved on February 21, 2023, an amended and restated note extending repayment of the outstanding balance on terms and conditions;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors approves the EDA extending the LCEC's repayment of the EDA's 2013 loan as stated in the amended and restated note.

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Item No. 8.4. First Addendum to Clerk of the Board Employment Agreement.

**By the above-recorded vote, the Board approved the First Addendum to the Clerk of the Board Employment Agreement:**

**FIRST ADDENDUM TO THE CLERK OF THE BOARD EMPLOYMENT AGREEMENT**

This First Addendum to the Clerk of the Board Employment Agreement ("First Addendum"), is made this 19 day of April, 2023, by and between the **ALBEMARLE COUNTY BOARD OF SUPERVISORS** (the "Employer") and **CLAUDETTE K. BORGERSEN** (the "Employee").

The parties agree to the following amendment to the Clerk of the Board Employment Agreement dated July 11, 2018, by and between the Employer and the Employee (the "Agreement"):

1. The first sentence of Section 4 (Compensation) is deleted and the following is inserted in its place: "Effective May 6, 2023, Employer shall pay Employee, and the Employee accepts from Employer, an annual salary of \$71,087.00 payable in installments as provided for County employees generally."
2. Except as amended above, the Agreement shall remain in full force and effect and the Employer and Employee hereby ratify and affirm all provisions, terms, and conditions set forth in the Agreement.

**IN WITNESS THEREOF**, the Albemarle County Board of Supervisors has caused this First Addendum to the Clerk of the Board Employment Agreement to be signed and executed on its behalf by



its Chair, and the Employee has signed and executed this First Addendum, both in duplicate, the day and year first above written.

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Item No. 8.5. Albemarle Broadband Authority Quarterly Report 1st Quarter CY 2023, **was received for information.**

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Item No. 8.6. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, **was received for information.**

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Item No. 8.7. Albemarle County Service Authority (ACSA) Quarterly Report, **was received for information.**

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Agenda Item No. 9. **Presentation:** Department of Social Services Advisory Board Annual Report Fiscal Year 2022.

The Executive Summary as forwarded to the Board states that the Department of Social Services Advisory Board, required by the Code of Virginia, was established by the Board of Supervisors to demonstrate an interest in all matters pertaining to local social services, monitor social service programs, and provide an annual report to the governing body. The Department of Social Services Advisory Board enjoys participation from each of the six magisterial districts, meets monthly with Department of Social Services leadership, and receives monthly departmental updates by unit. The Department of Social Services Advisory Board is pleased to present this annual report for the activities of Fiscal Year 2022.

The theme for the Fiscal Year 2022 Department of Social Services Annual Report is 'Normalizing, Stabilizing, and Balancing'. This theme reflects the work done by the department to create stable and sustainable service expectations and performance in our highly changeable context. Department of Social Services staff responded to national, state, policy, family, agency, and individual-level changes throughout the year while maintaining a focus on supporting community well-being. This report reflects the following changes and challenges: establishing the majority of eligibility/benefits positions as permanent telework positions; growing and stabilizing the Albemarle County Office of Housing; developing Housing Albemarle policy framework; establishing an Inclusion and Belonging Alliance; professional development for all staff on creating a welcoming and inclusive environment; establishing opportunities for employee feedback for all supervisory staff; development of the alternative mental health response team in collaboration with Albemarle County Police Department and Albemarle County Fire/Rescue; and active recruitment to support the child welfare units.

The Advisory Board is pleased to submit this report.

There is no impact to budget.

Staff recommends the Board receive the Department of Social Services Advisory Board Annual Report for Fiscal Year 2022.

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Ms. Kaki Dimock, Director of the Department of Social Services (DSS), introduced Ms. Amy Laufer, Rivanna District Representative on the DSS Advisory Board.

Ms. Amy Laufer stated that this year, DSS provided services to about 27,000 members of the community. She said that the unduplicated number was 19,000, and that some members received multiple benefits. She noted that approximately 100,000 people lived in Albemarle County. She said that there was variable increase in each of the categories that DSS provided services for from the year prior.

Ms. Laufer said that the Family Preservation Services unit performed the nationally recognized best practice of kinship placements, and Albemarle County was seen as a state leader in that area. She said that the number of families per month receiving financial support through a housing voucher had increased 10% from the previous year to 448.

Ms. Laufer said that Albemarle County Office of Housing was identified as a high performer by the United States Department of Housing (HUD) because of the high efficiency in processing requests and also having positive outcomes for housing. She said that the County had awarded more than \$6 million, and that had gone a long way to provide housing to community members. She said that the five project-based housing vouchers were a partnership with MACAA (Monticello Area Community Action Agency). She said that there had been over 1,000 applications so far this week for those who had applied for housing vouchers during the open period.

Ms. Laufer said that the Self-Sufficiency Unit of DSS had been recognized by the state as innovative. She said that it had taken about a year for the County to go through the process of designation and requirements, and she thanked Supervisor Mallek for her support.

Ms. Laufer said that DSS leveraged \$10 million in local funds to bring in nearly \$200 million in state and federal funds for Albemarle County residents, and the yearly audits were always positive.

Ms. Laufer said that every staff person with supervisory responsibilities at DSS received 360-degree anonymous feedback from their peers and staff, and DSS was trying to not just become process-compliant, but human services. She said that this was a reflection of the efforts of the community and of Ms. Dimock to move them into talking about human services, human dignity, and not only about compliance with state and federal regulations.

Ms. Laufer showed a slide that listed the number of community members that had received various services. She highlighted that 22,416 individuals were over 65 years old in the County which represented about 7% that lived in poverty. She said that this spoke to the breadth and depth of services provided to the community through DSS.

Ms. Laufer said that a recent case covered by the Family Support program involved the ACPD (Albemarle County Police Department), ACDSS, the FBI, and many different community providers connected a family to therapeutic support, a civil air patrol summer camp for a child, free art lessons from a community artist, medical care, and a safe space in school. She said that doing a good job in order to build a lasting supportive team for the community was the aspiration of everyone involved in DSS. She thanks the Board for supporting the DSS's efforts and funding for more staff to address the great need in the community.

Mr. Gallaway said that it was impressive to see how much DSS was able to achieve with their limited time and capacity. He said that the adoption and foster care numbers stood out, and he wondered why those numbers dropped.

Ms. Dimock said that those numbers were related to their capacity to meet obligations in both foster care and adoption, and because of those issues and concerns, they requested the Board to give additional resources mid-year. She said that they had had a hard time recruiting people for those positions, and there had been a significant increase in the amount of expectations in both of those programs from the state for every case, with no additional support from the state to meet those obligations.

Ms. Dimock said that they certainly noticed during the pandemic the acuity and intensity of need across the board, so anyone who required services had a variety of issues that were greater than experienced before the pandemic, but this specific issue was a capacity issue that had caught up after multiple years of smaller increases and finally was impacting their outcomes.

Mr. Gallaway said that this was a department that was the best financial steward by using all of their resources, even the 1% buffer amount that was ideally in place. He requested that more information be provided about the numbers related to the services provided to the community over the past 10 years.

Ms. Dimock said that the trend for benefits needed was up, then had been steadily going down until the pandemic. She said that there would be anomalous numbers related to the pandemic and post-pandemic timeframes, so it would be interesting to see the long-term trend line. She said that the SNAP (Supplemental Nutrition Assistance Program) increase was related to the greater number of people who were in need, but also because there had been a significant expansion during the pandemic for the eligibility for SNAP that would be dropping off now that those benefits were changing.

Mr. Gallaway said that this report gave a complete outlook of what people were struggling with, which included many different things.

Ms. LaPisto-Kirtley asked if CASA (Court-Appointed Special Advocates) was involved in these programs.

Ms. Dimock said that CASA was one of their partners for children in foster care.

Ms. Mallek asked if more vouchers would be awarded as part of the high-performance acknowledgments from the state and federal governments.

Ms. Dimock said that she was unsure if there was a direct correlation, but she knew that they had received additional vouchers in the last year.

Ms. Mallek said that it was a good thing that they had received more. She asked for clarification about the numbers on Slide #11.

Ms. Dimock stated that there were 22,352 children in the County and 8.2% lived in poverty.

Ms. Mallek confirmed that it was the same with the numbers for the elderly, then asked if there was a work plan for Bright Stars, which appeared to be a program that was struggling.

Ms. Dimock said that it appeared to be struggling because of the negative values, but the shift of Bright Stars grant management from the County to Albemarle County Public Schools (ACPD) had changed the way that they collected data, and they should have put an asterisk there.

Ms. Mallek asked if the auxiliary grants program was still happening, which was a big program in Mountainside.

Ms. Dimock said that she would ask Ms. Mary Stephens to answer that question.

Ms. Mary Stephens, Deputy Director for DSS, stated that she believed that it was still a program but was much smaller than it was in the past.

Ms. McKeel said that she knew that Bright Stars included school social work. She asked what the connection was for Social Services, now that they were under the School Division.

Ms. Dimock said that ACPD now managed the grant, and the DSS had always provided the social workers attached to the program in the schools.

Ms. McKeel asked if it was correct that the General Assembly had taken away resources.

Ms. Dimock said that it was a federal choice to reduce resources for benefits.

Ms. McKeel asked what the impact on DSS was if the General Assembly did not pass a budget until June.

Ms. Dimock said that while the process was not preferable, she was not concerned about funding for the localities or the Virginia Department of Social Services (VDSS). She said that the budget they had seen had been reasonable with increases in some areas where they had seen need. She said that budget area where she had concern were the community-based behavioral health system upon which they all relied as a referral source for individuals and families in need.

Ms. McKeel asked if Ms. Dimock was referring to the community service boards.

Ms. Dimock said yes.

Ms. McKeel said that that was an issue that had been present for many years, and it would behoove all of them to implement the JLARC (Joint Legislative Audit and Review Commission) recommendations presented in a study done by the General Assembly in 2022.

Mr. Andrews asked if the five vouchers mentioned were separate from those that were stated to have had 1,000 applicants for.

Ms. Dimock said that those were two separate processes. She said that there were five project-based vouchers and a mainstream voucher program that distributed the 400 vouchers that families currently were benefiting from now. She said that the funds available were extremely limited from HUD, so opening of additional vouchers or of space to allow for new applicants, they opened the waitlist for applicants to be prioritized based on risk and need. She said that it could be years between times when the waitlist opened, and the Albemarle County waitlist had just reopened to welcome new applicants. She said that within the first 36 hours, they had received 1,000 applicants.

Mr. Andrews asked at the rate at which people were qualified.

Ms. Dimock said that she could discover how many people applied, how many were eligible, and how many were selected for vouchers. She said that she assumed it would be a low percentage for the final number. She said that there were 10,000 families who were known by the County to be paying more than 30%, and half of those paying more than 50% of their monthly income on housing, so it was not surprising when they opened up a fairly stable source of rental support in the community that there would be a lot of applicants who would qualify, but they unfortunately could not all be served.

Ms. Price said that DSS affected a tremendous number of people. She said that the 19:1 leveraging of money by the department was incredible. She noted that the amount of people served in Albemarle County by DSS was approximately 16% of their population, and DSS touched the lives of many people across all economic, age, ethnic, and cultural boundaries in the County.

Ms. Price said that on pages 7, 8, and 9 of the report each had one item in red. She asked if the numbers related to the percentages in those three categories could be provided so as to see how significant the difficulty of that area may be. She asked if numbers associated with the Bright Stars program could be provided, and if they could identify the barriers to the families participating.

Ms. Dimock said that they would follow up with that information. She said that this was a report for a period of time that ended in June 2022, so some things had already improved from that time.

Ms. Mallek asked if the five project-based vouchers meant that there were five places, each with multiple units, or if all the units in that place were in the program.

Ms. Dimock said that the project-based vouchers meant that the unit itself was subsidized as opposed to the subsidy being attached to the person in the unit. She said that there were five units reserved for Albemarle residents.

Ms. Mallek asked if there was concern for funding of Region Ten and their staffing as a partner.

Ms. Dimock said that that was the concern for what the final state budget looked like.

Ms. Mallek asked if DSS supplied any veterans services currently.

Ms. Dimock said that they did through the career center.

Ms. Mallek clarified that that was for training as opposed to helping them get better as benefits.

Ms. Dimock said yes.

Ms. Mallek said that counties that had been able to add a County Veterans Services (CVS) Officers organization of their own had found a dramatic increase in benefits for residents, which stayed in the community for rent and housing.

Ms. Dimock said that they would return the information to Mr. Sam Spencer for discussion.

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Agenda Item No. 10. **Work Session:** Proposed Affordable Dwelling Unit Ordinance.

The Executive Summary as forwarded to the Board states that on July 7, 2021, the Board of Supervisors approved Housing Albemarle, the County's new housing policy, but delayed implementation of the following elements until a package of developer incentives to support the construction of affordable housing was approved and implemented:

- 1) the increased percentage of affordable housing units in residential developments subject to rezonings or special use permits;
- 2) the increase in compliance periods for affordable housing units; and
- 3) the new price levels for both affordable for-sale and affordable for-rent units.

Between June and October 2021, staff held four meetings with members of the developer community to discuss the components of an incentives package to support the provision of Affordable Dwelling Units (ADU) and developers' efforts to meet the County's affordable housing goals.

On February 16, 2022, the Board held a work session to discuss a proposal for an Affordable Housing Overlay. Based on feedback received during the work session, staff determined that an alternative approach to developer incentives was more appropriate.

On May 4, 2022, the Board held a second work session to discuss affordable housing incentive programs. The focus of this work session was on a possible ADU Program ordinance, which could include developer incentives. As a result of this work session, the Board directed staff to submit a Resolution of Intent (ROI) to consider amending the Albemarle County Zoning Ordinance to include an ADU Program. The Board subsequently adopted an ROI on June 15, 2022 (Attachment A).

Based on feedback received during the May 2022 work session, staff has drafted an ADU Program ordinance (Attachment B) and associated administrative guidelines (Attachment C). The proposed ordinance includes the following components:

1. A requirement that a minimum of 20% of the total units in a development be provided as affordable units;
2. A cash-in-lieu payment amount per unit for projects unable to accommodate affordable housing units onsite;
3. Restrictions on the pricing of ADUs for periods of 40 years (for-sale ADUs) and 30 years (rental ADUs);
4. Opportunities for nonprofit affordable housing providers to purchase for-sale ADUs not bought by income qualified households;
5. Annual reporting requirements; and
6. The creation and maintenance of a registration database for income-qualified households eligible for and interested in affordable housing opportunities.

Adoption and implementation of an ADU Program ordinance may impact the County's budget if financial or other incentives are included in the ordinance. The amount of the impact would depend on the number of developers seeking incentives and the number of affordable units for which they are seeking support.

Staff recommends that the Board provide feedback and direction on the proposed ADU Program draft ordinance. Any feedback received during this discussion will guide further development of the program.

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Ms. Stacy Pethia, Housing Policy Manager, stated that this work session's purpose was to go over what affordable dwelling unit (ADU) ordinances and programs looked like and the types of components they could include. She said they would review and discuss the goals and outcomes of the proposed ADU program, and requested to receive feedback on those, and specifically on the cash in lieu of ADU payments, right of nonprofits to purchase ADUs, and other types of incentives that could be included as part of this program. She said that the County was limited in the types of incentives they could provide and offer to developers, so they would discuss the possibilities.

Ms. Pethia said that Housing Albemarle had been adopted in July of 2021, and in February of 2022 a work session on the proposed affordable housing overlay was held. She said that with feedback received from the Board, staff held a second work session in May of 2022 about ADU ordinances. She said that in June of 2022, the Board passed a Resolution of Intent for a Zoning Text Amendment (ZTA) to

potentially amend their Zoning Ordinance with an ADU program.

Ms. Pethia said that ADU programs were enabled under §15.2-2304 of the Code of Virginia. She said that there were two pieces of enabling legislation in state code related to ADU programs, one with specific direction attached to it for the majority of localities in the state. She said that there were however some localities in the state of Virginia with less restrictive versions of that enabling legislation, and Albemarle County fell under that less restrictive version. She said that therefore, there were no restrictions on the percentage of affordable units required, the level of affordability, the length of affordability, and the incentives that may be required. She said they were only required to attach it to was attach it to a rezoning or special use permit that requested an increase in density.

Ms. Pethia said that as currently drafted, the ADU program included in the agenda packet directed or encouraged the provision of affordable units in new residential developments and provided developer incentives to support the provision of affordable housing. She said that the program must be implemented through a ZTA. She said that the target income levels were 60% AMI (area median income) to 80% AMI, which were households that often did not qualify for any type of housing assistance.

Ms. Pethia said that the proposed program had multiple components, the first being a density bonus through legislative action, which would be a rezoning request for increased density or special use permit requesting an increased density. She said that the projects would need to have a minimum of 20% total units provided as affordable housing, which was the recommendation of Housing Albemarle. She said that the third component would provide nonprofits the right to purchase affordable units after 60 days of initial marketing to a County-maintained waiting list of households that were interested in purchasing affordable units.

Ms. Pethia said that there had been great difficulty in connecting income-qualified homebuyers with affordable units available for purchase, so this was a way to market to the waiting list as well as provide the opportunity for nonprofits to make them available to those eligible households in the long term and potentially for lower income levels through assistance.

Ms. Pethia stated that the units would need to have affordability periods of 30 years for rental units and 40 years for for-sale units, the program could be supported with a proposed affordable rental housing grant program, and the cash-in-lieu fees could be paid by developers to go into the housing fund reserve to fund future affordable housing projects, and there would be a waiting list for income-eligible households. She stated that staff were working with the Police Foundation to figure out how to create a waiting list, which would initially be open to County staff, Police, Fire Rescue, and Schools for approximately one year, then would be opened up to anyone in the County to register.

Ms. Pethia said that the program would apply to sites who had an approved owner-initiated application for a rezoning proposing 11 or more units and to approved special use permits requesting increased density and 11 or more units. She said that developments seeking to use incentives to develop affordable housing would also apply under this program.

Ms. Pethia said that the program offered several alternative options that a developer may choose instead of building affordable units onsite. She said one was to provide ADUs at an off-site location, which would need to be requested at the time a rezoning or special use permit application was submitted with reason as to why those units would be inappropriate to build on the project site, such as the site not being in close proximity to public transit and other services or amenities. She said that the program also offered the opportunity for developers to pay into the housing fund as opposed to building the units, with a cash-in-lieu fee equal to 50% of the ADU sales price for each ADU not provided. She said that the developer could also provide a combination of ADUs and pay for some units they could not build.

Ms. Pethia said that the general requirements of the program were that ADUs must be designed, built, and landscaped at a quality greater than or equal to the market-rate units, meaning that the square footage should be the same, there should be a mix of bedrooms per units, and inclusion of a minimum set of appliances. She said that they also must be disbursed among the market-rate units and that the same amenities were provided as market-rate units, including access to and enjoyment of common open spaces and facilities.

Ms. Pethia said that requirements for ADUs for sale included a 40-year affordability period enforced through deed restrictions, initial sales prices less than or equal to 65% of the federal HOME Program 1-Unit Purchase Price Limit for New Housing. She said that the latter would reduce the maximum affordable sales price from \$337,000 to \$219,050, which could potentially reach incomes as low as 60% AMI with assistance. She stated that the units for sale would be required to be marketed to the ADU waiting list first, then to nonprofit organizations.

Ms. Pethia said that after a 90-day period, any units not purchased by someone on the waiting list or by a nonprofit organization would be opened up to be sold to the general market, however, the sale price would still be controlled for 40 years. She stated that after the 40-year period of affordability ended, when someone sold the home, the person would need to notify the County, and the County would receive 50% of the equity earned through that sale for the purpose of funding more affordable housing initiatives in the future.

Ms. Pethia said that requirements for ADU purchasers included having a household income at or below 80% AMI, they must use ADU as primary residence, and there must be an annual certification process, which included a signed and notarized letter from the homeowner that stated they continued to

use the home as their primary residence. She said that affordable units for rent would be price-controlled for 30 years, and the maximum gross rents for ADUs were set by Housing Albemarle, which ensured that rents plus utilities was 30% of 60% of AMI.

Ms. Pethia continued that the rents for ADU lease renewals may increase 3% annually, meaning that if tenants chose to renew their leases for another year, they could experience that 3% increase in rent. She said that if a new family moved into the unit, the rents were reset per the Housing Albemarle process. She said that rental units would be required to be marketed to those on the ADU waiting list first, and after a 15-day waiting period, the units could be offered for rent to the general public, but the future tenants must qualify in income for those units and abide by the rules of this program.

Ms. Pethia said that requirements for the tenants for ADUs included that household income must be at or below 60% AMI, they must use ADU as their primary residence, and annual certification was required 90 days prior to the lease renewal date to ensure that their income had not exceeded the 60% AMI. She said that until tenants reached the 80% AMI level, they would be allowed to remain in their unit.

Ms. Pethia said that enforcement for the program included penalties for developers and property owners for non-compliance. She said for developers who did not build the ADUs that they said they would, the penalty would be up to two times the payment in lieu fees until the units were built, and \$250 per unit per day that rental ADUs were not rented to an income-eligible household as long as they were out of compliance. She said that also enforced were penalties for owners of for-sale ADUs in the form of \$50 per day, up to \$3,000 if the owner failed to submit annual certification of primary residence, and penalties for tenants of rental ADUs in the form of non-renewal of lease if there was failure to recertify income within 30 days of the recertification date.

Ms. Pethia said that incentives provided with the program would include the proposed affordable rental housing grant program and could potentially include parking reductions for ADUs, expedited review and permitting, and reductions or waivers of local fees. She said that the latter two incentives may impact County staff capacity in the Community Development Department (CDD), and any fees not collected from these projects would impact the County's budget.

Ms. Pethia said that the City of Alexandria and Arlington County offered parking reductions for affordable units. She said that in Alexandria, there was an optional parking ratio requested by the developer, which was tiered depending on the level of affordability the units were provided for. She said that in Arlington County, the reductions applied to special revitalization district and form-based code district, which were along the Columbia Pike corridor, and were offered to projects that provided more than minimum required ADUs, parking ratio reduced to 0.825 spaces per ADU.

Ms. Pethia stated that Loudoun County and the City of Suffolk both offered expedited review or permitting for projects including ADUs. She said that Loudoun offered review of site or subdivision plans within 90 days of receipt, provided that they substantially complied with County regulations. She said that Suffolk took no more than 280 days to process site or subdivision plans that proposed construction of ADUs, which also had to substantially conform with the Zoning Ordinance.

Ms. Pethia stated that the City of Falls Church, Virginia, was the only locality in the state that gave sliding scale development fee deferral for on-site ADUs, and the deferred fees must be paid prior to issuance of the first certificate of occupancy.

Ms. Pethia said that the City of Flagstaff, Arizona offered an incentive program that provided waivers or reimbursements as a percentage of the building permit and planning fees for developments with a minimum of 20% ADUs, and they utilized a sliding scale based on the income level served, with the lowest income levels receiving the highest percentage of fee waivers.

Ms. Pethia said that after the work session today, information and feedback would be incorporated into the ADU Ordinance that had been proposed, then a work session with the Planning Commission would be scheduled, followed by a public hearing with the Planning Commission and then with the Board of Supervisors to adopt the ordinance.

Ms. Pethia said that a specific question that staff wanted Board feedback on was if the Board approved of the proposed amount of cash in lieu of ADUs payment amounts, which was proposed in the program to be \$109,525 for 2023.

Mr. Gallaway asked if other Board members could share their questions before he shared his commentary.

Ms. Price said that was acceptable.

Mr. Gallaway said that he would keep his questions specific to the information presented. He asked if this was only for ZTAs and would not apply to by-right developments.

Ms. Pethia said that was correct, unless developers wanted to take advantage of other incentive programs.

Mr. Gallaway asked if a by-right project that wanted 200 single detached homes with one per .25-acre lot and wanted to make 20% of those affordable, then they would need the incentive program, then they would have to abide by the ordinance.

Ms. Pethia said that was correct.

Mr. Gallaway asked if the ordinance were in play and someone wanted to develop a property and what they saw was not to their liking, whether they could move forward with by-right development.

Ms. Pethia said that was correct.

Mr. Gallaway asked if the Board was limited in the incentives they were allowed to provide.

Ms. Pethia said that was correct.

Mr. Gallaway asked why they were limited in that capacity.

Ms. Pethia said that Virginia Code restricted the types of incentives they were allowed to provide.

Mr. Gallaway asked what was included on that list.

Ms. Pethia said that the list had been provided to the Board in the presentation.

Mr. Gallaway said that it did not include tap fees, and they were considering tap fees two months ago. He said that the public hearing scheduled for tonight was a different type of incentive than what it was originally designed for under the grant. He said that the grant gave them leeway and asked if they were limited in what could be provided in an ordinance incentive.

Ms. Pethia said that they could refund tap fees through the grant program. She said that the proposed grant program was meant to fill the gap between the market-rate rent and affordable rent on the affordable units, and those tap fees would be included in that grant, so adding additional refund of the tap fees would refund them twice.

Mr. Gallaway asked if more information could be provided as to how and why they were limited in the incentives they were able to provide. He said that he had previously been told that a variety of things had been possible, so he would like to know what items were not allowed and how to achieve their goals around those limitations. He said that they had done incentives with other projects already, and he did not recall that they were limited in what was provided in the incentive program. He asked what staff would be required to implement this ordinance if it were approved today.

Ms. Pethia said that their program was written similarly to that of Loudoun County, and that County staffed their ADU program with one staff person, so there was a request in the budget for one additional housing staff person that would be hired in the beginning of 2024.

Mr. Gallaway asked if that single staff person would do all of that work.

Ms. Pethia said yes, they would do the work associated with the ADU program.

Mr. Gallaway asked if a cost analysis had been performed for the expedited review and permitting incentives.

Ms. Pethia said that there had not, but she spoke to Ms. Jodie Filardo prior to the meeting, and they were already working within that 60–90-day review period offered by Loudoun County.

Mr. Gallaway asked if there had been an analysis of impact on the fees or similar cost analysis.

Ms. Pethia said that there had not, but it was possible to achieve and to be presented to the Board.

Ms. LaPisto-Kirtley asked if this information was about the grant program.

Ms. Pethia said no. She said that the grant program would be discussed this evening.

Ms. LaPisto-Kirtley asked if this item was requesting approval of a proposed ordinance.

Ms. Pethia said that this was a work session on a potential ADU program, and the ordinance and grant program would be separately discussed this evening.

Ms. LaPisto-Kirtley asked if someone's income went up to 80%, they could stay in their affordable dwelling rental unit.

Ms. Pethia said that was correct.

Ms. LaPisto-Kirtley asked what would happen if their income exceeded 80% AMI.

Ms. Pethia said that the household would have to find another unit to rent, or they could join the waiting list to buy an affordable unit.

Ms. LaPisto-Kirtley asked what would happen to a resident in a purchased affordable unit with

that same scenario.

Ms. Pethia said that the residents would remain in their purchased home.

Ms. LaPisto-Kirtley asked if that unit would still need to remain affordable for a certain number of years.

Ms. Pethia said that was correct. She said that if someone moved in and their income was 80% AMI, they purchased the ADU, lived in it for five years, and their income went up to 95% AMI, it was considered a success. She said that the result of that scenario would be that the resident would be unable to sell that unit at market rate, but only at the affordable rate approved by the County.

Ms. LaPisto-Kirtley asked for clarification about the County receiving 50% of the equity of the sale price of a market-rate home.

Ms. Pethia said that would be at the very end of the program.

Ms. LaPisto-Kirtley asked if someone was in a rental and could no longer pay they had to vacate.

Ms. Pethia said that was correct. She stated that these units would not be subsidized beyond any incentive provided. She said that low-income housing tax credit (LIHTC) funding helped subsidize units throughout a 15-year to 30-year period, making it possible to place households who had incomes below 60% AMI. She stated that the proposed program did not subsidize rents to those levels.

Ms. LaPisto-Kirtley asked if one additional staff person could adequately handle the ADU program requests.

Ms. Pethia said yes.

Ms. LaPisto-Kirtley asked if there was a list of affordable homes.

Ms. Pethia said that staff were working on creating that. She said that everything for the program would be done online, but they were still seeking a software that could best be used for this purpose.

Ms. LaPisto-Kirtley asked if other incentives would be discussed at a later date.

Ms. Pethia said that the rental housing grant program, which was the tax incentive, would be discussed this evening.

Ms. Mallek said that the waiting list issue of not maintaining one was a historical issue of the County's that she was thankful to see being addressed. She said that a constituent at one of her town hall events had recently asked how they could better support police officers, and a police officer in attendance explained that the Police Foundation provided down payment assistance. She asked if their goal was to have neighborhoods with a mixture of housing types and income levels, allowing the affordable housing units to be built off-site did not help them with their main goal.

Ms. Pethia said that the way that the program was currently drafted, the Board would have the ability to deny that request through the rezoning process. She said that it was sometimes more appropriate to put those affordable units in an area that had access to public transportation or was within walking distance to other services or amenities in the area.

Ms. Mallek asked if the developer could take credit for providing affordable housing if they did that, because it would not put it in the right spot to achieve the goal.

Ms. Pethia said that it would count toward the affordable housing requirements. She said that it must be considered the impact of placing affordable units separated from everything, without public transit, and how that impacted individual families.

Ms. Mallek said that she understood. She said that this could also prevent neighborhoods from developing normally in the same areas. She asked if verification for recertification could be as simple as possible so that they were not relying on information in the mail.

Ms. Pethia said that they were looking closely at software programs so that those steps could be included online, and all documents could be submitted electronically.

Ms. Mallek asked if case workers would be available to assist in this effort.

Ms. Pethia said yes.

Ms. Mallek asked if leases would include the same protections across all types of leases.

Ms. Pethia said that was correct.

Ms. Mallek said that the penalties for tenants could be financially devastating. She said that failure to meet the first deadline should be solved by involving the County or a partner agency helping the residents so that they did not experience any type of loss.



Ms. McKeel asked if more information could be provided on how the nonprofit and development partners would be differently affected by this.

Ms. Pethia said that a big difference between the two was the type of financing that nonprofits had access to that for-profit developers did not. She said that some projects had many different types of funding sources associated with it, including low-income housing tax credit financing, various federal and state grant financing, as well as project-based vouchers from governments, and all of that enabled nonprofits to bring rent levels down to affordable levels. She said that developers did not have access to those types of things, so being able to carry rents at 60% AMI level, which they had previously requested be at 80% AMI, so bringing that down a few hundred dollars a month could be a challenge. She said that the new affordable rental housing grant program would help them meet this.

Ms. McKeel asked if this ADU program would be helpful to both developers and nonprofits.

Ms. Pethia said that nonprofits would usually have 100% of the units as affordable. She said that nonprofits that requested rezonings of sites for that purpose would fall under the category of the ADU program if it were adopted, and they would easily meet that requirement because all units would be affordable. She said that the difference then was that developers now were asked to voluntarily proffer affordable units; this program would require them to do.

Ms. McKeel asked for more information about the cash in lieu. She asked if that was a process currently implemented.

Ms. Pethia said that it was.

Ms. McKeel said that it had not helped the County in getting to where they wanted to be.

Ms. Pethia said that the cash-in-lieu payments had varied, with some in the proffers as low as \$750 per unit and as high as \$22,000 per unit, so there had not been consistency in the amount received. She said that all the cash-in-lieu payments for housing went into the housing fund, which allowed them to fund other programs in the future. She said that they would be able to strategically plan the use of the cash-in-lieu payments when developers committed to them. She said it also gave developers who had site restrictions or other limitations the option to make cash-in-lieu payments for at least a portion of the ADUs.

Ms. McKeel asked what the role of the Police Foundation was in maintaining the waiting list.

Ms. Pethia said that staff had been working with the Police Foundation to find a way to establish the waiting list, but the Office of Housing would maintain the list. She said that one of the proposed ideas was for applicants to attend first-time homebuyer courses, and the Executive Director of the Police Foundation had indicated that one of her Board members may be able to help provide those services on-site for County staff.

Ms. McKeel said that she was supportive of an education initiative as a part of this important process. She asked what the term "approved, owner-initiated" meant on page 10 of the provided documents.

Ms. Pethia answered that the language meant that the applicant had gone through the rezoning application process and the Board had approved the rezoning.

Ms. McKeel asked for an example of a scenario in which ADUs were not feasible on a project site. She asked if that meant a developer would have another site somewhere in the County.

Ms. Pethia said that generally they would not. She said that she had experienced once when working for the City of Charlottesville and once for the County of Albemarle that when a developer's project site was disconnected from public transportation and job centers, they found it better to work with a nonprofit that already possessed a site for the purpose of building affordable housing and build the units there.

Ms. McKeel clarified that it would be unusual, but the ordinance would allow it.

Ms. Pethia said that was correct.

Ms. McKeel asked for more information about the 15-day period before rental units would be opened to the general public.

Ms. Pethia said that rental units turned over quickly, so it was beneficial to provide the landlord time to get those units re-rented as quickly as possible so that the landlord did not lose money. She said that renters generally had a deadline for when they had to find a new unit, which was before the lease renewal deadline. She said that 15 days would likely not be an issue, but it could always be extended. She said that this provided enough flexibility for someone on the waiting list looking for a place to live, but also property owners who had to get units rented.

Ms. McKeel asked if the penalties associated with the program were appropriate and would actually be meaningful.

Ms. Pethia said that the standards proposed were comparable to those enacted in other localities across the state.

Mr. Andrews asked for clarification about the support with affordable housing rental programs, and the cash-in-lieu fees with revenues going to the housing fund reserve, which were two different programs, and the relevance of the 1% cap to that.

Ms. Pethia confirmed that those were two separate programs.

Mr. Andrews clarified that there were three different ways in which applicability was determined, but the third did not have restrictions because it was developments seeking to use incentives directly to develop affordable housing directly.

Ms. Pethia said that was correct.

Mr. Andrews said that the other two terms of applicability referred to approved owner ZMA and special use permit, which both required public hearings. He said that the language provided gave the impression that those were already approved. He asked if this applicability would be after the proposal was approved through the public hearing process, or if there would be time in between the two.

Ms. Pethia said that this would apply if a project was approved for a rezoning and would not apply otherwise. She said that once that rezoning was approved, there would be agreements created through Community Development. She said that there were a few items that must be completed at the front end and approved through the rezoning processes. She said that it would be more helpful to have more of a commitment up front, but that was sometimes not possible, so they would continue working to standardize this moving forward.

Mr. Andrews asked if the penalties were adequate for owners who failed to submit annual certifications. He said that the parking reduction comparisons to other localities were questionable as those other localities had very different transportation infrastructures than Albemarle County, so he was concerned that they could not apply what had been done elsewhere. He said knowing how specific incentives have worked in other localities would be helpful.

Mr. Andrews said that there was in their materials an ordinance proposal and a regulations proposal, and he would like more information about the method by which the regulations changed versus the ordinance, and how much they anticipate that changes would be made to the regulations, whereas the ordinance would be difficult to make adjustments to down the road, and flexibility was important to work out.

Ms. Pethia said that the ordinance for the ADU program was written in such a way that the details about how the program would be administered were not included in the ordinance, but were in a separate document as administrative guidelines, so that if the guidelines must be changed for how the program would be administered, they did not need to amend the ordinance.

Mr. Andrews said that he appreciated that. He asked how the role of the one staff person handling this program would work, noting that they collected a lot of this information already because they were always assessing properties as part of conducting assessments and recording sales of properties.

Ms. Pethia said that once they collected that initial information, the work was focused on annual updates, which were forms submitted by renters and homeowners of the ADUs, and as long as they had the right software package or program, it made it much easier. She said that this was a similar program to the housing choice voucher program in how it operated, so there would be a caseload, and an annual recertification process was required. She said that the work would be staggered according to when the ADUs were rented or purchased, so those annual recertifications were spread out throughout the year, rather than a one-time mass recertification.

Mr. Andrews asked what incentives in the ordinance were permitted directly under the state code and which fell under a grant program opportunity that may not have the same restrictions.

Ms. Pethia said that she and one of the County Attorneys compiled a list of all of the enabling legislation related to affordable housing, and many of the incentives were attached to very specific things. She said that property tax abatements, waivers of fees would have to be done through a separate ordinance or through a housing revitalization district ordinance, in which a broad array of fee waivers and tax abatements and tax rebates could be done through one ordinance. She said that outside of that, they were restricted from offering other incentives.

Ms. Price said that in the draft ordinance, §4.21.5, Modifications to the affordable dwelling unit program, paragraph A, in exceptional cases, in lieu of the required number of affordable dwelling units, the Board of Supervisors, upon recommendation of the Planning Commission, may permit an applicant to. She asked if that language correctly stated that the Board could not make an adjustment unless the Planning Commission were to recommend it.

Ms. Pethia said that current rezonings were processed through a public hearing before the Planning Commission, where they would make a recommendation for approval or denial of the application of the rezoning, then a public hearing was held before the Board of Supervisors about the

same rezoning application, and the Board was not bound by the recommendation of the Planning Commission. She said that this process would be performed the same way.

Ms. Price asked if the County Attorney interpreted the language as such.

Mr. Steve Rosenberg, County Attorney, asked Mr. Andy Herrick, Deputy County Attorney, to share more information on the language crafted.

Mr. Andy Herrick, Deputy County Attorney, said that it was correct that that was how the ordinance was currently written, but if the Board would prefer the language to not be as restrictive, it was something that he and Ms. Pethia could revise in the next draft.

Ms. Price said that she did not approve of the language that could be interpreted as constraining the Board of Supervisors' ability to act only upon a recommendation of the Planning Commission.

Mr. Rosenberg clarified that this language was different than the procedures for other matters coming from the Planning Commission. He said that this language only allowed the Board of Supervisors to take additional actions only if recommended by the Planning Commission.

Ms. Price stated that she was not in favor of the Board limiting themselves in that fashion, appreciating that they could amend the ordinance, but a separate process must be taken for that.

Mr. Herrick stated that the way that this particular ordinance was worded, a positive recommendation was required by the Planning Commission, but that could be amended in the next draft of the ordinance that came before the Board.

Ms. Price said that that would be her request, and the other Board members could comment on that. She said that there was a difference between an ordinance and a regulation, both of which were before the Board. She asked if the Board, delegating decisions through a regulation, could be challenged as an inappropriate delegation of legislative authority by the Board through a regulation in this instance.

Mr. Herrick said that was correct. He stated that as stated by the Supreme Court, the Board could not delegate its legislative authority, so that would be a concern. He said that the way the current regulations were written, it did not represent a delegation of legislative authority, but they could take a closer look as they returned with subsequent drafts.

Ms. Price asked the Board to be cognizant of time constraints today and wrap up the discussion on this item so that there was sufficient recess before the evening session.

Mr. Gallaway thanked Ms. Pethia for the work she had achieved despite the limitations and heavy workload. He said that Mr. Neil Williamson had released a report with a sign that said "wrong way," and he assumed that that meant there must be a "right way," but that was not how he had envisioned the direction of this program. He said that he had envisioned a sign that said "welcome," then once in and past the starting line, several signs that pointed in directions of where one would like to go. He stated that the County had different ideas of where they wanted to go relative to different projects, developers had different ideas of where they wanted to go and how they could make it happen, and nonprofits operated that same way. He said that people wanted to be able to point at a sign and say that that was where they wanted to live because they could afford it, and asked how they could get there.

Mr. Gallaway said that his main concern was what happened after they were past the welcoming signs, but he was also concerned that they would not get people through that opening gate as it currently existed. He said that part of it could be his lack of understanding, and perhaps it was overly simplistic. He said that if they did not get people through that welcome gate, they would do by-right projects, and there would not be the affordable units they needed. He said that if they had altruistic developers who cared about affordable housing, they may do something through their by-right proffers to provide affordable housing, but they were at their current position because they only had that existing structure.

Mr. Gallaway said that the Board was at the point where they must investigate what work must be done as Supervisors to have an ordinance that they approved of, with incentives that made sense to them, and then proceed from that point. He said that the structure of work sessions was not satisfactory in being able to answer such a question, which had nothing to do with Ms. Pethia's work. He said that the structure of the Board of Supervisors work sessions did not include the amount of stakeholders necessary in order to work through issues and information, which the School Board's work sessions did. He said that those sessions were meant to get the Board to a certain level of understanding of impacts and filling gaps in knowledge.

Mr. Gallaway stated that the ability to make decisions after such work sessions during his time on the School Board was empowering and provided the space for people to form opinions and learn. He said that he required that type of work session for this topic, because he could not make any type of decision on this, because right now, he did not think anyone would walk through the welcome sign. He said that he did not think that the Board understood the full reality of what was envisioned as goals from the Supervisors and what the fiscal impacts of those goals would be. He asked what information was available to the Board on how the operations of the County related to those goals.

Mr. Gallaway said that long-range transportation planning at the MPO (Metropolitan Planning Organization) dealt with constrained and unconstrained conversations, meaning that there was an

unconstrained list to meet a vision and a constrained list that included the fiscal constraints of those goals. He said that the policy pointed to what they wanted to achieve, but he had never seen the costs to achieving it in an unconstrained way that then made the Board of Supervisors do what they had to do to prioritize available funding to achieve those unconstrained goals. He said that an incentive was supposed to encourage pulling someone to do something that they otherwise would not do on their own, whether it was waivers or cash payments.

Mr. Gallaway said that developers worked in this constrained way and looked for incentives on how to better achieve the goals while having their own limitations and goals. He said that he did not see how it was spelled out yet, and he did not think he would support an ordinance without that being crystal clear to him. He said that to get to that point, work must be done by himself as a Supervisor. He said that he had suggestions for how to achieve that. He stated that the aim of the housing policy was to increase the supply of housing to meet the diverse housing needs of current and future Albemarle County residents. He said that the incentives were a part of achieving that, but there were other parts as well.

Mr. Gallaway said that working with the Planning Commission would not be effective in getting anywhere further than the point where they were at now. He said that the Board of Supervisors had to have a work session with unfiltered information from developers, information from staff about their concerns, and information from nonprofits, as well as residents struggling to afford things to tell them about their experience. He said that this would require a special meeting of this Board and calling of extra meetings to achieve that.

Mr. Gallaway said that the other alternative was what they have done with long-range transportation planning and with the transit study, to reach out to elected Boards inviting them to bring their ideas and thoughts to a body as a sounding board to wrestle with the topic and provide feedback. He said that the Regional Housing Partnership was designed and composed of elected, for-profits, nonprofits, and the public they served., He said he thought that the experts were already members of that body. He said that he assumed that they could take what Ms. Pethia had created and get all the stakeholders together and tackle the issue as brought forward at this point. He said that then it could come back to the Board of Supervisors in a new form that was clear to all of them, then they could decide whether to approve it, then they could discuss it with the Planning Commission, then go through the public hearing process before the Planning Commission and the Board.

Ms. LaPisto-Kirtley said that she agreed completely with Mr. Gallaway's comments. She said that she would like to have a separate work session with all involved parties. She said that she knew that it would take more time, but however the composition and process would be, they had to do so correctly. She said that there was too much involved and they were not hearing everything at the same time so that everyone could reach an understanding of what was necessary to guide the future work of Ms. Pethia. She said that it made sense that that was how they would reach their best decisions, because as it currently stood, it was unclear, and there seemed to be conflicting information.

Ms. Mallek said that she agreed to the idea of a different work process, one that included the community and stakeholders so that it did not require translation and repetition. She asked if Ms. Pethia required direction on the cash-in-lieu payments, or if that would be postponed.

Mr. Gallaway said that Ms. Pethia could not have predicted that the Supervisors would take such a direction.

Ms. Mallek asked if the cash-in-lieu decision was separate from this process.

Ms. Pethia said that she was acceptable to any comments the Board wished to provide. She said that if the Board would like to do something different, as Mr. Gallaway had suggested, they could wait on that, or the Board could give a decision today and they could see how it could be incorporated in future drafts. She said that she agreed it was important to have all or some Supervisors sit down with stakeholders and talk this through.

Ms. Mallek said that her only feedback about cash in lieu was that it had previously been inadequate. She said that she would approve of removing it altogether as an incentive or requiring a much higher amount, as Ms. Pethia had proposed, as a minimum.

Ms. McKeel said that the Board had struggled with whether to create jobs or housing first, and she could argue for either initiative, but that spoke to marrying the two items. She said that if they would have such a discussion about housing, a representative of economic development should be a part of that discussion. She said that staff had taken Board feedback from earlier work sessions and decided against using an affordable housing overlay district and opted for developer incentives as a better approach.

Ms. McKeel said that if they focused an incentive on areas where housing was needed and where transit was needed, they could identify areas where transit hubs could be created as well as affordable housing by creating an overlay. She said that investing in a transit-oriented overlay would focus on their climate change initiatives, invest in equity, and would allow them to discuss less parking and more density. She said that rather than talking about overlays everywhere, it could be an overlay focused on transit so that they could get the work done that they were talking about.

Mr. Andrews said that he understood that while this was not created in a vacuum, Supervisors wanted to meet with stakeholders to understand more, and feedback changed as the process continued.

He said that he was concerned about bringing economic development into the issue, because it was not a jobs versus housing issue with the current low rates of unemployment, and many employers could create jobs but could not fill them. He said that he appreciated the idea of a transit overlay and recognized that transit would be key in understanding development areas and how they could accomplish affordability through that.

Ms. Price said that Mr. Gallaway covered many of the issues that she had wished to discuss. She said that the complexities and interconnectedness of the subject of this program were such that the Board felt it was necessary that strategic planning should occur off-site with all stakeholders coming together. She said that it would require some logistical planning, recognizing that it would further delay a decision, but they all recognized the significance in doing it right may make that appropriate.

Ms. Price said that she appreciated the public speakers and emails providing input to help the Supervisors better see the areas that still needed improvement on this topic. She said that that did not take away from the great work that Ms. Pethia's and other staff's work had done, but she was not comfortable today in making any decisions with regard to the cash-in-lieu payments. She said that she was reluctant to provide that incentive, because they acquired money and not housing. She said that if they were to have a cash-in-lieu component, it needed to be scaled and easily adjustable so that it did not immediately become antiquated in its application. She said that there was Board consensus that they should have a separate work session much like the strategic planning.

Mr. Jeff Richardson, County Executive, said that staff could follow the Board's direction in creating a work session at the nearest possible date. He said that additional time was required for the team to put some framework around how the time would be utilized with the Board and the community. He stated that they could start that process as soon as the meeting concluded today.

Mr. Gallaway said that he suggested this idea and had not discussed it with anyone, but he did have thoughts on how the process could play out, and he understood that time was of the essence and this would take up a lot of it. He said that part of this was having Board-level involvement, and he could share with the Chair and County Executive his thoughts on having an efficient process that best utilized the expertise of the community.

Ms. Price said that was acceptable.

Ms. LaPisto-Kirtley asked if there had been consensus that the Board did not want the Planning Commission's approval to be required as part of this process, and that the Board of Supervisors would have final say.

Ms. Price stated that Mr. Herrick had previously indicated that it would not be a difficult revision to make.

Mr. Rosenberg said that it certainly would not, but it also sounded like there was a lot more for the Board to do before they got to that point.

Ms. Price stated that they would skip the scheduled recess on the agenda in order to give staff adequate time to present the next item.

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Agenda Item No.11. **Work Session:** FY 2024 Operating and Capital Budget.

Mr. Andy Bowman, Chief of the Office of Budget, stated that today's information was about previously reviewed topics that the Board wished to have further discussion on. He said that there were four topics for discussion today, which were field investments, housing policy investments, boards and commissions compensation, and tax relief for the elderly and disabled.

Mr. Bowman said that the recommended budget included some field investment at Biscuit Run Park, which was two grass fields, which would be a total project of \$3.9 million, with design and construction taking place in FY26. He said that based on the prior Board discussion, the Board was interested to know what it would look like if they did something more in the field system and focused on upgrades at Darden Towe Park.

Mr. Bowman said that there was an option for the Board to consider that had been worked on with the Parks and Recreation Department and the Facilities and Environmental Services (FES) staff that gave a potential plan. He said that the current system-wide structure for fields had 11 park fields, which included the two proposed fields at Biscuit Run, that were entirely controlled by the County government, 21 fields controlled by County government partners, and fields not managed at all by the County government, including 11 fields at Albemarle County High Schools, and various City Parks and Schools fields and private fields.

Mr. Bowman said that for the FY24 budget the Board would need to provide direction on Biscuit Run and Darden Towe, as well as for the five-year CIP that was updated annually. He said that the longer context and structure was what the Board would continue to work through. He said that staff was now proposing a Darden Towe Fields rebuild project.

Mr. Bowman said that staff worked to create a Darden Towe rebuild project for four fields. He said this rebuild process would entail stripping the existing turf from the field, regrading the field as appropriate

for drainage, testing the existing soil for what potential improvements and amendments would be needed, install new irrigation and high-performance sod, and finally the field would rest for one year. He said that once each field came online, it would be subject to an increased maintenance plan. He said that this approach would play out over multiple years and would not affect all fields at once. He said that for Darden Towe, in FY24, the first field would be rebuilt and kept offline until FY25, with that step repeated for each of the four fields through FY28, when all fields would be completed.

Mr. Bowman said that at Biscuit Run, in FY24, design would be completed, FY25 would have construction, and in FY26 two fields would be complete.

Mr. Bowman said that one field provided about 560 hours per year of play. He said that in FY24 and FY25, there would not be fields at Biscuit Run, and there would be three fields at Darden Towe, for 1,680 hours of play. He said in FY26, when Biscuit Run would come on line, that would increase to 2,800 hours per year of play. He said that would continue through FY27, and that in FY28, the total field hours would be 3,360 per year of play.

Mr. Bowman said that in order to fund this project, they would need a total of \$2.9 million, including \$2.7 million to be added to the Capital Improvements Program, with debt service payments in FY26 to FY28 of \$200 thousand. He said that the debt service payments extended beyond those three years, but this was only within a five-year planning horizon, so it was not the total impact of the debt to be repaid.

Mr. Bowman said that the revenues that would pay for the project would be borrowed in proceeds in the form of \$1.6 million, with a \$800 thousand City share, \$300 thousand in proffer revenue, and \$300 thousand in remaining County cash, with a funding source reallocated from the \$1.8 million CIP Advancing Strategic Priorities Reserve rather than impacting another project. He said that the operating impact was estimated to be \$16 thousand per field beginning in FY25 relating to maintenance and utilities of the fields.

Mr. Gallaway said that the project schedules seemed to make sense. He asked if there had been any discussion about doing the development all up front or doing two fields up front with an additional field per year afterwards, which would dramatically reduce the available hours, but then would get to the full capacity faster, which would be better for the whole system.

Mr. Bob Crickenberger, Director of Parks and Recreation Department, said that had been discussed, and the conclusion was that not having the level of inventory to relocate individuals of organizations could create a hardship on many organizations for at least two years or more, so that was why they had elected to work with one field at a time in order to accommodate the organizations.

Mr. Gallaway said that the environmental concerns of turf had stymied the process of rebuilding the fields, but turf would allow for increased capacity and durability. He said that his interest in achieving the goals had not changed. He asked what kind of assurances or information could be given that the high-performance sod and drainage systems would increase the fields from what they had now in terms of that quality, capacity, and durability.

Mr. Crickenberger said that the fields had not had this level of maintenance in 25 years and were currently very compact. He said that it was unclear if at the time of construction that the fields were made of the best topsoil and material for the use, so over time they had become very degraded. He noted that if they could get additional fields at Biscuit Run and more fields in the future, it would allow them to better distribute the level of play and would better protect the playing services at Darden Towe.

Mr. Gallaway said that he did not want to invest money in a system that may have the outcome that exists today in the future. He said that the natural grass fields must be maintained with a level of investment that would allow them to achieve better results than in the past. He said that it appeared that it would be, so he wanted to trust that it would. He said that people in the future would be upset if there were compaction and drainage issues that plagued the new fields.

Mr. Gallaway said that with knowing the City funding would be committed, he could accept this project because the overall system would be able to get the fields online and help the capacity issue without delaying Darden Towe. He said that this proposed project was a great way to find a solution to fund both Darden Towe and Biscuit Run. He said that however, he wanted something more than what was seen today in terms of helping with capacity, durability, longevity, and they should have a maintenance plan so that they did not end up with the same situation.

Ms. LaPisto-Kirtley said that with the investment into rebuilding with high-quality sod and the management of the fields, the current issues would be alleviated. She said that this project gave them the opportunity to create great playing fields that should have been completed and maintained beginning a long time ago. She said that she agreed that she would like to move up the timeline, but she understood the limitations would affect organizations. She said that she supported the plan.

Ms. Mallek said that she supported the plan. She said that she was grateful for this plan, because once the fields were restored, they were making a commitment to maintenance and staffing for the parks adequately.

Ms. McKeel asked if this would require an FTE (full-time equivalent) for Parks and Recreation.

Mr. Crickenberger said not at the present. He said that they would need to see what the capabilities were with the current resources, and if the maintenance was lagging, they would request another FTE.

Ms. McKeel asked if the maintenance costs estimated at \$16,000 per year per field would be coming out of the Parks and Recreation budget.

Mr. Crickenberger said that was correct, in addition to the funds that they currently had.

Ms. McKeel said that her expectation was that the Board would receive a yearly report from Parks and Recreation about the condition of the fields.

Mr. Crickenberger said that was possible.

Ms. McKeel said that she would like to see information related to rain and cancellations as well.

Mr. Crickenberger said that there had been four cancellations this past year due to weather. He said that a maintenance strategy was to control the play when weather conditions could not warrant play.

Ms. McKeel reiterated that she formally requested an annual report on the status and condition of the fields from Parks and Recreation.

Mr. Andrews said that he was very supportive of the plan, and doing the fields one at a time allowed them to learn throughout the process. He asked if the financing for the capital improvement would be done on an annual basis for how much was needed or would it all be done with one contract up front.

Mr. Bowman said that in the CIP, it would be one at a time, so essentially every year in the CIP would have a decision about one field.

Mr. Gallaway said that the drainage should be improved in such a way that the rainwater was better drained off the fields.

Mr. Crickenberger said that it was a goal, and the current reason why the drainage of the fields was so poor was due to soil compaction.

Mr. Gallaway said that he requested more information on how the drainage and maintenance would be achieved.

Mr. Crickenberger said that these fields would have to go out for design, so once that was accomplished those plans could be shared. He said that they hired Kimley Horn, the consultant group that assisted the County last year. He said that they reached out to Kimley Horn to get an updated cost estimate and a maintenance plan. He said Kimley Horn compared the plan that had already been prepared by the County and their own, and they were very comparable. He said that therefore, they felt very comfortable with the plan they had to move forward.

Ms. Price said that she fully supported the plan and concurred with the concerns raised by the other Supervisors. She said that she would like to see an annual report and was pleased to see an increase in the annual operating budget for Parks and Recreation.

Mr. Jeff Richardson, County Executive, said that staff would review performance metrics and create those as they progressed into the next year so that the Board had an understanding of the money invested and what the outcomes were in terms of playability, durability, and resilience.

Mr. Bowman said that the second item for discussion was the housing policy investments. He said that this issue connected with the Department of Human and Social Services about achieving the housing policy strategic plan objective in the current and future fiscal years. He said that the workplan included utilizing existing resources and augmenting additional resources to move the projects forward.

Mr. Bowman said that they estimated about 40% of the current staff position's time was dedicated to policy development in January 2022, and that amount had increased in January 2023 to 55%. He said the Board of Supervisors approved a temporary position in the housing fund to manage the Community Development Block Grant, which began as a position in November 2022 to present, which provided additional capacity for Ms. Pethia's position. He said that in January 2024, the amount of policy time for Ms. Pethia's position would increase to 70% for that position.

Mr. Bowman said that the option before the Board if they directed additional funding in FY24 were to increase the FY24 Housing position from January to July for a budget impact of \$55,093, which could be funded through available balance in the Reserve for Contingencies.

Mr. Gallaway said that they could keep the position they were going to add at the mid-year, but they had one additional FTE with the balance coming from Reserve for Contingencies, it would be two after time because there would first be one for the full year and one for the second half of the year, turning into a full position for the following year. He said that these conversations were complicated, but they must begin having them in order to achieve the housing policy goals. He said that they should not fund half of a position but make it a full one, doubling the impact. He said that he was asking the Board to consider using up to one-third of the Reserve on Contingencies for this purpose. He said that he did not

want to cause issues in staffing so he would like Ms. Dimock to confirm that this was agreeable.

Ms. Kaki Dimock, Chief Human Services Officer, said that she would not turn down additional resources. She said that she was concerned that this was not just an issue that was fixed with moving FTEs. She said that FTE support would help in amplifying what Ms. Pethia was able to research in order to fully prepare for conversations with the Board, but this was really about the broader conversation that required all stakeholders to give their best practices information to work through the issues on the table.

Ms. Dimock said that an extra FTE would not influence that as much, so it was important to have expectations management in that an FTE would not speed up the collective thinking and decision-making process much. She said that once some of the messier issues were resolved and they were implementing them, it was much more straightforward, and the FTE within the budget for FY24 would be able to move that work considerably.

Mr. Gallaway asked if Ms. Dimock was speaking about the programs put in place that dictated where the FTEs were going.

Ms. Dimock said yes, it was the decision-making.

Ms. LaPisto-Kirtley asked if there was going to be a part-time employee for half the fiscal year.

Ms. Dimock said yes.

Ms. LaPisto-Kirtley asked if an additional FTE was requested by Supervisor Gallaway.

Mr. Gallaway said that it was his recommendation, but it would not necessarily affect the policy work, however once the policy work was to be implemented, it would. He said that he would be in favor of advancing it as a recommendation here, but he did not want to add an FTE that would not be utilized.

Ms. LaPisto-Kirtley said that she understood, but she didn't understand not wanting an additional FTE.

Ms. Dimock said that it would not happen again.

Ms. LaPisto-Kirtley said that she would be open to an additional FTE in the future when it was needed, and she agreed with Mr. Gallaway's recommendation.

Mr. Andrews said that he approved of this as recommended. He said that housing had come before the Board several times, and the lack of FTEs did not see the bigger picture, and that they forced a lot of this on staff.

Ms. Price said that she supported the proposal as presented.

Mr. Gallaway said that they would not stop forcing things onto staff, but often underestimated how many FTEs were required.

Mr. Doug Walker, Deputy County Executive, clarified that the Board was understanding an agreement with the proposal as presented in the budget, not reflected by the proposed numbers on the screen.

Mr. Gallaway said that the housing was under a different department and had a different strategy, so it would be interesting to see how it played out in its new position.

Ms. Price clarified that the question was whether the Board approved of what was proposed on the screen versus in the budget. After polling all Supervisors, she said that there was consensus from the Board that the proposal on the screen was acceptable.

Mr. Bowman clarified that in the proposed budget, which they would amend, there was one full-time position beginning in January, and they would bring forward a budget that reflected that position beginning in July.

Ms. Price said that was correct.

Mr. Bowman said that the third topic was additional information on boards and commissions compensation, which was requested by the Board of Supervisors. He said that this did not include compensation for the Board of Supervisors themselves, but the boards and commissions appointed by the Board.

Mr. Bowman showed a slide that listed the boards that currently received compensation; the Architectural Review board, Board of Zoning Appeals, Equalization Board, Fire Prevention Board of Appeals/Local Board of Building Code Appeals, and the Planning Commission. He said that no adjustments to pay had been approved for any board of commission since the 2000. He said that the Electoral Board members received compensation set by the General Assembly, and the Albemarle County School Board members received compensation approved by the School Board.

Mr. Bowman said that an option for the Board to consider was to apply the same percentage to



local boards and commissions that the Board of Supervisors received over the period of FY00 to FY23, or 76.99%, and provide 4% for FY24. The cost would be just over \$28 thousand, which could be funded from the Reserve for Contingencies. He said it would also require approval by ordinance at a future meeting. He said that if the Board wanted to do this, staff recommended that this annual adjustment be done as part of the future budget process.

Mr. Gallaway said he was fine with this.

Ms. LaPisto-Kirtley concurred, and asked if there would be one catch-up.

Ms. Price said yes.

Ms. LaPisto-Kirtley said that it was unfortunate that it was not for people who had previously served.

Ms. Price asked Ms. LaPisto-Kirtley if she concurred with the proposal.

Ms. LaPisto-Kirtley said yes.

Ms. Mallek said yes.

Ms. McKeel said that it had been a long time since the compensation had been adjusted, which must be remedied.

Mr. Andrews said he concurred.

Ms. Price said that she concurred, and thanked Mr. Andrews for following through on addressing this issue. She said that both the catch-up and the inclusion of the matter in the future process so that it would not happen again were appreciated. She said that there was consensus from the Board to move forward with the project.

Mr. Bowman said that the fourth topic was tax relief for the elderly and disabled as related to the budget. He said that if approved, the proposed ordinance for the Board's consideration that evening would have an impact of \$125,000 in FY24, which was not included in the proposed budget. He said that staff recommended that it be funded from the Reserve for Contingencies. He said that in FY25, staff would recommend that the cost be split among County government operations, public school operations, and capital and debt service programs to calculate the shares.

Ms. McKeel asked if there would be review of the reserve at a later time.

Mr. Bowman said yes. He said that the new balance of the Advancing Strategic Priorities Reserve revised balance would be \$1.5 million after investing in the athletic fields, which would be reflected in the budget in the CIP staff brought back on May 3, and the FY24 Reserve for Contingencies revised balance would be \$730 thousand after investing in the other three projects.

Ms. Price asked if ranked-choice voting (RCV) had any expenses related to the current or future fiscal years if the Board chose to move forward with that process.

Mr. Richardson said that it was approximated that if the Board approved RCV, the earliest they could do it would be November in FY24 with a cost of \$65 thousand according to staff's research. He said that the Board did not have to make a decision on the issue this evening, but it would be eventually incorporated into the budget.

Ms. Price said that she was generally supportive of RCV, but she was concerned in changing the voting process that was within a year's election. She said that not having RCV in the primary and then during the general election may cause confusion and not allow for adequate education.

Mr. Bowman said that the budget could accommodate a Board decision on RCV past the May 3 date, because they would manage the Reserve for Contingencies throughout the year with the knowledge that the Board had this issue in mind. He said that a mid-year cost adjustment was possible if the Board's decision-making process required that.

Ms. LaPisto-Kirtley said that they made a decision before not to have RCV due to the time constraints within the primary and general elections. She said that she was not opposed to implementing the process next year. She stated that she would not be in favor of having RCV this November.

Ms. Mallek said that the primary season was a good time to implement the RCV, but she was not opposed to implementing it for the general election first.

Ms. McKeel said that she agreed it would be best to begin with the primary. She asked if the total amount included all expenses of the Election Office.

Mr. Bowman said that \$65 thousand would cover costs in several departments.

Mr. Andrews said that he appreciated that the \$65 thousand included the public education component as well. He said that the availability of RCV was very limited because there was not an

election for next year that would qualify, so if they did not do it for November, they may not do it for another two years until the next primary, for which there would be elections for the Board of Supervisors, unless the state authorized RCV further.

Ms. Price said that her point was that if the future Board next year were to approve it next year, they had an entire year of education before the first election took place. She stated that there was consensus that they would not do RCV for this year's elections.

Mr. Bowman stated that next week, April 26, there would be public hearings on the tax rate and budget, followed by the adoption and appropriation of the budget and setting of tax rate on May 3.

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Non-Agenda Item. **Recess.** The Board recessed its meeting at 5:01 p.m. and reconvened at 6:00 p.m.

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Agenda Item No.12. Closed Meeting.

There was no closed meeting.

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Agenda Item No. 13. Certify Closed Meeting.

There was none.

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Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson stated that he would be presenting the April 2023 Progress Albemarle report. He said that this was the second report in attempting to be more intentional in aligning operational updates to the Board's strategic plan.

Mr. Richardson said that the first slide related to goal #1, nurturing a safe and healthy community. He said that in March, Albemarle County Fire Rescue and the Central Virginia Chapter of the American Red Cross partnered with the Sound the Alarm campaign, a one-day event to install smoke alarms into homes at no cost to residents. He said the neighborhood they visited was chosen due to the age of the home and the calculated risk factors.

Mr. Richardson said that supporting goal #4, which focused on a vibrant community with economic and recreational opportunities that served all of their community, Albemarle County had expanded the available resources to area job seekers at a one-stop career center in the Department of Social Services' lobby at the 5th Street County Office Building. He said that services included support for veterans, those in substance abuse recovery, and those working to obtain a GED. He said that other partners included PVCC (Piedmont Virginia Community College), Region Ten, Job Corps, and the Department of Veteran Services who helped provide these services to the community.

Mr. Richardson said that the Office of Emergency Management staff recently led Albemarle County Police Department, Fire Rescue, and the School Division in a facilitated discussion focusing on the first 30 minutes of a multi-agency response to an active threat scenario at a local school. He said that a number of County departments were represented in the half-day scenario, and they would perform the exercise again later this year after an outside assessment team returned with feedback on the first round. He said that partners included the state government, outside consultants, and numerous County departments.

Mr. Richardson said that also supporting goal #1, the Department of Social Services' (DSS's) Child Protective Services' Supervisor Kelly Rogers, members of the Board of Supervisors, and staff from the County Executive Office, the County Leadership team, Albemarle County Police Department's (ACPD's) Special Victims and Witness Units, and other community partners planted pinwheels on the front lawn of the County Office Buildings to recognize National Child Abuse Prevention Month. He said that pinwheels were representative of the bright future that all children deserve.

Mr. Richardson stated that the ACPD recognized 10 officers for providing lifesaving service to members of the Albemarle community, including one officer who performed CPR three times in the past year. He said that several Board members were able to attend the event that honored these officers.

Mr. Richardson stated that supporting goal #2, designing programs and services that promoted an equitable, engaged, and climate-resilient community, public feedback during the stream health initiative in 2021 included broad support for increasing education opportunities to raise the stream health knowledge of County residents. He said that Facilities and Environmental Services (FES) was partnering with Albemarle County Public Schools (ACPS) and the Rivanna Conservation Alliance to implement a hands-on watershed science field experience for approximately 1,000 Albemarle County 6th graders.

Mr. Richardson said that for goal #6, recruit, retain, engage public servants who provided quality government services to advance the County's mission, last Friday in Lane Auditorium, the Office of Equity and Inclusion (OEI) partnered with Human Resources (HR) to present the County's first internal diversity fair. He said that this was a day-long event for County staff to celebrate their community and a

commitment to building a space that was accessible, welcoming, and safe. He said that sessions included self-care, exploring the role of identity, the history of the Yancey Community Center, living relationships with community partners, and highlighted the work of affinity groups. He said that Dr. Antoinette Allen was the keynote speaker and had become a great partner of Albemarle County.

Mr. Richardson stated that the ACPD's Victim and Witness Assistance Program ensured that the rights of victims and witnesses were not overlooked and that they were treated with dignity, respect, and informed of their rights during their involvement with the criminal justice system. He said that the team included one Spanish-speaking advocate and had their own emotional support dog. He said that in 2022, the Victim and Witness Assistance Program provided help to 1,514 crime victims in the community.

Mr. Richardson said that to support goal #3, invest in infrastructure and amenities that created connection, opportunity, and wellbeing, Albemarle County was now sweeping streets. He said that they had not yet received the street sweeper purchased last summer due to the supply chain issues they continued to experience with some of the capital they were on backorder with, their Street Sweeper Operator and Roadway Maintenance Coordinator were ready to begin. He said that they rented a street sweeper until their new one arrived. He said that in the first week, the work centered around Pantops, 10.8 tons of debris was removed from approximately 22 lane miles of roadways, which otherwise would have been swept into the stormwater system.

Mr. Richardson said that to support goal #3, investing in infrastructure and amenities that created connection, opportunity, and wellbeing, the Broadband Accessibility and Affordability Office had been awarded an Affordable Connectivity Program Outreach Grant to develop a Digital Navigator Program in the area. He said the work was part of a collaboration with the City of Charlottesville, the University of Virginia, and nearly a dozen community partners. He said that navigators would work with community partners to inform eligible residents about the Affordability Connectivity Program and assist them in enrollment of the program. He said that Digital Navigator positions were anticipated to launch in the summer of 2023. He thanks Mr. Mike Culp, Director of Broadband Accessibility and Affordability, for all of his work with community members.

Mr. Richardson said that in partnership with Sentara Martha Jefferson Hospital, the ACPD and Drug Enforcement Administration would have three drop-off locations for the national prescription drug takeback day on April 22, 2023. He clarified that the slide had outdated information related to the date, which would be updated. He said that the drug takeback events were considered the best option to safely discard any expired and unnecessary prescription drugs before they could be misused, abused, or accidentally ingested.

Mr. Richardson stated that Rivanna Solid Waste Authority (RSWA) operated a limited household hazardous waste collection site at the Ivy Materials Utilization Center (MUC) location. He said that this spring, the event would be on Friday, April 21, 2023, and Saturday, April 22, 2023, from 9 a.m. until 2 p.m., and additional amnesty days would take place each Saturday until May 13 in support of their community.

Mr. Gallaway said that he was glad to learn that the County performed the fire alarm program. He said that it was exciting to hear about the street sweeper program and the implications for the stormwater. He said that he was glad to hear about the diversity fair.

Ms. LaPisto-Kirtley said that she was very happy about the street sweeper. She said that 10-1/2 tons in 22 miles of road was impressive. She said that the street sweeper should be named "Ned" in honor of Mr. Gallaway pushing forward the initiative.

Ms. Mallek asked if there would be Watershed Improvement Program credits for utilization of the street sweeper. She said that she was very excited about the certified job center at the 5th Street County Office Building (COB-5th), because there was better access to further, more specific programs to help meet people where they were.

Ms. McKeel said that she also loved the street sweeper program. She said that at one point, they discussed naming the street sweeper, and she would like to know where the naming process was.

Mr. Richardson said that last fall, they hosted 9th graders in the auditorium and went through a process with them. He said that he would return to the Board with information from CAPE (Community and Public Engagement Office) about the status of that project.

Ms. Emily Kilroy, Assistant to the County Executive, said that they were waiting for the street sweeper to arrive, so when they had a solid date of delivery for the final purchased street sweeper, they would pull those out and have a voting process.

Ms. McKeel said that she approved of that process.

Mr. Andrews said that it was beneficial in multiple ways to rent a street sweeper for the first time around. He thanked Mr. Culp for his service to the community.

Ms. Price said that she agreed Mr. Culp had been very responsive to the many issues that had arisen in the past few years. She said that between Mr. Richardson's and DSS's report from earlier in the meeting, she noticed the Victim and Witness Assistance Program, which was critical to the emotional health of their community when residents found themselves in difficult situations. She said that they could

not afford to cut these critical services, so she hoped that there would be adequate distribution and publication of the report to show how essential it was to fund them.

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Agenda Item No. 15. 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. Elizabeth Starks said that she lived in the City and was speaking as part of an organization of anti-eviction advocates. She said that they had worked in the community, and especially in the County since 2020. She said that every week, they went to each person on the eviction docket and informed them of their rights, tried to connect them with resources, and provided them with basic guidance. She requested that the Board consider funding the Pathways Rent Relief Program at a higher level. She said that in FY 23, Pathways was funded at \$1.5 million, and those funds were nearly depleted. She said that there was a gap between the need and funding level. She said people who were evicted and people facing eviction used the Pathways program. She said it was essential for community members for the County to get close to fully fund Pathways.

Ms. Starks said that she heard the presentation from DSS (Department of Social Services) earlier that day, and that she learned about asset-limited income-constrained employed people, who were one disaster away from eviction. Pathways was the only resource tenants could turn to for relief.

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Ms. Lydia Brunk, Rio District, requested the Board increase funding for the Pathways Rent Relief Program. She said that it was critical that they provide more than the \$260 thousand proposed for the program. She noted that the \$1.5 million funding was nearly depleted. She said that supporting families and individuals in crisis should be at the top of their priorities. She said that 959 eviction cases in Albemarle, and while COVID-19 had officially ended, the economic aftereffects of the COVID-19 pandemic were lingering, and there were no services or resources left to address them. She said that nearly all of the protections for tenants had been removed or reduced, but the community was still struggling. She said that evictions made it more difficult to find housing in the future. She said that the Pathways Rent Relief Program was an important part of the solution.

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Mr. Gabriel Komisar, Rio District, said he supported funding for the Pathways Rent Relief fund. He said that people required economic assistance as inflation increased. He said that people were one disaster away from missing rent payments and facing eviction. He said that he would sacrifice superficial maintenance to support more housing. He said the work that DSS was doing with career advancement and social mobility was great. He said that when people say it is great to visit Charlottesville for the food and the little shops, that it was the servers, janitors, and dishwashers who are just one paycheck away from being out on the street.

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Mr. Justin Roberts said that he lived in the City and was a student at PVCC (Piedmont Virginia Community College) involved in eviction reduction work. He requested the Board increase the funding for the Pathways Rent Relief Program far more than the allocated funding. He said that the funds would stabilize the community. He said that he was one of the people who lived paycheck to paycheck as he gained the education and skills that the community needed, and he was grateful that he hadn't needed to use these funds. He said that he was one disaster away from a crisis. He said that he had directly observed the people who faced eviction through his work, and in 2022, there were 959 evictions cases in the County with 428 eviction judgments according to Richmond Eviction Lab. He urged the Board to reduce housing insecurity.

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Mr. Gustavo Espinosa, Legal Aid Justice Center, stated he was a tenant organizer and worked with low-income County residents. He said the County had an urgent need to invest in emergency rental assistance by fully funding Pathways and invest in long-term affordable housing. He said that \$2 million should be dedicated for emergency assistance, and \$5 million should be dedicated for affordable housing funds.

Mr. Espinosa said that landlords were requesting that tenants pay rent into an escrow account in order to have a trial and defend themselves and dispute the amount that they owe. He said that if tenants were not able to or did not know how to pay rent to the escrow account, then they were issued an automatic judgment. He said that they saw dozens of families being brought to court, sometimes over one month of rent. He said that the only way to help tenants long term was to get the funding to clear the balance and get out of court. He thanked the Board for providing ARPA (American Rescue Plan Act) funds to Pathways and said that Pathways had helped many families stay housed. He requested that the Board invest at least \$2 million in the Pathways fund and \$5 million in affordable housing.

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Mr. Frank Valdez, Legal Aid Justice Center, stated that he was a youth justice program organizer. He said that he lived in the City and worked with many youth in the County. He said that he supported the Pathways program and the previous comments regarding fully funding it. He said that there was an education and housing pandemic in the community. He said that many of the youth he worked with worried about their housing, not their education. He said that stable housing was important for youth development. He requested the Board work to provide stable housing and support meaningful education opportunities.

Agenda Item No. 16. **Public Hearing: Adoption of an Ordinance to Modify the Real Estate Tax Relief for the Elderly and Disabled.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation. The proposed ordinance would amend Article 7, Real Property Tax, Division 2, Real Property Tax Exemption for Certain Elderly and Disabled Persons, Sections 15-709, Real property eligible for an exemption, and 15-710, Amount of exemption. The proposed amendment would increase the maximum annual income threshold eligible for the exemption from \$75,100 to \$83,850, would increase each income bracket eligible for partial tax relief, and would increase the net worth threshold eligible for tax exemption from \$200,000 to \$250,000. All proposed amendments would be enabled by Virginia Code §§ 58.1-3210 and 58.1-3215, to be effective on and after January 1, 2023.

The Executive Summary as forwarded to the Board states that at the March 22, 2023 Fiscal Year 2024 (FY 24) budget work session, the Board provided feedback to staff to expand eligibility for the Real Estate Tax Relief for the Elderly and Disabled program by increasing the income limit to align with the County's FY 22 Housing and Urban Development's 80% of area median income for a family of four, as well as the net combined financial worth limit enabled by Virginia Code §58.1-3212 Under the State Code, the County has authority to modify the program.

Albemarle County Code Chapter 15, Article 7, Division 2, Real Property Tax Exemption for Certain Elderly and Disabled Persons, describes the County's real property tax relief for the elderly and disabled program. The proposed ordinance (Attachment A) would modify the current program with the following items:

1. Increase the net income limit from \$75,100 to \$83,850.
2. Increase the net financial worth limit from \$200,000 to \$250,000.
3. Modify the three income relief percentage brackets to
  - \$0 to \$41,925 for 100% relief
  - \$41,926 to \$62,888 for 75% relief
  - \$62,889 to \$83,850 for 50% relief

The change is effective for tax year 2023 which began on January 1, 2023 and would become effective immediately.

The modification to the real estate tax relief for the elderly and disabled would decrease collectible tax revenues. For FY 24, the budgetary impact of increasing the net income limit is estimated to be \$125,000 and is incorporated into the FY 24 Proposed Budget. The budgetary impact of increasing the net worth limit is estimated to be an additional \$125,000. Staff will propose options for funding this within the FY 24 budget at the Board's April 19th budget work session.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

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Mr. Jacob Sumner, Assistant CFO for Policy and Partnerships, explained that to be eligible for the relief program, applicants must be at least 65 years old or totally and permanently disabled. He said that they must be the title holder of the property, and the property for which they were seeking relief may not be used for business purposes. He said that they used a net income and net financial worth criteria to determine eligibility. He said that the maximum net income permitted was \$75,100, and the maximum net worth was no more than \$200 thousand. He said that the net worth calculation excluded the subject dwelling and land up to 10 acres. He said the current program had a tiering structure for relief, ranging from 100% to 50%.

Mr. Sumner said that there were 741 participants in last year's program, and about 512 participants received 100% relief. He said that average relief ranged from \$2,100 at the 100% relief category to \$1,300 at the 50% relief category. He said that the median home value in 2022 was \$387 thousand, and the average annual tax bill was about \$3,304. He said that the majority of the program participants were below the average. He said the data was important so they understood the makeup of those that were in the program. He said that in 2023, the program was budgeted about \$1.5 million.

Mr. Sumner said that there were two proposed changes subject to a public hearing. He said that staff proposed an increase to the net income limit from \$75,100 to \$83,850. He said that they wanted to determine a metric for the income increase, and they chose 80% AMI (area median income). He said about 13% of the 2022 applicants would shift up in the amount of income relief from 50% to 65% or from 75% to 100%. He said they would be able to implement the change with minimal costs and system updates. He said that the budget impact for increasing the net income limit would be about \$125 thousand, which was already included in the FY24 proposed budget.

Mr. Sumner said that staff also proposed an increase to the net financial worth limit. He said staff received Board feedback that indicated they needed to review the net worth criteria. He said that there was limited data to assess increasing the net worth limit. He said the estimated cost of increasing the net worth limit from \$200 thousand to \$250 thousand was about \$125 thousand. He said that at least eight applicants who previously applied but were ineligible would be newly eligible. He said that people who did not previously apply may be eligible under the expanded criteria that they were unaware of, so further review was required.

Mr. Sumner said that administratively, they could implement the net worth increase during the

current budget cycle because there were minimal costs and system updates. He said that in terms of further program expansion, they wanted to determine if they could expand the program within the FY24 budget constraints or implement changes during the current 2023 tax year. He said that they wanted to ensure any recommended changes to the proposals were grounded in prudent financial management. He said that they wanted to ensure they had the right data, and the time to analyze impacts to current program participants and system capabilities.

Mr. Sumner explained that a programmatic or budgetary cap would be a whole dollar limit set on the program. He said that they could protect the County's financial resources because there would be a limit on the amount that could be distributed. He said that they would need to consider application due dates, and there were two in the program—one for new applicants at the end of October and one for those who were currently in the program and were in the annual renewal cycle at the beginning of April. He said there was a three-year cycle for submitting renewal applications with documentation.

Mr. Sumner said that if there was a programmatic or budgetary cap, they would have to synchronize the due dates because they would need to know the total population of eligible participants at one time in order to distribute the budgetary cap. He said that the County systems did not have the capability to implement such a cap, and they would need to consult the vendor to determine if they could apply a cap. He said they needed to determine if limiting the funding pool would limit access to the program.

Mr. Sumner said that in evaluating whether to implement a property specific cap, the median assessed value for 2023 was \$436 thousand and the average tax bill was \$3,726. He said that implementing a property specific cap at those levels would impact 4% of current participants, who were currently receiving tax relief over \$3,726. He said that this change would require system updates.

Mr. Sumner said that in evaluating whether to eliminate the net financial worth criteria, state code provided localities the option to have the net income, net worth, or both criteria. He said the County had adopted legislation to have both. He said that they had limited data on who would be impacted if they removed the criteria.

Mr. Sumner said that they had not revisited the financial worth criteria since 2007. He requested that the Board address the matter during a long-term planning session for FY25. He said that these are larger scale changes, and they wanted to ensure they had good data to evaluate and had taken the time to discuss with the vendor whether they had the capability to make these system changes. He suggested that the Board begin with an incremental change to the criteria to test if the estimates and cost assumptions were accurate. He said that in the fall, they would be able to bring more information and data to the Board.

Mr. Gallaway clarified that the net income was household income.

Mr. Sumner said yes.

Mr. Gallaway asked how they budgeted for the relief since it varied. He asked whether a place holder amount was included.

Mr. Sumner explained that historical performance of the program provided a good indication of what the relief would be. He said that they had not had dramatic changes in the program criteria, and they could tie a natural growth of the dollar amount to the assessed values. He said that programmatic changes were in addition.

Mr. Gallaway clarified that the current value was about \$1.5 million, so the blue on the chart added up to \$1.5 million.

Mr. Sumner said the green would, but that the proposed FY24 budget allocated about \$1.75 million.

Mr. Gallaway said he understood why the income was a criteria and asked why the net financial worth limit was included in the eligibility requirements in the first place.

Mr. Sumner said that when the program was instituted, that limit was included from the beginning. He said that he did not know the rationale, but they had continued the cap at the same level since 2007.

Mr. Gallaway said that they should understand why the limit was imposed if they were considering changing the limit. He said he did not understand why the limit was initially imposed.

Mr. Sumner responded that the enabling authority in the State Code for the program specifically articulated the net worth and net income criteria.

Mr. Gallaway said he needed to know why the limit was implemented in the County before making a decision.

Ms. Nelsie Birch, Chief Financial Officer, stated that from a policy perspective, legislators were likely trying to ensure that people with low income but otherwise large assets other than their homes were not receiving the benefit.

Mr. Gallaway said that bump-ups with the changes were discussed, and asked if they had tracked bump-downs, or people who were in a category and because their assessments went up went in the other direction.

Mr. Sumner said that it was not based on assessments.

Mr. Gallaway asked if people moved down in their category if their expenses increased relative to their income. He asked if people received less relief year to year because of circumstances changing.

Mr. Sumner said that likely happened, but it was more likely that most of the participants were progressing toward 100% relief.

Ms. LaPisto-Kirtley asked if a budget cap would increase the number of eligible taxpayers.

Mr. Sumner said that it would depend on the total number of applicants. He said that if more people were receiving benefits, then the individual benefit may decrease.

Ms. LaPisto-Kirtley said that they may not receive 100%, but asked if perhaps more people could receive some relief.

Mr. Sumner asked if the pool was growing.

Ms. LaPisto-Kirtley suggested keeping it as is and waiting a year to gain more information.

Ms. Mallek said that she remembered historically that they tried to keep boundaries and keep controls with the very high net worth people, but that it was a totally different economy now. She said when she joined the Board, the budget was \$800 thousand, and that Finance staff said they would find the money for the program if people qualified. She said how to prevent the people who had very limited means from not being able to stay there anymore was becoming more important. She asked if they had considered a combination of income-only and net worth caps to prevent people with large assets from receiving the benefit. She asked whether there would be costs for vendors if they did that. She said that she was originally interested in the first metric using the rate of inflation since 2007, but that they were not considering that now, as far as the \$295 thousand. She said she was considering the income-only option now to see if more people would benefit who they needed to stay in the community.

Mr. Sumner said that they could explore those options. He said that they could consider expanding the net worth limit. He said that they wanted to ensure they would be able to maintain a balanced budget, and knowing the results from the incremental change would provide better data to understand what it would look like if they removed the net worth limit. He said they could plan for it in the next budget process. He said that all three options or a combination of options could be part of the discussion.

Ms. McKeel clarified that staff was recommending an increase to the net income and net worth limits to test the impacts for a year, and then in the fall, they would revisit the policy.

Mr. Sumner said yes. He said the cost for the increase to the net income limit was included in the proposed budget, and the cost for the increase to the net worth limit was recommended to come from the contingency reserve.

Ms. McKeel asked for clarification that the additional money would come from the contingency funds, but that they had to be careful that they stayed within that contingency fund.

Mr. Sumner explained that because of the calculation on shared revenues with the Schools, this came off of the top, at this point in the budget process, they were recommending to take the cost from Reserve for Contingencies.

Ms. McKeel asked that Mr. Sumner explain what he meant by "taking it off the top."

Mr. Sumner said that they had a policy with Schools where they had shared revenues, and before they allocated the shared revenues, there were certain items that had to be taken out of the calculation, and tax relief was one of those. He said the remaining funds were distributed by formula amongst Schools, Local Government, Capital, and Debt.

Ms. McKeel clarified that it was about a 60%/40% split between Schools and Local Government, and asked for more information about the cap.

Ms. Birch responded that they did not want to delay the improvements in the proposed budget as recommended by the Board while they determined a cap to administer. She said that staff recommended providing time to determine how to systematically determine the eligibility caps. She noted that there were significant systems issues that would be addressed with the systems core modernization, but they were not as flexible as they needed to be. She said the complex changes were not something that could be implemented that year, but that they did not want to lose the expansion of the program that they had worked toward with the Board.

Ms. Birch explained that when they return the following fall and prepare next year's proposed budget, they would already have some budget assumptions about this program and they wouldn't try to

find the money and figure it out in the end She said they would need to think through this differently from a policy perspective how to not impact a population that needs this to be able to stay in their home in the County.

Ms. McKeel said that there were people who needed help that this would help, and not to slow that down, and that they were aware that their technology systems were antiquated and difficult to work with at times.

Ms. Birch explained that the Board set the policy, and staff would support the number of applicants. She noted that about 700 were currently in the program. She said that they would determine how to fund the tax relief under budget management, but they did not know what the cost would be. She said that it would be harder to manage the cost without preliminary data about the number of people who would be eligible under the new program. She said that they could increase the eligibility incrementally to best manage the budget.

Ms. McKeel noted that they had a limited source of funds, so setting reasonable expectations was the goal of staff.

Mr. Andrews asked how the use of the Reserve for Contingency would impact the School funding and how the Schools would be impacted from year to year if they did not know the exact cost of the program.

Mr. Sumner said that by the fall, they would have an indication of how the program change would impact revenues. He said after they had preliminary figures, they would move from a long-term financial planning stage to a budgetary phase. He said during the budgetary phase, they would work with the Schools to determine the revenue calculation to include the tax relief program.

Mr. Andrews asked how they would know the figures for the next year. He said that with assessments, they did not always know the exact figures.

Mr. Jeff Richardson, County Executive, said that it was addressed from a structural standpoint. He said that if the Board accepted the recommendations, they were indicating that they were interested in doing more moving forward. He said that they had not explored changing the net worth cap since 2007. He said that they would discuss the matter with Schools early in the budget process starting in the fall. He said that Mr. Bowman would explain to his counterparts in Schools why the tax program was increasing and how the cost allocation would change.

Mr. Andrews said he was interested in a cap on the amount of relief that was available. He said that the core systems modernization would enable a cap on relief. He suggested reconsidering net worth limits, and the fact that some retirees do not receive retirement benefits and depend solely on their savings.

Ms. Price clarified that the \$125 thousand cost increase for the net financial worth limit eligibility increase was due to both the eight expected additional applicants and the existing applicants that would shift in the eligibility brackets.

Mr. Sumner said yes. He explained that they used the eight known applicants to extrapolate the potential number of additional applicants, and that they were expecting more than eight additional applicants. He said that the \$125 thousand cost was a rough estimate of the total cost of the increase.

Ms. Price stated she supported a programmatic budgetary cap, but not during the present year. She asked what someone's tax relief would be if their tax burden increased when they turned 65 and they qualified based on both of the program criteria that would put them in the 100% relief category.

Mr. Sumner said that if an applicant met both of the criteria, then the year they turned 65 they would receive 100% tax relief.

Ms. Price said that Virginia Code § 58.1-3210 provided that the exemption could be for the portion of tax which represented the increase in tax liability since the year such taxpayer reached age 65 or became disabled, or which year the ordinance became effective, whichever was later. She clarified whether the 100% relief would only apply to the difference between the tax burden at age 64 and 65. She asked that staff look at that to ensure the County's compliance with that language.

Ms. Price said that they should review the 10-acre limitation because of the impacts on rural developments. She suggested that the 10-acre limitation should be changed to 21-acre lots with no division rights. She expressed concern that the 10-acre limitation disproportionately disadvantaged people in the rural areas of the County. She said it should be changed to 21 acres with no division rights, and she asked that staff look into that for next year. She said she was interested in pursuing the increase to the income and net worth limits for the current year.

Mr. Andrews clarified that the net worth excluded the applicant's dwelling and the land up to 10 acres, but it did not prohibit someone with more than 10 acres from participating in the program. He said that the first 10 acres would be excluded.

Ms. Price said that answered her question.



Ms. Mallek clarified that the non-excluded acreage would be taxed at the regular rate.

Ms. Price opened the public hearing.

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Ms. Vretos, Samuel Miller District, said that she lived in Albemarle County and was a senior, and expressed concerns that the County calculations did not factor in the yearly increased assessments. She said that they installed solar panels funded by a loan, and the County took pictures of their house, and their assessments increased.

Mr. Frank Vretos said that they had owned their property for over 25 years.

Ms. Vretos said they went through the process for tax relief, but it was difficult, and they were rejected. She said that the County included every asset. She said that the County did not count a home equity loan as a liability.

Mr. Frank Vretos said that they installed solar panels and undergone other improvements that put them in debt, but they felt pushed out by the County.

Ms. Vretos said many people did not know about the tax relief program. She said her mother did not know about the program. She explained that when she helped her mom apply, her mom received 100% relief, but she died before she received the tax relief.

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Mr. Gallaway asked what submission materials were required to qualify for the program.

Mr. Sumner said that many of the documents were tax return information, and if they did not file a tax return, they requested other documents. He said in terms of net worth, they reviewed the value of applicant's assets, such as bank statements, real estate, and associated liabilities.

Ms. LaPisto-Kirtley clarified whether the value of the house was included in the determination.

Mr. Sumner said that the net financial worth limit criteria did not include the value of the residence and up to 10 acres.

Ms. LaPisto-Kirtley clarified that changes in assessments did not change an applicant's eligibility.

Mr. Sumner said yes.

Ms. LaPisto-Kirtley suggested streamlining the application process. She asked whether processing the applications generated a large workload for staff and if the core systems modernization would streamline the process.

Mr. Sumner said that staff reviewed the applications, and they would shift resources to respond to the applications in a timely manner.

Ms. LaPisto-Kirtley asked whether there would be opportunities to streamline the application process for staff.

Mr. Sumner said they would take that into consideration, but it would have to be a component of the systems.

Ms. Mallek asked when the new criteria would take effect. She noted the October deadline was for new applicants. She asked if the reevaluation would occur before the deadline, or would it be delayed another year.

Mr. Sumner responded that if the Board moved forward with the proposed recommendations, they would be effective for the current tax year, 2023. He said the tax bills were due in June and December. He said that they would be able to implement the increased relief program for the current tax year. He said that conversations to expand the program further in the fall would take effect in the following tax year, 2024.

Ms. Mallek asked whether they could increase the net income cap to \$295 thousand for the current tax year.

Mr. Sumner said that the public advertisement was for \$250 thousand, so if the Board were to take action, it would have to be at the \$250 thousand amount or less.

Mr. Steve Rosenberg, County Attorney, said that was accurate.

Ms. Mallek stated that the \$295 thousand would be less limiting. She asked whether it would be possible to reconsider the higher limit since the Board seemed to support raising it beyond \$250 thousand.

Ms. Birch said that if the Board wanted to increase the net income limit, they would have to restart the process to find additional funds from the contingency reserves and restart the public hearing process.

Ms. Mallek clarified that only changing the income limits was to reduce the uncertainty about the required funds.

Mr. Sumner said that was one of the main drivers because they had not changed the limit for 16 years, and they did not know what it would look like from a financial standpoint to completely remove the requirement.

Ms. Mallek stated that people were reeling right now because they did not know how to manage the assessment increases and clarified that any changes other than what was on the docket would not be able to be considered in time for the October application deadline.

Mr. Sumner nodded in agreement.

Mr. Andrews asked if the net worth calculation included home equity loans, even though the residence and 10 acres were not included as an asset.

Ms. Jian Lin, Chief of Revenue Administration, said that for net worth, they subtracted any liabilities other than the mortgage for the property. She said the mortgage did not count as an asset because the house was not included. She said that if there was a mortgage for another property, it would count.

Ms. Mallek asked if loans to pay for home improvements would be considered as liabilities for the net worth.

Ms. Lin said no, because it was against the main property. She said any mortgage or equity loan against the property that was not counted as an asset would not count as a liability.

Ms. Mallek asked whether improvements to the property would be included or if loans to pay for improvements would be counted as a liability.

Ms. Lin said no, unless it was for a different property. She said that the net financial worth did not include such loans for homes because they were included in the property value which was excluded from the calculations for the net worth.

Ms. Price clarified that property owners were provided information on how to appeal the value of the assessment when the assessments were mailed out. She asked if owners were notified on how to apply for relief as a senior, elderly, or disabled person when the tax notices went out.

Ms. Lin responded that there was one printed on the back of the bill.

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

Mr. Gallaway stated that for what was in front of them this evening, he supported the recommendation from staff.

Ms. LaPisto-Kirtley stated she supported the proposed ordinance.

Ms. Mallek said that she was eagerly in favor of income only or the \$295 thousand, which she understood they could not do tonight. She said she would support the proposed ordinance from staff, but that she also supported careful and soon work on the process. She noted that the state net worth cap was expired for several years and she didn't know it. She noted that many people had not experienced the same economic success during the pandemic as others. She said that the County budget required increased revenue to provide necessary services. She said that she looked forward to more discussion and hoped they could agree on expanding the program.

Ms. McKeel stated she supported the staff recommendation. She noted that there was funding to improve the County systems so that they could better address these situations. She said that the pandemic made them aware of how bad the situation was. She said that they wanted to ensure they were helping the right people. She said that they needed to continue to support Social Security and Medicare programs. She said that she supported the cost-of-living adjustment.

Mr. Andrews stated that he supported the staff recommendation and hoped to provide greater relief.

Ms. Price stated she supported the staff recommendation and providing more relief in the future. She said that when Social Security started, there were 13 workers for every recipient, and in 1960, it was five workers, and now it was 2.8 workers for every recipient. She said she supported providing additional financial support to the elderly and disabled, but they must pay attention to the demographic line to not unduly burden non-elderly or disabled individuals.

Ms. Mallek **moved** to adopt the ordinance as presented in Attachment A.

Mr. Andrews **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 Ms. Price.  
NAYS: None.

**ORDINANCE NO. 23-15(1)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE 7, REAL PROPERTY TAX, 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 15, Taxation, Article 7, Real Property Tax, is hereby amended as follows:

**By Amending:**

Sec. 15-709 Real property eligible for an exemption.  
Sec. 15-710 Amount of exemption.

**Chapter 15. Taxation Article 7. Real Property Tax Sec. 15-709 Real property eligible for an exemption.**

Real property that satisfies all of the following requirements is eligible for the exemption established in County Code § 15-708:

- A. *Age or disability.* The eligible owners shall have either:
  1. *Age.* Reached the age of 65 years prior to the taxable year for which the exemption is claimed; or
  2. *Disability.* Become permanently and totally disabled prior to the taxable year for which the exemption is claimed.
- B. *Ownership.* The eligible owners shall have title or partial title in the dwelling. Any interest under a leasehold or for term of years is neither title nor partial title. The eligible owners claiming the exemption shall own title or partial title to the real estate for which the exemption is claimed on January 1 of the taxable year.
- C. *Joint ownership.* Jointly owned dwellings are eligible for the exemption in the following circumstances, provided that any other requirements for the exemption are satisfied:
  1. *Joint ownership with spouse.* A dwelling jointly owned by a husband and wife may qualify if either spouse is 65 years of age or older or is permanently and totally disabled.
  2. *Joint ownership with person other than spouse.* A dwelling jointly owned by two or more persons, all of whom are either 65 years of age or older or are permanently and total disabled.
- D. *Occupancy of the dwelling.* The eligible owners shall occupy the dwelling as that owner's sole dwelling.
  1. *Business uses limited.* The dwelling may not be used in a business that is required to pay a County business license tax or fee.
  2. *Residing in medical or mental care facilities for extended periods does not disqualify.* An eligible owner's residence in a hospital, nursing home, convalescent home, or other facility for physical or mental care for extended periods of time for extended periods does not disqualify the real estate from the exemption. The dwelling continues to be the sole dwelling of the eligible owner during these extended periods in a facility, provided that the real estate is not used or leased to others for consideration.
- E. *Manufactured homes.* A manufactured home is real estate eligible for the exemption if the eligible owner demonstrates to the satisfaction of the Director of Finance that the manufactured home is permanently affixed. Either of the following is evidence that the manufactured home is permanently affixed:
  1. *Ownership and connection to water and sewage lines or facilities.* The eligible owner owns title or partial title to the manufactured home and the land on which the manufactured home is located, and the manufactured home is connected to permanent water and sewage lines or facilities; or
  2. *Permanent foundation or connected rooms or additions.* The manufactured home rests on a permanent foundation and consists of two or more units which are connected in such a manner that they cannot be towed together on a highway, or consists of a unit and other connected rooms or additions which must be removed before the manufactured home can be towed on a highway.
- F. *Maximum annual income allowed.* The total combined income shall not exceed \$83,850 for the calendar year immediately preceding the taxable year.
- G. *Maximum net combined financial worth allowed.* The net combined financial worth shall not exceed \$250,000.00 as of December 31 of the calendar year immediately preceding the taxable year.
- H.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; 6-12-85; 5-13-87; Ord of 12-19-90; Ord. of 4-7-93; Ord. 96-8(2), 12-11-96; Code 1988, § 8-26; 9-9-81; Ord.12-19-90; Code 1988, § 8-26.1; § 15-704, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 03-15(2), 11-5-03; Ord. 04-15(2), 12-1-04, effective 1-1-05; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 14-15(3), 9-3-14; § 15-709, Ord. 19-15(1), 4-17-19; Ord. 22-15(1), 4-20-22, effective 1-1-22; Ord. 23-15( ), 3-15-23, effective 1-1-23); State law reference(s)—Va. Code §§ 58.1-3210 —58.1-3215.

**Sec. 15-710 Amount of exemption.**

The exemption established by this article shall apply only to the real property taxes for the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated. The amount of the exemption for any taxable year is as follows:

Percentage of Real Estate Tax Exempted		
		Net Combined Financial Worth
		\$0-250,000
Total	\$0-\$41,925	100.00%
Combined	\$41,926 - \$62,888	75.00%
Income	\$62,889 - \$83,850	50.00%

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-27; § 15-705, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 04-15(2), 12-1-04; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 0715(1), 10-3-07, effective 1-1-08; Ord. 11-15(1), 5-11-11; § 15-710, Ord. 19-15(1), 4-17-19; Ord. 22-15(1), 4-20-22, effective 1-1-22; Ord. 23-15(1), 3-15-23, effective 1-1-23);

State law reference(s)—Va. Code § 58.1-3212.

Agenda Item No. 17. **Public Hearing: Affordable Rental Housing Grant Program.**

The Executive Summary as forwarded to the Board stated that in April 2019, the Thomas Jefferson Planning District Commission (TJPDC) released the Comprehensive Regional Housing Study and Needs Analysis. The report identified the need for an additional 10,070 affordable housing units in Albemarle County by the year 2040.

On July 7, 2021, the Board of Supervisors approved Housing Albemarle, the County's new housing policy, but delayed implementation of the following elements until a package of developer incentives to support the construction of affordable housing was approved and implemented:

- 1) the increased percentage of affordable housing units in residential developments subject to rezonings or special use permits;
- 2) the increase in compliance periods for affordable housing units; and3) the new price levels for both affordable for-sale and for-rent units.

Between June and October 2021, staff held four meetings with members of the developer community to discuss the components of an incentives package to support the provision of Affordable Dwelling Units (ADU) and developers' efforts to meet the County's affordable housing goals.

On February 16, 2022, the Board held a work session to discuss a proposal for an Affordable Housing Overlay. Based on feedback received during the work session, staff determined that an alternative approach to developer incentives was more appropriate.

On May 4, 2022, the Board held a second work session to discuss affordable housing incentive programs. The focus of this work session was on a possible ADU Program ordinance, which could include developer incentives. As a result of this work session, the Board directed staff to submit a Resolution of Intent (ROI) to consider amending the Albemarle County Zoning Ordinance to include an ADU Program.

On February 1, 2023, the Board held a work session to review and provide feedback on a proposed Affordable Rental Housing Grant Program to support the construction or preservation of affordable rental housing.

As noted during the February 2023 work session, Virginia Code § 15.2-958 (Attachment A) enables the County to provide grants or loans by local ordinance to property owners for the construction or rehabilitation of affordable dwelling units. The Affordable Rental Housing Grant Program, as originally proposed, provided grant assistance in an amount equal to 100% of the cost of water and sewer connection fees for 20% of the total units in a residential rental property. The grant funds would be rebated over a 10-year period.

In response to feedback received from the Board during the February 2023 work session, staff amended the proposed Affordable Rental Housing Grant Program (Attachment B) to include the following:

- 1. Grant funds would be provided to rental housing properties with 11 or more units.
- 2. Rental housing properties receiving grant funding must provide a minimum 20% of the total number of rental units as affordable housing as defined in Housing Albemarle, the County's affordable housing policy.
- 3. The grant term would be 15 years from the issuance of a Certificate of Occupancy.

4. The total amount of grant funding to be provided each year would be equal to a percentage of the property's real property tax increment based on the following schedule: rebate an amount equal to 100% of the tax increment in years 1 - 5; rebate an amount equal to 60% of the tax increment in years 6 - 10; and rebate an amount equal to 20% of the tax increment in years 11 - 15.
5. Total aggregate of real property taxes rebated annually would be equal to 1% of the total amount of real property taxes collected in any given year.

To apply for grant funding, owners of residential rental properties seeking assistance must complete an application form (Attachment C), and submit the completed application along with all required documentation to the Housing Policy Manager. The Board would have final approval of all grant requests.

Implementation of the current Program requires the adoption of an ordinance. Even though the current Program proposes only grants to owners of qualifying rental properties, Virginia Code § 15.2-958 (Attachment A) enables localities both to provide loans and to assist certain owner-occupied housing. Though the current Program does not involve either loans or owner-occupied housing, the proposed ordinance (Attachment D) was drafted to allow future use of the full state enabling authority, if desired.

The budget impact of this program would depend on the number of developers seeking grant support and the number of affordable units for which they are seeking funding.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment D) to enable the County to make grants or loans to support the construction or rehabilitation of affordable housing, including through the proposed Affordable Rental Housing Grant Program.

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Ms. Stacy Pethia, Housing Policy Manager, stated that they were holding a public hearing on an affordable rental housing grant program that evening, as well as an associated ordinance. She said they had provided grants to two affordable housing projects through performance agreements: the Brookdale project and Phase 1 of the Southwood Redevelopment project. She said that they had been done in cooperation with the EDA because the County did not have the authority to provide the grants on their own.

Ms. Pethia said that the proposed ordinance would provide the authority to the County, and it stated that the County would have the authority to create a program to provide grants or loans to support affordable rental housing or to individual homeowners for housing rehabilitation services. She said that the proposed affordable housing grant program was one tool that could be used to implement the ordinance if it was adopted. She said that the Board could defer the item to a later date.

Ms. Pethia stated that in July 2021, the Board adopted the housing policy known as Housing Albemarle, and one of the recommendations in the policy was to develop a set of developer incentives to support affordable housing construction. She said that through June to October 2021, staff had discussed with developers the types of incentives to offer. She said that the Board had a work session in February 2022 about an affordable housing overlay, which the Board did not support, and they had a work session in May 2022 about an affordable dwelling unit (ADU) program. She said the Board passed a resolution of intent in June 2022 to draft an ordinance and a program for that.

Ms. Pethia stated that in February, the Board had a work session on an affordable rental housing grant program, and based on feedback, staff made changes to the proposed grant program, which was what they were discussing tonight.

Ms. Pethia said that the program was focused on the 60% AMI (area median income) category for rental housing. She said that the program looked at a maximum affordable rent set at the 60% AMI level, and it would require a minimum of 20% of the total units in the project to be affordable. She said the rental units would need to remain affordable for 30 years.

Ms. Pethia said the goals of the program included to support the creation of affordable rental housing. She said that the goal could be implemented through the ADU program, and it would be applied to projects with 100% affordable housing. She said it would support the provision of affordable housing through nearby residential development.

Ms. Pethia stated the program proposed to support the preservation of existing affordable housing units through the rehabilitation of rental housing projects. She said the project sought to leverage market activities to advance the goals of Housing Albemarle and to provide transparent and accountable stewardship of public investments.

Ms. Pethia explained that the type of assistance would be a rebate of the net increase in real property tax revenue, and it would be provided over a 15-year term at a graduated rebate scale. She said for the first five years of the program, the applicant would receive 100% of the tax increment paid as a refund, 60% would be refunded from years 6 -10, and 20% of the tax increment paid would be refunded during the final five years of the program.

Ms. Pethia said that during the February work session, the Board expressed interest in a cap on the program. She said staff worked with the budget office to develop the cap, and at the budget office's recommendation, the program was proposing a 1% cap on the aggregate total real property tax collected

in any given year. She said that was about \$2.3 million in the current tax year which could be provided through the program.

Ms. Pethia said for projects to be eligible for the program, the project would need to be a new construction project, the expansion of an existing property, conversion of a non-residential property to a residential rental property. She said that the program would apply to projects with more than 10 units, and the projects had to be located in the development areas. She said the applicant must have control of the project site.

Ms. Pethia stated that if the applicant had applied for a rezoning for the project, then the grant would not be provided until the rezoning application was approved by the Board. She said the project would be required to have 20% affordable housing, a requirement of the state enabling legislation. She said that at least 10% of the affordable units would need to be built for adaptability to full ADA (Americans with Disabilities Act) accessibility, and the grant would require the use of quality grade or higher construction materials.

Ms. Pethia stated that the applicant would need to demonstrate financial need for the project, and the units would have to be reserved for households at or below 60% AMI level. She said that the maximum affordable gross rents with a utility allowance would be set by Housing Albemarle. She said the affordable units should be dispersed throughout the building or property, and they should be comparable in style and size to market-rate units.

Ms. Pethia said to request assistance, applicants can submit an application with supporting documents, and the application would be reviewed by the Housing Policy Manager. She said that recommendations for funding would be forwarded to the County Executive for review and approval for recommendation. She said the recommendation would come to the Board for final approval.

Ms. Pethia explained the program was authorized under Va. Code § 15.2-958, and a copy of the enabling legislation was included in the agenda packet as Attachment A. She said the enabling legislation allowed the localities within Virginia to provide grants or loans for the construction or preservation of affordable housing with the requirement 20% of those units be provided as affordable.

Ms. Pethia stated the ordinance would be included in the County Code as Appendix A.2, Grants or Loans for Affordable Housing. She said that the ordinance was drafted to provide the County with the authority to provide the grants or loans, no matter what tool was used.

Mr. Gallaway clarified that the ordinance gave them the authority to grant or lend money, but did not address the details of a grant or loan program.

Ms. Pethia said that was correct. She said that they were done separately to provide the County with flexibility in the future. She said that whatever tool the Board chose to implement the ordinance, they would be able to change the details of the program without having to go back and amend the ordinance.

Mr. Gallaway clarified that the public hearing was required because of the ordinance.

Ms. Pethia said yes.

Mr. Gallaway asked if a public hearing would be required for a loan program.

Ms. Pethia said that a public hearing would not be necessary.

Mr. Gallaway clarified that the grant and loan program did not require a public hearing after the ordinance was adopted.

Mr. Steve Rosenberg, County Attorney, stated that the Board could proceed with the establishment of a new program without conducting another public hearing.

Ms. LaPisto-Kirtley clarified that the ordinance was boiler plate and necessary to move forward.

Ms. Pethia said yes. She said they chose to bring both together because they could not do the grant program without the ordinance.

Ms. Mallek said that Ms. Pethia mentioned the criteria of conversion to residential and substantial rehab for former commercial spaces and turning those into residential. She asked if there would be a criteria set to prevent the loss of light industrial employment spaces in favor of more apartments, which have other places they could go.

Ms. Pethia stated that they could look to include those requirements.

Ms. Mallek clarified the program applied to multiunit only, 11 units or more, and preservation of existing housing, but only in that commercial rental category as opposed to owner-occupied places.

Ms. Pethia responded that there were two parts to the ordinance. She said that the state legislation allowed the County to provide grants or loans for the construction, preservation, or rehabilitation of affordable rental housing. She said that the second part of the legislation allowed the County to provide grants or loans to individual homeowners for home rehabilitation. She continued that it

did not allow the County to provide grants or loans for the construction of affordable homeownership opportunities.

Ms. Mallek said the homeowner rehabilitation kept the homes livable in the same way that taxpayer money was used by LEAP to do the weatherization for many County residents.

Ms. Pethia said that was correct, it was the same as AHIP and their housing rehab.

Ms. McKeel asked why 11 was chosen as the limit.

Ms. Pethia stated that it was arbitrary, but it was also difficult to supply affordable units in developments with less than 11 units. She said that 11 units had been chosen by a number of other jurisdictions.

Ms. McKeel asked about projects where ownership was contingent on the Board's approval of the project for the purchase of the property.

Ms. Pethia said those projects would not qualify for the program if the rezoning had not been approved. Once the rezoning was approved and they gained ownership of the site, they could work through the program. They could apply, but no funds could be released until they owned the property.

Ms. McKeel clarified that quality grade was a standard designation.

Ms. Pethia said yes.

Ms. McKeel said that economic development should be considered in the program. She noted that they did not want to lose light industrial space.

Ms. Pethia said that she provided a holistic review of the programs based on her background in urban revitalization and regeneration. She said that communities had to be revitalized with more than jobs, and they had to consider housing, education, jobs, and health care. She said that it was important to work with economic development.

Ms. McKeel asked if it was possible to match the period of affordability between the programs so both were for 30 years.

Ms. Pethia said that it was possible, but they had to consider the amount of the grant that would be provided over that period of time. She said that depending on how many projects and the available funding, the cost burden could add up. She said the longer the grant term, the greater the impact on County revenue.

Ms. McKeel asked if there would be a simpler way to implement the loan disbursement period in the graduated rebate scale.

Ms. Pethia said that the length of time was not the issue, but the amount of funding provided was the issue. She said that for incentives, they wanted to support projects but not significantly negatively impact the County's budget over the long term.

Mr. Andrews asked whether tax increments with decreasing disbursements made it difficult to finance a project. He asked if there was developer feedback.

Ms. Pethia said that a flat rate was fine, but it was dependent on what percentage of the increment would be refunded to the project over the period. She said that County tax revenue rebates could not be used for services.

Mr. Andrews clarified that they were only acting on the ordinance.

Ms. Pethia said that was correct. She said the program was totally separate from the ordinance.

Mr. Andrews noted that the ordinance language referenced the program approved by the Board on April 19, 2023, as may be revised from time to time.

Ms. Price clarified that in the staff report, it said that the total aggregate of real property taxes rebated annually would be equal to 1% of the total amount of real property taxes collected in any given year. She confirmed that the 1% budget cap was a maximum, not a flat allocation.

Ms. Pethia said yes.

Ms. Price asked how applications would be chosen if the 1% was exceeded.

Ms. Pethia said at the moment, it was first-come first-serve. She said that they could consider an annual or biennial application process so they could do a share against all of them.

Ms. Price requested that they look into that so that smaller property owners without the staff, resources, or expertise to appreciate that would not be disproportionately adversely impacted.

Ms. McKeel asked for clarification about the requirements being adjusted for household size.

Ms. Pethia said that the income limits were broken down by household size. She said that rent amounts were based on bedroom sizes. She said that Housing Albemarle tied affordable rents for a unit to the actual AMI. She said that many localities used the payment standards for the housing choice voucher program, which were set at a level of 50% - 54% AMI. She said that the amount was brought up to 60% AMI, then was adjusted by bedroom size, the number of bedrooms, and the number of people who could occupy the unit.

Ms. Price opened the public hearing.

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Ms. Valeria Long, Williams Mullen, expressed concerns that the language of the ordinance was tied to the grant program specifically. She said that the development community did not believe the grant program was sufficient. She suggested that the reference to the grant program be struck from the ordinance. She said that the ordinance stipulated the affordability term of 30 years and that it be set 60% AMI for rentals and 80% for sale. She said that such stipulation would limit the Board moving forward as it developed a grant program. She said that the ordinance could be defined with greater flexibility. She expressed a concern about the 1% cap, which would be \$2.3 million for the entire program each year. She said that that would include the rehabilitation of existing projects, which would eat up the \$2.3 million, and there would not be enough left for the development community.

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Ms. Lila Law, Impact Charlottesville, said she was from the White Hall District. She said that they appreciated the effort to support grants and loans for affordable housing. She said that Housing Albemarle was passed in 2021, and its implementation was contingent on the passage of developer incentives, which they considered on that day. She said the policy called for the creation of an affordable housing trust fund, listed as a priority in the first three years of the policy's implementation. She said that it was crucial to establish the trust fund, and it was a nationally recognized best practice. She said that the trust fund could supply loans or grants to provide gap funding for affordable housing construction.

Ms. Price said that the topic was an affordable rental housing grant program, separate from a trust fund.

Ms. Law stated that the implementation of the trust fund was one of the incentives in the ordinance.

Ms. Price stated that the hearing was on a specific program, not the trust fund. She clarified that the trust fund was not part of the public hearing for the grant program.

Mr. Rosenberg stated that there were two separate items before the Board, the adoption of the ordinance which allowed the establishment of various programs, and a program that was not a trust fund program. He said that the Board's rules of procedure stipulated that comment be related to the subject of the public hearing. He said the Board could suspend the rules.

Mr. Gallaway said that the comments seemed related to the topic of the public hearing.

Ms. LaPisto-Kirtley asked if there would be another opportunity to address the trust fund.

Ms. Price said there would not be another opportunity during the meeting.

Mr. Gallaway said the comments were related.

Mr. Rosenberg stated the Board's rules required speakers to speak about issues which were relevant to the item for which the public hearing was being held.

Mr. Gallaway said that the comments were relevant.

Ms. LaPisto-Kirtley said that the comments were not relevant.

Ms. Mallek said the comments were relevant.

Ms. McKeel said that the comments were relevant. She said that they should make the rules clearer to individuals.

Mr. Andrews said the comments were relevant to the public hearing.

Ms. Price said she agreed the comments were relevant after the Board discussion.

Ms. Law continued her comments. She stated that the affordable housing trust fund would provide the loans or grants for gap funding to build affordable housing. She said the advantages to a trust fund provided a comprehensive approach to realizing affordable housing goals. She said that people continued to struggle to afford housing in the County.

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Mr. Tom Eckman, IMPACT (Interfaith Movement Promoting Action by Congregations Together)



Charlottesville, said he lived in the Rivanna District. He said that he supported the simplification of pathways to obtain affordable housing grants and loans. He said that the trust fund should be created through an ordinance for accountability. He said that a trust fund could leverage additional funding and provide more opportunities.

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Mr. John Frazee, IMPACT, said that 10,000 homeowners and renters struggled with affordable housing. He said they supported simplifying the process to create grants and loans for affordable housing. He said affordable housing built strong communities. He said they supported the hiring of a new staff member to support affordable housing. He encouraged the Board to create an affordable housing trust fund and increase critical affordable housing stock.

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Ms. Frances Lee-Vandell, White Hall District, expressed concerns after hearing the Board's discussion on tax relief. She said she did not feel comfortable about how things were handled that evening with allowing people to speak on matters related to the affordable housing trust fund. She said that she was discouraged from making comments and would defer to another time.

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Mr. Gustavo Espinosa, Legal Aid Justice Center, stated that he worked with tenants in Albemarle County and tenants in low-income housing tax credit properties. He said that there was an affordable housing crisis. He said that AMI increased every year as wealthier people moved to the area. He urged the Board to consider how AMI increased and to consider people at 30% AMI. He agreed with the comments from Impact speakers about the need to fully implement Housing Albemarle so they could get on to the housing trust fund that was a commonsense solution that would help them leverage the money that was out there. He said that mitigating the housing crisis would reduce evictions.

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Mr. Mike Pruitt, Scottsville District, stated he supported the proposed ordinance. He said that people were continuing to be pushed out of the County because housing was unaffordable, and people were struggling to maintain or downsize their properties. He said that he had a Veterans Affairs housing stipend, but he lived with two roommates and still struggled to make housing payments. He said that there was not enough housing in the County, and median rents for a single person were higher in the County than in Richmond, Virginia Beach, and Charlottesville. He said that the County had more people who were rent burdened than Arlington or Alexandria. He said that they required a robust grant program and housing trust fund to supply the necessary funding. He said that the Board should consider the crisis for what it was.

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Mr. Neil Williamson, Free Enterprise Forum, said that the Board should strike the language in the ordinance that references the plan to be approved, and he expressed concerns about the implementation and plans for the ordinance. He said that the proposed program would benefit nonprofits. He said that rezoning was expensive and risky for applicants, and funding for the program was limited. He said that they needed to appropriately fund the affordable housing program to provide assurance to developers who fund an expensive rezoning application that funding would remain available. He said he supported the ordinance with the one change he mentioned, but he hoped the program would not go anywhere today.

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Mr. Andrews asked for clarification about the housing grant program and housing fund reserve, which carried over to the housing trust fund idea.

Ms. Pethia stated that they were two separate entities. She said that the housing fund reserve was funded through cash in lieu for affordable housing payments they received from developers, budget allocations, or year-end funds. She said the proposed grant program would not require upfront cash from the County. She said it would refund a portion of the real estate property taxes that the property owners paid. She said they were two different mechanisms that supported affordable housing. She said if a tax rebate program was used, then funds in the housing fund could be used to focus on the most vulnerable people in the community. She said that the grant program was useful to help for-profit developers to provide affordable housing.

Ms. Mallek asked if the 1% funding bucket could be used to offset service costs.

Ms. Pethia responded that through the proposed grant program, the County would always receive some level of property tax.

Mr. Andrews said that the County Attorney had provided an amended ordinance that struck the reference to the grant program.

Mr. Rosenberg said that if the Board wanted to only adopt the ordinance, the revised ordinance would allow the Board to move forward. He said that in § A.2-202, subsection A, it removed from the definition of applicant a reference to a specific program. He said that in § A.2-205, a reference to a specific program was removed.

Ms. Pethia said she supported the proposed revisions.

Mr. Gallaway said he supported the revisions.

Ms. LaPisto-Kirtley stated she supported the revisions.

Ms. Mallek said she supported the revisions.

Ms. McKeel said she supported the revisions.

Mr. Andrews said he supported the revisions.

Ms. Price asked about removing references to affordability periods in A.2-204(A) to make the definitions more general by referencing the housing policy.

Ms. Pethia said that the minimum of 20% was in the state enabling legislation, so she recommended that it remain. She said that the 30-year minimum was in the housing policy, but the state minimum was 10 years.

Ms. Price asked if it was appropriate to remove the 30-year requirement and put “as defined in the County’s housing policy”.

Ms. Pethia stated that if the Board wanted to change the requirement, it should be amended to 10 years because of the state enabling legislation.

Mr. Gallaway said that he was not concerned about the definitions in the ordinance because the program would define everything.

Ms. LaPisto-Kirtley said she agreed with the recommended changes.

Ms. Mallek said that she supported the 30-year requirement, so the period was not constantly under negotiation. She said that buildings typically required renovation after 30 years. She said that 10 years was too short.

Ms. McKeel clarified that the 10 years was a minimum, and the Board could change the length.

Ms. Pethia stated that the terms could be set for longer periods for the programs that were implemented.

Ms. McKeel said that both items in the ordinance should reflect the state statute to be consistent.

Mr. Andrews said that he agreed with Ms. McKeel. He noted that the Housing Albemarle policy was 30 years, so their expectation was 30 years.

Mr. Rosenberg suggested that the Board defer action so that staff could appropriately draft the ordinance according to the Board’s direction as to the desired changes.

Ms. Price said she agreed with the deferral request. She suggested that the ordinance referenced the 20% and 10-year requirements.

Ms. Mallek clarified that the state requirements were a minimum, but it was not saying that that was adequate, and she was concerned about the proposed change.

Ms. Price said that it would reference the housing policy which had a 30-year requirement.

Ms. Price said if there was no further discussion, the floor was open to a motion to defer, a motion to approve with amendments, or any other motion a Supervisor wanted to make.

Ms. McKeel **moved** that the Board defer the proposed ordinance (Attachment D) until staff has a chance to make the necessary changes and bring it back to the Board.

Ms. LaPisto-Kirtley **seconded** the motion.

Mr. Andrews asked for the status of a public hearing for the future adoption of the ordinance.

Mr. Rosenberg said that there was a requirement to afford the public the opportunity to comment when it came back to the Board, but there was no need to advertise it again.

Ms. Price said the County Attorney and the Clerk would figure out which day this would come back to the Board, and asked the Clerk to call the roll on the motion to defer.

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 Ms. Price.  
NAYS: None.

There was none.

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Agenda Item No. 19. Certify Closed Meeting.

There was none.

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Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 20.a. Letter of Support for the Botanical Garden of the Piedmont America the Beautiful Challenge.

Ms. Price said that they added a Letter of Support for the Botanical Garden of the Piedmont America the Beautiful Challenge. She said it did not require a public hearing but was open for comments. She said their submission deadline was April 20, and that no financial commitment was required.

Hearing no questions or comments from Board members, she opened the floor for a motion.

Ms. LaPisto-Kirtley **moved** to authorize the Chair to sign a Letter of Support for the Botanical Garden of the Piedmont America the Beautiful Challenge.

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

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

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Item No. 20.b. Other matters from the Board.

Ms. Mallek said that it was ironic that they were considering the property tax waiver changes on the same day as looking at 1% of their total revenue being generated for affordable housing, which was needed, but was going to put the poorest homeowners into jeopardy with their houses.

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Agenda Item No. 21. Adjourn to April 26, 2023, 6:00 p.m. Lane Auditorium.

At 9:34 p.m., the Board adjourned its meeting to April 26, 2023, 6:00 p.m. Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

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Chair

Approved by Board
Date: 03/19/2025
Initials: CKB