

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 21, 2022, at 2:00 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 H. Andrews, Mr. Ned Gallaway, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, and Ms. Donna P. Price.

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:00 p.m. by the Chair, Ms. Donna Price.

Ms. Price said the opportunities for the public to access and participate in the hybrid meeting are posted on the Albemarle County website, the Board of Supervisors homepage, and the Albemarle County Calendar. She said participation would include the opportunity to comment on those matters for which comments from the public will be received.

Ms. Price stated that Ms. LaPisto-Kirtley had requested to participate remotely in accordance with applicable Board Rules of Procedure, Rule 8(B)(1)(b), enacted pursuant to the Freedom of Information Act and stated that she was unable to attend the meeting in person due to a personal medical condition. She said that Supervisor LaPisto-Kirtley was visible on the monitor and asked her to please state her location.

Ms. LaPisto-Kirtley said she was located in Keswick, Virginia.

Ms. Mallek **moved** to allow Ms. LaPisto-Kirtley to participate remotely. Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSTENTIONS: Ms. LaPisto-Kirtley.

Ms. Price thanked the Albemarle County Police Officers in attendance at the meeting, Sgt. Jason Freisstat, Officer Ben Chisom, and Officer Angela Jamerson.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said Item 8.2 of the Consent Agenda, SE202200038 Burchs Creek Tier 2 Tower Project had been pulled from the Consent Agenda and would be added to the action agenda later today. She asked if there were any other amendments proposed to the agenda.

Ms. McKeel **moved** to adopt the agenda as amended. Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

Mr. Andrews said that early voting began on Friday. He said on October 1, Simpson Park in Esmont was having a community fair from 5 p.m. to 7 p.m. and a movie in the park. He said there was a Batesville Apple Butter Weekend coming up on October 8 and 9, where you could reserve apple butter up until October 3 and order it from there. He said on September 29, there would be a discussion of the conclusions of the Climate Vulnerability and Risk Assessment from 6 p.m. to 7:30 p.m. in Lane Auditorium and accessible through Zoom.

Mr. Gallaway said today he was wearing a tie that was given to him by former Chair and longtime School Board member Steve Koleszar. He said he gave the tie to him upon his retirement from the School Board, around the time Mr. Gallaway had been following former Governor Ralph Northam's example of not wearing ties during the pandemic. He said he brought this up today and could not think of a better way to honor Mr. Koleszar, who stood up for people, especially those who needed others to stand up for them. He said he was disgruntled and appalled at their governor's actions for his own political gain, going after transgender students and trying to dictate their schools' policy for those students.

Mr. Gallaway said he appreciated Superintendent Haas, who sent out a message to their school community reiterating that their policy on this matter was still in force. He said he would encourage, as he

could not direct the School Board attorney or other attorneys around this state, to get ready, because he found this very frustrating that this governor was targeting this population and he would say to any School Board attorney and their School Board that he would support all efforts and resources to help protect this group of students so that they may live their lives with dignity. He said he would not continue for political reasons, but he believed employees in this County, families in this County, and especially these students in this County needed to know that they, as a Board, had their back.

Ms. McKeel said she appreciated Mr. Gallaway bringing that to their attention. She said she must have missed Mr. Haas's email.

Mr. Gallaway said it probably went only to parents.

Ms. McKeel said she missed it but appreciated him bringing it to their attention. She asked if he could forward it to her because she would like to read it. She said she agreed wholeheartedly with his comments and was appalled at the treatment of transgender students. She said Mr. Lance Stewart came to her Community Advisory Committee (CAC) meeting on Monday night and presented the approved Fashion Square Mall proposal of storage units and J.C. Penney. She said Lisa Walker from the school division presented the Lambs Lane Campus Master Plan to the CAC as well as community members who attended. She said at some point, the Board of Supervisors should be able to see the Master Plan and presentation, which would be important since 25% of children in the public-school system go to school on that campus.

Ms. Mallek said her announcement was about "Dipping for Dolly," an ice-cream fundraiser for the Dolly Parton Imagination Library. She said there were groups all over Central Virginia that provided books to children in their homes to help them learn to read. She said it was Monday, October 23 from 4 p.m. to 7 p.m. at the Moo-Thru on Preston Avenue. She said Dino's Pizza, Elevate Coffee, Bee Conscious Baker, and Milkman's Bar were supporting this as well. She said the Crozet Arts and Crafts Festival was happening on October 8 and 9, and at the Crozet CAC meeting last week there was a presentation from Daniel Butch and Tim Padalino about the Parks and Rec Department and all the plans going forward.

Ms. Price said a few weekends ago as part of the Sorensen political leaders' program, she went to Marion and Bristol, Virginia, where the most significant experience was going to Coronado Coal and Buchanan Mining, where they learned substantially the difference between thermal coal and metallurgical coal. She said thermal coal was what was used for energy production and heat, where most of the concern and air pollution came from. She said that metallurgical coal was a key component in the manufacturing of steel, and without metallurgical coal, they did not have the capability of producing steel. She said it was very important that they not have extreme views on anything and look at all details.

Ms. Price said she joined 95,566,521 Americans with Covid last week. She said there were over 1,050,000 deaths and 30,000,000 who experienced long Covid. She said there were 60,000 infections per day. She said fortunately, because she had been vaccinated four times and because of antivirals, it was only a disruption of her life and not a potential death sentence. She said she encouraged people to continue to get vaccinations and use safe practices. She said there continued to be hundreds of deaths per day, and while the president said that they were beyond the pandemic, the reality was that medically they were not. She said the latest booster focused on the Omicron variant was available. She said now that she had been infected she would have to wait three months, but the availability to get appointments was there now.

Ms. Price said last week with the death of Queen Elizabeth II and her funeral procession, she was watching a PBS special about the United States and the Holocaust. She said, as the only LGBTQ member of the Board and the only transgender individual, she generally tried to stay away from making comments related to those issues because she did not want to be seen as just "the transgender Supervisor." She said she is a Supervisor that just happens to be transgender. She said with what was happening in Nazi Germany and the dehumanizing actions taken principally against Jewish people, there were great parallels with the legislative actions that had been taken concerning the LGBTQ community and particularly those who were transgender. She said book-banning was being proposed all around the country at a level that was rarely, if ever, seen before.

Ms. Price said going back to books and judging people, when it came to sex there were six components: chromosomes, genes, hormones, gonads, internal reproductive organs, and external genitalia, and too many people when talking about biological sex talked only about the last, external genitalia. She said when it comes to gender, there were studies that showed the bed nucleus of the stria terminalis of the brain was directly related to gender identity, and there was a biological component of being LGBTQ. She thanked Mr. Gallaway and Ms. McKeel for standing up for the community she was a member of that was being attacked unfairly and used as a political tool.

Ms. McKeel said she had an email that she would like to share. She said they had discussed a renovation at the Charlottesville-Albemarle Regional Jail, and this Board supported going to the State to request 25% funding for that proposal if they determined the three localities should pursue the renovation. She said Superintendent Kumer said in the email that the Department of Corrections Board voted to approve the request for 25%, so that would go to the General Assembly as part of their package if the three localities decide they would move forward.

Ms. Price said that the Proclamation Celebrating Hispanic and Latino Heritage Month would be postponed until the evening portion of the meeting due to the significance of the event and its connection to one of the public hearing items that evening.

Ms. Mallek said it was listed as Item 16.

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

Ms. LaPisto-Kirtley read the rules for public comment.

Ms. Price said there was one online sign-up, but the rules had been covered for that.

Ms. Ryan Woodbury said that she and her husband lived in Batesville in the Samuel Miller District, directly across the street and roughly 120 feet from the proposed cell tower location with their three children. She said that was 120 feet from their front door. She said while they lived in a rural area, they had many immediate neighbors who would be directly affected by the tower's location. She said they bought their home in 2004 and had been restoring it on their own for the past 18 years. She said they were fortunate to purchase two homes next door to them, which they had renovated and converted into long-term rental homes, small businesses that would suffer when potential renters learned of the cell tower's proximity.

Ms. Woodbury said they were strongly opposed to any special exception being given regarding this project. She said the guidelines were adopted for a reason and there was no good justification for the Board of Supervisors to depart from following those guidelines. She said the tower would already be taller than what was originally proposed, and any additional spread of the antennas or items added to this tower would make it more of an eyesore than it already would be. She said it was important to note that no one in their neighborhood was aware that this tower was in the works. She said while most of them were not opposed to a cell phone tower in the area, they were opposed to it being located right on the road in their immediate neighborhood and so visible to contributing homes in the Batesville Historic District.

Ms. Woodbury said this process had been unfair to Batesville property owners and residents; they should have been alerted to this project by mail in 2017 when it started. She said no one in their community saw the small notice that ran in the Daily Progress in 2018. She said as a result, there were no public comments in opposition to the tower during the Section 106 review. She said the letter from the County Planning Division that was sent this June pertaining to the special exception was not sent to all of the neighbors who would be affected by the tower and its close proximity. There were neighbors who did not share property lines with Miller School who would be affected as well. She said they moved to the Batesville Historic District for its rural character and bucolic setting. She said not only would the cell tower have a significant visual impact on them, there would also be cooling fans and a generator which would create noise and increase the negative impact on them and their neighbors.

Ms. Woodbury said they asked Verizon and Miller School to consider another location on its vast acreage where it would not so negatively impact the neighborhood and historic district. She said as of yesterday, they were informed that they were not willing to look at alternate locations. She said the school owned 1,600 acres, and there was ample acreage for an alternative site. She said lastly, the FCC claimed that cell phone towers did not pose a health concern, but how did they know that for certain? She asked if they would be concerned about their own children and grandchildren living 100 feet from a cell phone tower. She said they were not willing for their children to be guinea pigs in this situation. She said if this played out how Miller School and Verizon had planned, they would be forced to move away from a home they loved and worked hard to create. She said they appreciated the Board of Supervisors' careful consideration of this request for a special exception and hoped they would deny this unnecessary request.

Ms. Woodbury said she hoped to see them at the Apple Butter Festival.

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Mr. Jeff Woodbury stated that he agreed with his wife, Ms. Ryan Woodbury. He said he and his family first became aware of this project in June and since then he had struggled to come to grips with what was being imposed on their home and the neighborhood by Miller School and Verizon. He said they understood the extent of their purview today had nothing to do with the tower's location, but he asked that they temper this project's impact by denying the request for the exception on the antenna mount. He asked what the point of having guidelines was unless they were adhered to. He said if an exception were approved, it implied the guidelines were irrelevant and would only serve to encourage bending the guidelines on future projects.

Mr. Woodbury said this project, ill-conceived from inception, had progressed to this point unbeknownst to those who would be impacted the most. He said this pole and bay station would be less than 100 feet from his front yard and not more than 100 feet from his house and would sit on the side of the road in the view of the neighboring homes and all who passed by. He said approving this special exception would make an already-inappropriate situation that much worse. He asked them to please consider the County residents who were most impacted, who depended on the Board and other County representatives to develop and enforce guidelines and not allow the guidelines to be set aside in this case.

Ms. Shannon Worrell said she was a landowner in the Batesville Historic District and her home was less than 300 feet from the proposed tower, which she will be able to see while lying in her bed. She said she strongly opposed the special exception for the additional antenna. She said no one from the adjacent Batesville Historic District was included in what should have been a community-based and community-centered process that set the location. She said Miller School, named for Batesville's own Samuel Miller, had been working on this project for 10 years without any input from the surrounding neighbors.

Ms. Worrell said her question to the Board of Supervisors was what the Board's long-term vision for how they would address the encroachment of information technology infrastructure on their communities and their families. She said the technology was ever-evolving, the health and safety data were inconclusive, as well as digital privacy issues. She said it was their responsibility to create an adaptive strategy that protected the historical, environmental, and human resources of Albemarle County. She said the six inches may seem immaterial to them, but it set an unknown and potentially deleterious precedent to allow private landowners to slap towers up without community approval. She said she appreciated Miller School's concern for their students' safety in these uncertain times. She said she hoped that they would extend that concern to their neighbors and friends in Batesville and the Samuel Miller District.

Ms. Worrell thanked the Board for everything they do and said she hoped to see them at Batesville Apple Butter.

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Ms. Emily Gary said she lived in Batesville as well. She said she was present today because she strongly opposed the request for Special Exception 202200038. She said her house sat across the street from the Batesville Historic District and next to, in fact, 150 feet from the proposed location of the cell tower. She said not only would it be a significant eyesore, but she would be forced to listen to a generator, cooling fan, and motor on the antenna. She said clearly, Verizon recognized that this cell tower would be unsightly because they were planning to paint it brown and hide it with saplings.

Ms. Gary said in July of 2021, she had a ruptured brain aneurysm and her health was being closely monitored by neuro-interventionalists at Martha Jefferson Hospital. She said with the placement of this cell tower, she would have increased concern for her health. She said the American Cancer Society did not take a position on the close proximity to cell towers because more research was needed. She said the addition of a cell tower so close to her property would pose health risks for her and force her to move from her home soon, as opposed to much later in her life. She said it would significantly reduce its value, creating financial hardship.

Ms. Gary said she was a single mother of three children who she supported entirely on her own and she was relying on the ultimate sale of their home far in the future to fund her retirement. She said having to sell their home earlier than expected would hurt her and her children financially and emotionally. She said she moved to this home in 2007 and it was the only home her youngest son had ever known. She said they were made aware of this proposal in June of 2022, the project began in 2017 and a notice was put in the paper of January 2018. She said no letters were sent when Section 106 was under review and she and her neighbors were not given an opportunity to respond to this construction. She said she appealed to them for reconsideration of the special exception request as well as the entire project. She said Miller School had ample land and they have other choices.

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Mr. Wayne Hamilton said he was a Batesville community member who lived about 300 meters from the proposed area. He said he did not have a formal monologue but, from his personal perspective, his children went to Seven Rivers Country Day School on the Miller School campus, and he was very familiar with the faculty and the people who lived on Miller School. He said he understood and appreciated that the schools themselves did not want to have the cell tower close to their school for aesthetic reasons, because Miller School was a beautiful school. He said the staff and faculty also lived there and children from all over the world were boarded there. He said there was a perception of a cell tower being close to a school, children, or faculty members and staff.

Mr. Hamilton said as his neighbors described, Miller School has a lot of land, and it seemed ridiculous to choose to site the tower 120 feet from community members who attended the school and yet knew nothing about the proposal or involvement in that choice. He said his layperson's perspective was that if it was 500 meters into the woods or area, this would not be an issue. He said it did not make much sense, and he felt like it was a David and Goliath situation with them against Verizon and the school, because he was a community member observing what would be a detrimental effect on their community. He said it was an unnecessary tension between their community and Miller School, which historically had been fantastic.

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Mr. John Foster said he and his family lived at 1562 Burchs Creek Road, within the historic district in Albemarle County, near and soon to be within view of the cell tower under consideration for the Tier II cell tower special exception on today's agenda. He said their house was built in the 1870s and was a contributing structure to the Batesville Historic District. He said he would second all of his neighbors' comments today. He said the County regulations and process for siting Tier II cell towers had failed the Batesville community. He said they were only made aware of the project after the applicant and

landowner had gone through the entire siting and engineering process. He said it was clear this was intentional by the applicant and enabled by the County's lack of regulation.

Mr. Foster said as such, they were now being told by the applicant it was too late to move the location, even though it was proposed for a parcel of land over 1,000 acres in size with innumerable locations away from houses and at the same elevation as the current location. He said they had lived in Batesville for seven years and cell coverage had not been a concern. He said he had service at his own house and made a call while attending a bike race at Miller School over the weekend with no issue. He said they also had high-speed internet and hopefully would soon get fiber internet. He said while cell phone coverage in the area was not perfect, the County should not reward this poorly-planned cell tower project with a special exception. He said the County's historic resources were worth protecting, and it was up to elected officials to provide leadership and guidance to prevent projects like this that could have easily been modified to avoid the visual and audible impacts. He asked the Board to please deny the special exception and begin the process of reviewing the County's regulations related to protecting Albemarle's historic resources.

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Mr. Nathan Holland said he was a county resident and representing Verizon Wireless. He said he was present to represent the application and answer any questions. He said he wanted to address a few items he heard regarding this project. He said it began in 2017, but the project was put on hold by Verizon and was not brought back until this year. He said they were not trying to pull anything over anyone's eyes. He said it required going through Historic Preservation Office review, which was part of FCC requirements. He said that process was started, reviewed, and approved by them, and they were now going back to them for revision that was made to the application regarding the height of the tower. He said that process had not yet finished but withstanding anything else, they must abide by whatever the State Historic Preservation Office said about the height of the tower.

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Ms. Laurie Schweller greeted the Board and said she was an attorney with Williams Mullen, representing Verizon Wireless. She said a Tier II treetop tower not in an avoidance area was a by-right use, which was the reason there were no public community meetings and no public hearings. She said the County developed the regulations for Tier II wireless to avoid litigating every wireless facility that came before them, which they used to do. She said they fully complied with all of the many restrictions set out in the Personal Wireless Facility Ordinance, which was an 11-page ordinance that included a single monopole, 10 feet above the reference tree, painted Sherwin Williams java brown, landscaping, and all the things necessary to comply with Tier II regulations.

Ms. Schweller said they had scores of Tier II wireless facilities in Albemarle County that remained unnoticeable. She said, with the exception of Mr. Bill Fritz from Albemarle County staff, she would challenge anybody to name five Tier II towers, they are that discreet. She said this facility would not have visual and audial impacts on neighbors. She said as seen in the photographs provided by the County and the photo simulations Verizon Wireless produced from those, it would not be visible from neighboring roadways and properties. She said as to noise, there was no noise generated by the antennas or other equipment on the facility, and the only potential noise that could ever be generated by this facility was if a generator was installed for when the power went down, which was very common in the Batesville area. She said there were no current plans to install a generator, and if one were installed, it would run 15 minutes per week for testing, and the sound was similar to an air conditioner and not an obtrusive noise. She said it would only run continuously if the power were to go out so that they would still have wireless service.

Ms. Schweller said the ordinance currently provided that the closest distance between the pole and the antenna was 12 inches, and the farthest distance was 18 inches, and that was because they used to physically tilt the antennas down toward where service was needed, but now that can be done internally to the mechanism, so they put it out 18 inches uniformly rather than in a tilt. She said they routinely came before the Board to ask for a special exception for that 12-inch minimum distance. She said that was all they were doing today.

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Ms. Valerie Long said she would take slight exception to her colleague, Ms. Schweller's, comments since she also could name at least five Tier II towers.

Ms. Long said she wanted to thank Mr. Gallaway and others for their comments at the beginning of the meeting. She said she received a copy of Superintendent Haas's email as a parent of a public-school student, and for the benefit of the public, there was a link in his email where people could provide public comment, because they were merely proposed guidelines at this point. She said she encouraged them to spread the word about that.

Ms. Long said she was present today to discuss the presentation they would be hearing later this afternoon about utility-scale solar facilities. She said they worked with renewable energy companies around the state to help them bring their projects to fruition, and they were encouraged by the bold statements that were included in the bold Climate Action Plan they adopted last year that encouraged utility-scale solar.

Ms. Long said when they saw today's presentation that reviewed the staff report, they were concerned there was nothing in the staff report about referencing the Climate Action Plan. She said there were obviously lots of land use issues that would be part of that policy review and consultant process, but

they wanted to be sure that the important strategies and action items that were included in the Climate Action Plan that supported and encouraged utility-scale solar energy facilities were not lost in the shuffle. She said for reference, one of the strategies was “to enable and incentivize utility-scale renewable energy projects in the County code and during the community development regulatory process.” She said second was to “partner with utilities and renewable energy companies to increase local renewable energy and energy storage initiatives.”

Ms. Long said action items included “establish a County policy clarifying this strategy to enable and incentivize utility-scale renewable energy projects, review the building, zoning, subdivision, land use, and tax sections of the County code for opportunities to better facilitate and incentivize renewable energy projects, and develop a policy to support utility-scale renewable energy projects,” and finally, “conduct a study in cooperation with renewable energy companies to identify locations for utility-scale projects in Albemarle County and prioritize the use of rooftops, parking lots, brownfields, landfills, and post-industrial lands.” She said they hoped they would consider those important strategies as they developed.

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Ms. LaPisto-Kirtley read the abbreviated rules for online comment.

Mr. Scott Remer, White Hall District resident, said that he wanted to provide a brief update to the Board regarding the Woodridge Solar Project in the Scottsville District. He said there was a significant amount of community engagement over the last couple of months and since the County’s last feedback to them, they had a significant amount of community engagement and buffed up their application with leading elements of the project being smart-pollinator qualified, guidance issued by the state that made sure that projects were not only providing clean energy and power but helping preserve and conserve land, a key focus of the entire approach with the project.

Mr. Remer said multiple panels were moved to minimize the impact on neighbors and as the Board continued to look at how Albemarle County would handle these utility-scale projects, they hoped they would continue to look at the Climate Action Plan, which their project was tethered to. He said they hoped the Board continued to implement those and hoped their project could serve as a template and guide the responsible development of solar.

Ms. Price asked Ms. Borgersen if that was the last speaker signed up.

The Clerk, Ms. Claudette Borgersen, said that was correct.

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Agenda Item No. 8. Consent Agenda.

Ms. Price said Item 8.2 had been pulled. She asked if there were any other items were to be pulled. Hearing none, she asked if there was a motion.

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

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

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Item No. 8.1. Schedule a Public Hearing to Consider the Adoption of an Ordinance to Amend County Code Chapter 8, Licenses, and Chapter 15, Taxation.

The Executive Summary forwarded to the Board states that the Department of Finance and Budget is recommending updates to Albemarle County Code Chapter 8, Licenses, Article 1 and Chapter 15, Taxation, Articles 1 and 8, to conform with and as authorized under the following relevant sections of the State law.

- Virginia Code §§ 58.1-3981 and 3990 provides that the local governing body may authorize the Director of Finance to approve and issue any tax refund up to \$10,000 that was collected as the result of an erroneous assessment.
- Virginia Code § 54.1-4002 provides the local governing body the authority to set the number of pawnshops allowed in a locality.
- Virginia Code § 58.1-3706 A 4 provides the rate of license taxes for repair, personal and business services, and all other businesses and occupations not specifically listed or expected in this section.
- Virginia Code § 58.1-3521 provides that the County may quarterly prorate the property taxes on manufactured homes.
- Virginia Code § 58.1-3001 provides that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in tax of less than fifteen dollars, the County may provide that such tax be omitted from the personal property book and no assessment made thereon.

If adopted, the proposed ordinance in Attachment A would become effective immediately and authorize the Department of Finance and Budget to initiate any tax refund payment up to \$10,000 resulting from an erroneous assessment by revising Section 8-201 E of Article 1, Business License of Albemarle County Code Chapter 8, Licenses, and Section 15-106 of Article 1, Administration of Albemarle County Code Chapter 15, Taxation, to conform with Virginia Code §§ 58.1-3981 and 3990 as shown in Attachment A.

If adopted, the proposed ordinances in Attachment B and C would become effective January 1, 2023 and:

- Provide additional State code reference to Section 8-703 for the number of pawnshops allowed in the County authorized under Virginia Code § 54.1-4002 as shown in Attachment B.
- Provide classification accuracy for all other businesses and occupations not specifically listed or expected in Virginia Code § 58.1-3706 by replacing Section 8-712 with Section 8-716, to conform with Virginia Code § 58.1 -3706, and sequentially renumbering Sections 8-713, 8-714, 8-715, 8-716 of Article 1, Business License of Albemarle County Code Chapter 8, Licenses, as shown in Attachment B.
- Allow quarterly proration of the personal property taxes on manufactured homes authorized under Virginia Code § 58.1-3521 by adding Section 15-806 of Article 8, Personal Property Tax of Albemarle County Code Chapter 15, Taxation, as shown in Attachment C. This revision will provide equitable assessments, improve customer experience, and result in minimal revenue impact.
- Allow tangible personal property levies for the year resulting in less than five dollars be omitted from the personal property book and no assessment made thereon as authorized under Virginia Code § 58.1-3001 by revising Section 15-800 and renumbering Section 15-807 of Article 8 Personal Property Tax of Albemarle County Code Chapter 15, Taxation, as shown in Attachment C. This revision will improve customer experience for those with tax bills less than five dollars, provide payment process savings and result in minimal revenue impact.

Staff anticipates minimal impact to the budget.

Staff recommends that the Board schedule a public hearing to consider the adoption of the attached proposed ordinances (Attachment A, B, and C).

**By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing to consider the adoption of the proposed ordinances (Attachments A, B, and C).**

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Item No. 8.3. Places 29 Rio and Places 29 Hydraulic Community Advisory Committee (CAC) Boundaries.

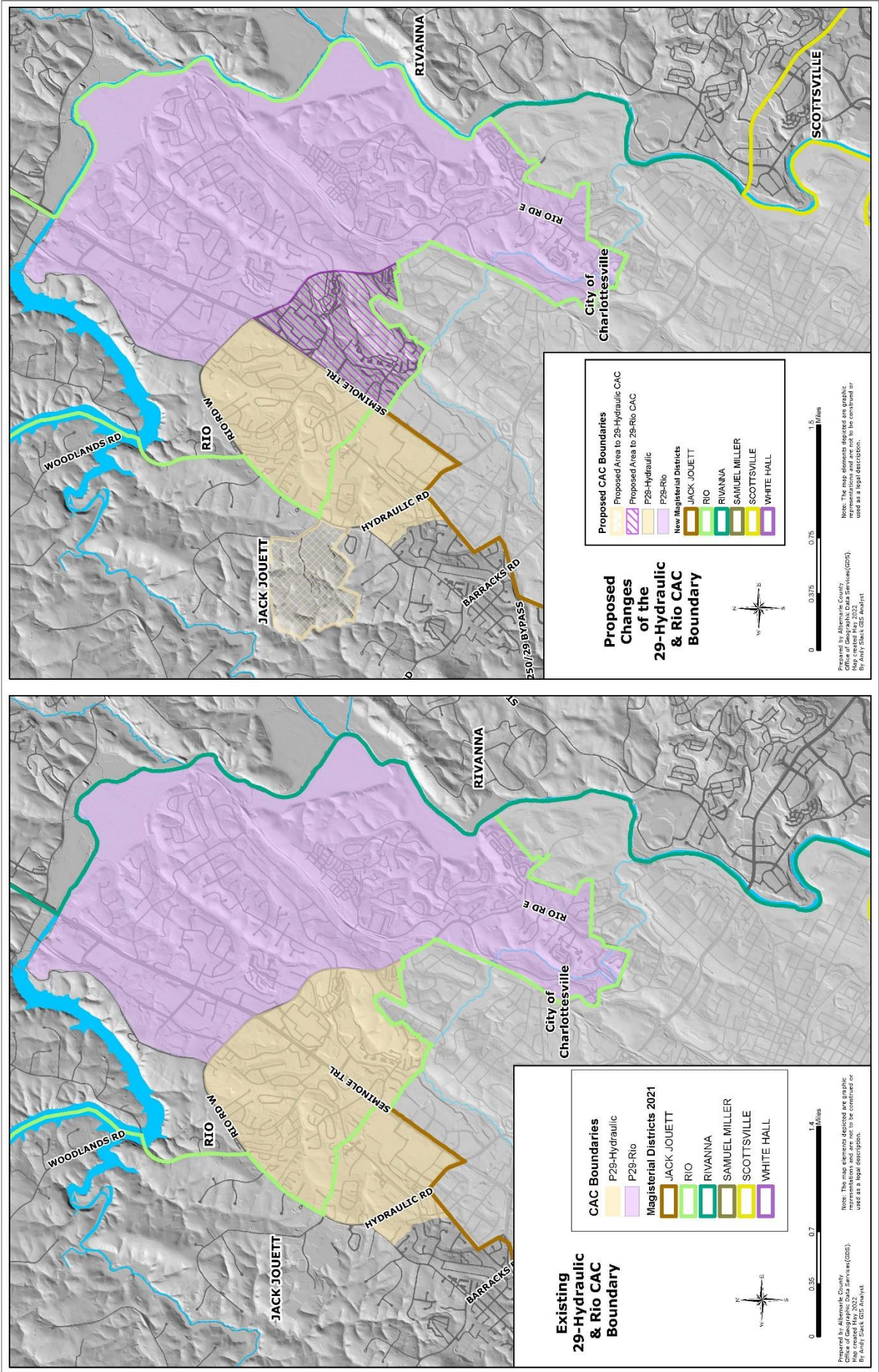
The Executive Summary forwarded to the Board states that in 2015, the Places29 Community Advisory Committee (CAC) was divided into three separate sub-committees: Places29-Hydraulic, Places29-Rio, and Places29-North. The current alignment of the Places 29 Hydraulic sub-Committee extends beyond Route 29 and down portions of Rio Road. The 29 Solutions road project constructed a grade separated interchange at Route 29, establishing a more significant barrier between these two neighborhoods. Since that time, several planning studies have also been completed, including the Rio29 Small Area Plan and the Rio Road Corridor Study. Additionally, multiple new developments have been approved and/or completed within each sub-committee area that have impacted the character of each of these neighborhoods.

The attached draft boundary map (Attachment A) reflects proposed changes between the Places29 -Hydraulic and Places29-Rio sub-Committees to better align with magisterial districts and existing neighborhoods. These proposed changes would acknowledge Route 29 and the grade separated interchange at Rio Road as the division line between these two sub-Committees. Additionally, the Lambs Lane Campus has been included in the Places29-Hydraulic area to foster continued engagement with the community regarding the recently completed campus master plan. These changes would allow the Places29-Hydraulic sub-Committee to focus on proposed developments and master plan elements west of Route 29, while allowing Places29-Rio sub-Committee to focus on proposed developments and master plan elements east of Route 29. Minor revisions have also been proposed for language regarding membership to match language of other CACs.

No budget impact would be associated with this boundary amendment.

Staff recommends that the Board adopt the proposed revisions to the Places29 Community Advisory Committee boundary map (Attachment A) and Fact Sheet (Attachment B).

**By the above-recorded vote, the Board adopted the proposed revisions to the Places29 Community Advisory Committee boundary map (Attachment A) and Fact Sheet (Attachment B).**



**PLACES 29 COMMUNITY ADVISORY COMMITTEE  
FACT SHEET**

**General Community Advisory Committee Information**

- Background:** Community residents, local government, the business community, and other organizations play a role in shaping a community. The Master Plans are created with substantial time and effort from all these groups collaboratively. To continue that collaboration and communication, the Plan calls for the appointment of a citizen group that will serve as one of the major vehicles by which the communities will remain engaged in the plan's implementation. The Committee can provide a venue for neighborhood meetings for development projects and for the Master Plan revision process.
- Charge:** The Advisory Committees will provide assistance, feedback and input to County staff and the Board of Supervisors on community and county efforts related to implementation and support of the adopted Master Plan, in accordance with established county procedures. Advisory Committee members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, businesspeople, and representatives of community groups a chance to be engaged and to be heard in a constructive and meaningful way. The Committees will be a catalyst for helping foster a sense of community and work towards effective and efficient Master Plan implementation. Committees are a venue to discuss and provide comments on program and policy questions and/or proposals. Community Advisory Committees are an important venue for discussion and Committees can provide feedback and indicate preferences related to development proposals, although Committees do not have a legislative role in the development process.
- Timing:** The Advisory Committee should be formed immediately after the adoption of the Master Plan.
- Time Commitment:** All Committees will meet together as a group annually to focus on issues of common interest to development area communities and individual committees will meet several more times during the year as needed based on master plan implementation activity.
- Liaison Role:** The role of the liaison is distinct from the appointed members. Liaisons should report back to their Board or Commission at their regular meetings with a synopsis of the Committee's meetings/activities, as appropriate. Liaisons may also identify agenda topics in order to receive feedback from the Committee on a pertinent topic or project. Liaisons should provide information or context during discussions as requested but should allow appointed Committee members to lead and fully engage in conversations so they can fulfill their advisory role.
- Responsibilities:**
1. Serve as liaisons by: 1) contributing to public understanding of and encouraging support for Master Plan implementation; 2) keeping the community informed of the needs, purposes, and progress of Master Plan implementation; 3) encouraging interest and participation in community and county efforts related to the Master Plan and participation in public meetings; and 4) enhancing collaboration among all community stakeholders.
  2. Gather input from constituencies represented and bring these issues to the attention of staff and the Committee and distribute information from the Committee back to constituents.
  3. Stimulate creative thinking in examining implementation issues and identify ways of using community resources to meet implementation needs and challenges.
  4. Provide advisory input, comments, and information to the Board of Supervisors on new and emerging policies, projects, and programs as requested.
  5. Maintain a forward-looking agenda with respect to the adopted Master Plan and policies of the Board of Supervisors. Committee meetings are not the appropriate venue to oppose adopted policy.
  6. Commit to support and work to implement the adopted Master Plan.

**PLACES 29 COMMUNITY ADVISORY COMMITTEE**  
**FACT SHEET**

7. Work with Staff to provide an annual report of activities to the Board of Supervisors in accordance with the Board of Supervisors' adopted Rules of Procedure for Boards and Commissions.

- Principles:** To assist with meeting facilitation thereby ensuring that all members' voices are heard, and viewpoints considered, all Committee members will:
- ❖ Familiarize themselves with the Vision and Implementation Plan of the Master Plan and work in coordination with County staff to provide input on Master Plan implementation.
  - ❖ Act on the basis of information and understanding and in support of the projects, policies, and programs outlined in the Master Plan.
  - ❖ Focus their efforts strategically to achieve the greatest possible contributions.
  - ❖ Strive to achieve a consensus on actions/recommendations that are important to Master Plan implementation.
  - ❖ Comment as a council constructively and with appropriate suggestions and offers of help.
  - ❖ Work toward benefiting Master Plan implementation rather than special needs or interests.
  - ❖ Accept responsibility for the success of the Advisory Committee by contributing appropriate time and energy.

**PLACES 29 COMMUNITY ADVISORY COMMITTEE  
FACT SHEET**

**Places29 Community Advisory Committee Information**

**Structure:** The Places29 Community Advisory Committee will be comprised of three sub-Committees, Places29-North, Places29-Hydraulic, and Places29-Rio. Places29-North will focus on the Piney Mountain and Hollymead Neighborhoods. Places29-Hydraulic will focus on the neighborhoods and businesses between Hydraulic Road and **Route 29** ~~Rio Road~~ in the Places29 Master Plan area. Places29-Rio will focus on the neighborhoods and businesses between **Route 29** ~~Rio Road~~ and the Rivanna River in the Places29 Master Plan area.

**Membership:** The Board of Supervisors shall appoint eleven members to each of the three subcommittees (Places29-North, Places29-Hydraulic, and Places29-Rio). Each member shall be a resident of or business owner in Albemarle County. For all representatives, the member's home or business shall be located within their appointed sub-Committee's geographic area; representatives from adjoining areas may also be appointed as deemed appropriate by the Board of Supervisors. An individual may not serve on more than one sub-Committee. Each sub-Committee shall have members along the following representations:

Representation	P29 North	P29 Hydraulic	P29 Rio
Large Neighborhood	2	2	2
Small Neighborhood	1	2	2
Development Community	1	1	1
Business Community	2	2	2
School Community – staff, school board, PTO parent member	1	1	1
Office/R&D/Flex/Light Industrial or Heavy Industrial	2	1	1
Urban Mixed Use	1	1	1
Other – RSWA, RWSA, CHO Board, non-profit or community group with a focus on open space, water resources, transit, etc.	1	1	1

**Liaisons:** Each sub-Committee will have one Board of Supervisor liaison and one Planning Commission liaison. Liaisons will be appointed based on magisterial districts within the Master Plan boundaries for the sub-Committees. For Places29 North, the BOS Liaison will be appointed from the Rivanna District and the Planning Commission liaison will be appointed from either the Rivanna District or the At-Large member. For Places29- Hydraulic, the BOS Liaison will be appointed from the Jouett District and the Planning Commission liaison will be appointed from either the Jouett District or the At-Large member. For Places29-Rio, the BOS Liaison will be appointed from the Rio District and the Planning Commission liaison will be appointed from either the Rio District or the At Large member.

**Joint Meetings:** The Places29 sub-Committees will meet jointly two times each year to discuss Master Plan topics across the planning area.

**Length of Term:** Members will be appointed for either a 2- or 3-year term to stagger the transition of new members on and off the council. After initial appointments, terms will be for 2 years. While Members will be generally expected to serve no more than 2 terms, additional terms may be considered if desired and if the Board of Supervisors deems appropriate.

**PLACES 29 COMMUNITY ADVISORY COMMITTEE  
FACT SHEET**

- NOTE:** Each committee member will receive the following, some of which will be distributed prior to the first meeting and some of which will be developed during the first committee meetings with the committee:
- 1. ~~Copy of the~~ [Places29](#) Master Plan
  - 2. ~~Copy of the~~ Information for Advisory Committee Members
  - 3. ~~Copy of~~ Advisory Committee Procedures
  - 4. Advisory Committee Members List
  - 5. Advisory Committee Meeting Schedule

\*Also see Albemarle County Community Advisory Committee Rules of Procedure (Revised March 2015).

Item No. 8.4. JAUNT Proxy.



434.296.3184  
www.ridejaunt.org  
104 Keystone Place  
Charlottesville, VA 22902

July 29, 2022

**VIA EMAIL**

County of Albemarle  
Attn: Jeff Richardson, County Executive  
401 McIntire Road  
Charlottesville, VA 22902

Dear Mr. Richardson:

Jaunt, Inc. will hold its annual shareholders’ meeting on Wednesday, October 12, 2022 at 9:30 A.M. at Jaunt offices, 104 Keystone Place, Charlottesville, VA 22902. We need your governing body to appoint a proxy to vote its shares at this meeting. Proxies will elect executive officers to the Jaunt Board of Directors, may be called upon to appoint the executive director position, and cast votes on any other matters that may come before them at shareholders’ meetings.

Your proxy may be the County Executive or one of your appointed Board members. You may appoint the proxy for only this meeting, or for the length of their term of office if they are a Jaunt Board member. Below is a list of County appointed Board members, their term length, term expiration date, and meeting attendance for FY2022.

Board Member	Term Length	Term Expiration Date	FY22 Mtg. Attendance
Jacob Sumner	3 Years	09/30/2023	6 out of 6 meetings*
Ray East	3 Years	09/30/2022	11 out of 11 meetings
Fran Hooper	3 Years	09/30/2022	11 out of 11 meetings
William Wuensch	3 Years	09/30/2023	10 out of 11 meetings

*\*Appointed December 2021*

Enclosed is a form for use in officially designating your proxy. Please fill out this form and return it to Jaunt at your earliest convenience. Thank you for your assistance with this procedure.

Respectfully,

Ted Rieck, AICP  
Chief Executive Officer



JAUNT, INC. PROXY

The undersigned hereby appoints \_\_\_\_\_ with the power of substitution, proxy to act and vote all shares of the undersigned at the annual meeting of the shareholders of Jaunt, Inc., a Virginia Public Service Corporation, on Wednesday, the 12<sup>th</sup> of October, 2022 and any adjournments thereof, upon the election of directors, and, in his or her discretion, upon such other matters as may properly come before such meetings.

This proxy shall be valid:

- ☐ Only for this meeting
- ☐ Until the end of their term

City/County of: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By the above-recorded vote, the Board appointed Jacob Sumer to serve as JAUNT Proxy for the length of his term which expires on September 30, 2023:

JAUNT, INC. PROXY

The undersigned hereby appoints Jacob Sumner with the power of substitution, proxy to act and vote all shares of the undersigned at the annual meeting of the shareholders of Jaunt, Inc., a Virginia Public Service Corporation, on Wednesday, the 12<sup>th</sup> of October, 2022 and any adjournments thereof, upon the election of directors, and, in his or her discretion, upon such other matters as may properly come before such meetings.

This proxy shall be valid:

- ☐ Only for this meeting
- ☒ Until the end of their term

City/County of: Albemarle

By: Jeffrey Richardson

Title: County Executive

Date: September 21, 2022

Jaunt, Inc. • 1114 K P v c t n h P. Plar p tharInttecui l Virginia 779117 • Z Z 9cIR 31614 www.ridpjalint-nrrl

Item 8.2. SE202200038 Burchs Creek Tier II PWSF Tower Projection Special Exception.

The Executive Summary 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 the antenna be no more than 12 inches from the facility and that the farthest point of the back of the antenna be no more than 18 inches from the facility. This special exception request is to increase the distance of the closest point of the back of proposed antenna from 12 inches to 18 inches from the facility. At no point would the back of antenna project more than 18 inches.

The applicant’s special exception request (Attachment A) and Staff’s Analysis (Attachment B) are attached.

Staff recommends that the Board adopt the attached Resolution (Attachment I) to approve the special exception, provided that no antenna project more than 18 inches from the face of the monopole to the farthest point of the back of the antenna.

\* \* \* \* \*

Mr. Andrews said that there had been significant input about the community’s concerns, but he also hoped to hear briefly from staff about the Tier II process and the County’s involvement separate from Board reviews, the history of the special exception, the difference between 12 inches and 18 inches, and what the minimum distances from nearest neighbors were, what the minimum distance was, and what sized lot was needed.

Ms. Price asked Mr. Richardson if there was a County staff member available to address this.

Mr. Richardson said yes.

Mr. Kevin McCollum, Senior Planner with the Planning Division of the Community Development Department, said he was the lead reviewer on this application. He said there were three different types of personal wireless facilities that they had in the County, Tier I, Tier II, and Tier III. He said Tier I were antennae that were affixed within an existing building or attached to an existing building or structure. He said a Tier II was referred to as a treetop tower, no more than 10 feet taller than the closest tree that was within 25 feet. He said Tier II towers must not be in an avoidance area, such as a historic district or entrance corridor. He said a Tier III tower was anything that was not a Tier I or Tier II tower, typically the largest, also including towers within a historic district or entrance corridor.

Mr. McCollum said the ordinance was specific when laying out the nature of review for each of these three types of towers; Tiers I and II were reviewed and approved administratively, so if all those applicable regulations were met, staff had the ability to approve these types of applications. He said this Tier II application was being discussed as to whether or not the special exception that was approved today could be approved by staff since all of the regulations had been met. He said Tier III towers, on the other hand, were discretionary and reviewed during the special permit legislative review process. He said Tier III towers, different from Tier II, required Board of Supervisors approval. He said today they were discussing Special Exception SE202200038, which was a request to increase the closest distance of the back of the proposed antenna to 12 inches to 18 inches.

Mr. McCollum said as shown on the screen, they were asking for the bottom of the antenna to be 18 inches from the tower, meaning they would be parallel to the tower. He said the Board had the authority to act on the special exception request, but it was staff's opinion that this mounting would have no additional impact on this tower. He said as part of this Tier II tower review, there was a site visit performed and the applicant held a balloon test, during which they drove all over this area of the County and tried to see any spot from the road, or from the nearby historic district, where the balloon could be visible.

Mr. McCollum said they took photographs of all of those sites and provided them to the applicant, who created these photo simulations of what the tower could look like. He said that based on their visit, the photo simulations, and all other relevant information, staff concluded that this increased standoff from 12 inches to 18 inches at the top of the tower would have no additional impact. He said he wanted to emphasize this by showing two of the photo simulations that were provided to them. He said the photograph on the slide showed the view looking southeast toward the tower. He showed another photo simulation standing on Burchs Creek Road looking north at the tower, with red arrows indicating the tower and the fenced area surrounding it.

Ms. LaPisto-Kirtley asked if the fence surrounding the facility would require tree-cutting or if the fence was already in place.

Mr. McCollum said the site plan itself showed the number of trees that would be removed. He said the applicant was required to identify all the trees that would be removed, so if any were removed to put in the fence, they were already identified on those plans.

Ms. LaPisto-Kirtley asked if the trees would be replaced.

Mr. McCollum said the reference tree itself had to remain in place, and all other trees that were not identified to be removed must remain if they were within 100 feet of the tower.

Ms. LaPisto-Kirtley asked if the removal of the trees to put the fence in would not affect the covering or shading of the pole.

Mr. McCollum said that was correct.

Ms. LaPisto-Kirtley asked if Mr. McCollum stated that Tier II did not require a public hearing.

Mr. McCollum said that was correct. He said a Tier II tower was an administrative review; if the applicant came in and met all the regulations and did not need special exceptions, it did not require a public hearing and could be approved by staff.

Mr. Andrews said that he understood the special exception was needed for the 12 inches to be changed to 18 inches, but he did not understand the origin of that rule. He asked why they would need to act on whether something was 12 inches or 18 inches if 18 was allowed at the top. He said it seemed an arbitrary thing to be asked to rule on.

Mr. McCollum said at the time these regulations were adopted, they had the intent to down-tilt, which must have been related to the technology at the time. He said the towers that came in now wished to mount them parallel, and if the County were interested in updating their regulations at some point, that could be considered. He said those were the regulations and they were asking for an exception to them.

Mr. Bill Fritz of the Community Development Office said that the original regulation was 12 inches, and the applicants requested that the top portion be increased to 18 inches to allow the downward tilt; the reason it was 12 inches was because the 12-inch standoff combined with the diameter of the tower and with the size of the antenna were part of their efforts to minimize visibility, and the standard was increased to 18 inches at the top sometime in the 2010s.

Mr. Andrews asked if they knew what the loss would be if they put in a parallel antenna at 12 inches instead of 18.

Mr. Fritz said typically, the greater the standoff, or separation of antennas from one another, improved the overall coverage and capacity of the system. He said they would like those antennae to be standing off as far as possible. He said if they could have 20 feet off, they would choose to do so. He said giving them 18 inches when they were so close together gave more flexibility with the technology.

Mr. Andrews said it was a slippery slope as they allowed further and further from the antennae.

Mr. Fritz said the County had historically looked at it as a visibility concern rather than a technical concern, although the downward tilt increase from 12 inches to 18 inches was technical as it allowed them to push the signal toward the people and where they were down on the ground.

Mr. Andrews said he understood the Tier II criteria and the proximity to the historic district, while it was outside the historic district, he would like to understand the rules concerning distance from a boundary line and nearest neighbor.

Mr. Fritz said the tower had to be set back a distance that was equal to the height of the tower from the property line, or they needed to obtain an easement from the adjoining property, or the Board could grant a special exception for a reduction in that setback.

Mr. Andrews asked how far the 87-foot-tall tower was from the property line.

Mr. McCollum said he did not know the distance to the property line, but it was closer than 100 feet from the road. He said it was beyond that to the property line, to his understanding.

Ms. Mallek said the historic district proper had its own set of rules for the avoidance area. She asked if there was no setback in their rules from the historic district.

Mr. McCollum said that was correct. He said their provisions were to site the tower so it was visually mitigated from the district.

Ms. Mallek said to follow up on Ms. LaPisto-Kirtley's question, looking at the simulation pictures, she did not see any that were marked for removal, and she asked if that meant they stipulated all trees in the photo would stay there.

Mr. McCollum said he did not believe the photo simulation factored in the trees that would be removed. He said there were seven identified on the plans to be removed and at least 15 or 16 identified that would remain, and an existing tree line along the road that should remain, but those trees were not identified specifically. He said when the applicant came in for a building permit, they would have to submit a tree conservation plan, so that would fully identify all the trees that would remain.

Ms. Mallek asked if there was a formula used in that step to mitigate the removal of trees with replanting to achieve what they were presenting in the photographs.

Mr. McCollum said his understanding was that they were showing all the trees that would be removed, and he could not comment on if they were adding additional trees but he did not believe so.

Ms. Mallek said that they should expect the landscape to change if heavy construction would be taking place. She asked if, once the tower was built, if there were dramatic changes in the screening that happened, there was follow-up required to meet County standards on that.

Mr. McCollum said he believed the tree conservation plan would require some trees to be maintained, at least the trees identified in the conservation plan, so if they died, they should be put back in. He asked Mr. Fritz if that was correct.

Ms. Mallek asked if it would be effective screening.

Mr. Fritz said the setback to the property line was 196 feet to the southern property line and around 87 feet to the center line of Burchs Creek Road, which was the property line there. He said those were the two setbacks in place and the location of the tower.

Mr. Andrews asked if it was an 87-foot power line that was 87 feet from the road.

Mr. Fritz said yes. He said it was a .1-foot greater setback than the height of the tower. He said it was 196 feet to the property line to the south. He said there was one exception, and that was where a tower was located next to a VDOT right-of-way. He said if a reduction in setback was permitted, VDOT was okay with it, so they did not have to go through a process, and VDOT was one of the reviewers on this, and they cited no objections.

Mr. Fritz said in regard to Ms. Mallek's question, when County staff looked at these plans, the plans showed the trees that would be removed. He said staff would take into consideration the trees that would be removed when determining what the individual impact was going to be, and if they thought the trees that would be removed would cause an increase in visibility, they would say that they were not

meeting the requirements and they must keep the trees or move the trees.

Mr. Fritz said as part of the conservation plan, they must show the trees were all going to stay, which they already had done some of on this plan, and had to meet the normal conservation plan requirements, cannot park equipment in the drip line, could not damage the trees to cause them to be removed. He asked if that answered Ms. Mallek's question.

Ms. Mallek said it did. She asked if the neighbors were informed of the balloon tests.

Mr. McCollum said that they treated the Tier II items as a site review committee item, so all abutting neighbors were sent a letter with information, and some came to the balloon test, some were unavailable, but they were informed of the balloon test.

Ms. Mallek said that more notice was better, because when people found out later that they did not know something, they were always angrier. She said the screening was important because one of the towers that was put up before these rules had lost all of the trees around the ground equipment, so anybody who drove up and down the road in the Samuel Miller District could see the machinery clearly because there was nothing there.

Mr. Andrews asked if he could hear the history of the special exception request from 12 inches to 18 inches and if they faced this issue as a Board before. He said he would like to identify how many they had.

Mr. Fritz said that there had been numerous requests, and he could not begin to say how many they had done. He said he believed he had sent something to Andy Herrick recently about the number of requests in the past year. He roughly estimated about 10 in the last year but said he could not be quoted for the total number, just that there had been many.

Mr. Andrews said that they were going to see some Tier III soon and they were in the process of looking at the ordinance, and he hoped they would make sure they were comfortable with the requirements as they were stated. He said he was troubled by the distance to the neighbors and the idea of just making it within the height and distance to the historic district. He said with that being said, he realized they were being asked to rule on a six-inch offset, and he realized the applicant's property rights here and interest in having self-coverage at Miller School. He said it was a difficult situation but he thought they needed to be vigilant about these rules and look at them thoroughly to understand what happened and how to learn from it.

Ms. Mallek said she looked forward to more discussion to improve the process whenever they could, but she understood the restrictions the process had put on her right now.

Mr. Gallaway said that there was a comment during public comments that asked what their long-term plan was. He said they would be reviewing their wireless policy, which was grossly out of date. He said there were probably varying differences of opinion on this Board as they worked through that process, but those who were interested, when they began doing the outreach to begin that policy, to make sure they paid attention and put their input in on that, because once it was set in stone, that would be their policy moving forward.

Ms. McKeel said she looked forward to modernizing and updating their cell tower policy, which was almost 25 years old. She said the technology had changed a lot since then.

Ms. Price said if not for the six-inch tilt, this would be an entirely by-right approval, so that was what they were looking at. She said she could easily ask why they did not just move to a different location, but she recognized that some expenses were outside of the realm of what they were asked to look at today. She said she concurred that improving their notification process and updating their policy would be advisable. She asked Mr. Andrews if he preferred to make the motion.

Mr. Andrews said he would defer to whoever wished to make a motion.

Ms. McKeel **moved** to adopt the Resolution (Attachment I) to approve SE202200038 Burchs Creek Tier II Tower Special Exception.

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

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

\* \* \* \* \*

**RESOLUTION TO APPROVE  
SE 2022-00038 VERIZON WIRELESS – BATESVILLE TIER II PWSF**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00038 Verizon Wireless Batesville Tier II PWSF application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40 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 the special exception request to modify the requirements of County Code § 18-5.1.40(b)(2)(c), provided that no antenna authorized by this special exception may project more than 18 inches from the face of the monopole to the farthest point of the back of the antenna.

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Agenda Item No. 9. **Presentation:** Piedmont Virginia Community College Update.

Dr. Jean Runyon greeted the Board. She said she joined Piedmont Virginia Community College (PVCC) on July 1 and was honored and excited to serve as the sixth president. She said before coming to PVCC, she had the privilege to serve at three comprehensive community colleges, two in Maryland and one in Colorado, and coming back to Virginia was like coming home. She said many of her years growing up were in the Virginia Beach and Norfolk area because her father served in the military, and her mother was celebrating her 90th birthday today at her home in Virginia Beach.

Dr. Runyon said it was wonderful to join PVCC as they celebrated their 50th anniversary. She said so much had changed since they opened their doors 50 years ago on September 25, and the contributions and accomplishments in the community had been achieved with the advocacy and support of every member of the college community. She said when thinking about their students, since they opened their doors in 1972, about 250,000 students had come through their doors and 17,000 students had earned certificates and degrees, and others had adjoined opportunities through the workforce and their academic programs. She said the success of their students was remarkable, and these successful lives created strong communities. She said there was much to celebrate as part of their 50th anniversary and their strong community partnerships, and she wanted to mention that for example, last year they had just over 1,000 graduates, and 32% of those graduates identified this County as their home.

Dr. Runyon said another partnership they were proud of was their dual enrollment program with the local high schools. She said by the numbers, these students and their parents saved \$1.1 million in tuition, which allowed them to have an early college experience to either come to Piedmont to complete a certificate or associate degree, or to transfer to a four-year institution. She said she was fortunate that Dr. Friedman left the next strategic plan for them to create, so they were launching that planning process in October and were committed to building on the successes they already had in the community and looked forward to their community engagement as they looked to the future as well. She said she wanted to thank them for their support, as the contributions through local funds made the Bolick Advanced Technology and Student Success Center's construction possible.

Dr. Runyon said she believed that leadership began by learning and listening, so she was conducting discovery tours on the campus and in the community to inform who they were and to set the stage for the future as well. She said they were asking community members to complete a survey, and their annual reports had a QR code on the back. She said she hoped they would all take a chance to complete the survey to share what made PVCC unique, what they valued, the untapped opportunities, and how they could continue to support the community. She said they remained committed to ensuring they were the community's college and committed to serving the community's needs. She said she was excited and honored to be here and looked forward to being a part of the community.

Ms. LaPisto-Kirtley said she was very happy to have Dr. Runyon on board and was glad she was meeting with members of the community. She said she would do a great job and PVCC was something that had held up as an example of what they should be doing as far as a community college. She said she began her education in a community college and went on to get a bachelor's and master's degree. She said there were many advantages to community colleges, and she welcomed Dr. Runyon.

Mr. Andrews thanked Dr. Runyon for being here and welcomed her. He said he hoped they would continue to partner with PVCC in the future as it was a great asset to the people.

Ms. Mallek welcomed Dr. Runyon to her new home. She said she was excited for even more work going forward on the workforce, because she knew they had construction academies and certificate programs that were underway now, and she looked forward to that being expanded to meet the needs of their young, middle-aged, and older community members.

Mr. Gallaway thanked Dr. Runyon and welcomed her to the community. He said he wished her luck in her leadership role. He said that PVCC was certainly a pillar in this community.

Ms. McKeel welcomed Dr. Runyon to the community. She said community colleges were important when considering the current price of college. She thanked Dr. Runyon for being here. She said she attended the PVCC graduation this year where she watched a vast diversity of students graduate. She said she hoped they would continue their partnership with Albemarle County Public Schools.

Ms. Price thanked Dr. Runyon and her office for reaching out and arranging for her to come there today. She said she represented the magisterial district in which the college was located and she was extremely thankful to have her in Albemarle County and the Scottsville District. She said in the six years that she had been there, she had been to so many events and performances at the college, and as excited as they were moving out of the pandemic, they were to be able to have more of those public

engagements. She said their college was a cornerstone of what they did in the community. She thanked Dr. Runyon and her entire organization for all they did.

Ms. Runyon thanked the Chair and the Board members. She said she looked forward to their collaborations and 50 more years of excellence and impact.

Mr. Richardson said he wanted to thank Dr. Runyon for being there today. He said several weeks ago at their "SEAS the Day" event in southern Albemarle County, there were several community partners at that event, and PVCC was very well-represented that afternoon; as a result, he, Mr. Henry, and several staff members would be meeting at Dr. Runyon's office to discuss what opportunities there were between the college and Albemarle County government.

Ms. Price said she forgot to mention that PVCC had been recognized as the #1 community college for veterans in the Commonwealth.

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Agenda Item No.10. **Presentation:** Utility Grade Solar.

Mr. Fritz said he would discuss the history and what was being done currently, the potential areas for improvement to review solar facilities, and their proposed approach and next steps. He said in 2017, the Board of Supervisors amended the ordinance to add solar energy systems to the Rural Areas by special use permit. He said at that time, there were no specific regulations or special review procedures, so they were reviewed just like any other special use permit with the provisions in Section 33.

Mr. Fritz said they amended the ordinance and got applications. He said three had been approved, the first was Rivanna which was an 11MW project done in early 2018; Midway, an 8MW project approved in 2021 and 4MW of battery storage; the Ivy Materials Utilization Center (MUC) at a total of 3 MW in 2021; and currently under review was the Woodridge application in the southern part of the County at approximately 238MW. He said they just received new information on the application that was under review so it may not be up to date.

Mr. Fritz said that during the review of these applications, they received several comments, and he had put some key ones on the screen. He said these included visual impact; impact on agricultural and forestal land; decommissioning and restoring the property; issues of stormwater management; environmental impacts of the equipment, both onsite and the production of that equipment; the maintenance of vegetation and the equipment onsite; and any mitigation techniques such as screening, pollinators, and plantings. He said these were some of the issues they identified already in the reviews.

Mr. Fritz said there were opportunities for improvements to the review process and regulations that would be specific to solar energy systems. He said this would include the application process, regulations, and review criteria, which were previously not included in the CDD work program, but they could add it to the Zoning Modernization initiative utilizing the team they already had with the Berkley Group.

Mr. Fritz said they were proposing that they did that and that the consultant focus on what the best practices were by looking at other localities and their own locality, siting agreements and if they should do them, appropriate fees for the review of these applications, what information should be submitted for the application, should there be performance standards, how they reviewed the information submitted, and the state code also included revenue share options for solar energy systems. He asked how they should implement those. He said there were also potential ordinance amendments to incorporate all of those items.

Mr. Fritz said the next step would be for staff to return to the Board of Supervisors with an ROI (Resolution of Intent) with a very detailed project scope, project timeline, engagement plan of the consultant with the County, residents, and potential applicants, and what the resource needs were in terms of budget impacts. He said that concluded the outline of what they were proposing to do, and he was available for any questions.

Mr. Andrews asked if the need for this was in part driven by the comments they received, state legislation, and what changes had been made—as well as the imminent rise in the number of these projects, so they should streamline and make this clear for applicants.

Mr. Fritz said yes. He said as evidenced by the fact that they had four applications and three approved, it was likely they would see more of these. He stated that they were a somewhat specialized type of application that would take up a lot of land, and they were deserving of analyzing for special regulations. He said bringing a consultant on board would bring expertise that staff did not have right now and would take a lot of effort to develop. He said it would improve their review process, give them potentially standardized regulations to let them identify what the impacts of these facilities were, and address those impacts in a better manner.

Mr. Andrews asked if there were stakeholder engagements expected as a part of this process, both from the environmental community and from the solar utility.

Mr. Fritz said as they developed the engagement plan, they would bring that back with the ROI, so that information would be presented with that, but yes, they would envision some sort of engagement with the public to identify what their concerns were and potential solutions.

Ms. Mallek said that for the past two years, VACo (the Virginia Association of Counties) had a new energy committee with Joe Lerch as the staff person. She said there was a lot of work going on in counties already, so she did not want to miss the opportunity to learn from what they had already done and then decide how to go forward. She asked if in the prospectus they received from the consultants it was seen what sort of experience they had with this particular topic in Virginia because it was different than planning and growth ordinances.

Mr. Fritz said he did not have the information immediately available, but he would attempt to explain. He said they specialized in Virginia planning and had worked in various localities within Virginia, so in selecting them as a consultant, that was one of the things they looked at before selecting them to do the modernization. He said they had expertise within Virginia.

Ms. Mallek asked if that expertise was in solar.

Mr. Fritz said it was in solar.

Mr. Charles Rapp, Planning Director, stated that the Berkley Group was the consultant for the zoning modernization project and they had a subteam that only worked on solar and that was the only thing they did throughout the state, helping localities write ordinances, craft procedures, and assisted with review as a third extension of the County if needed.

Ms. Mallek asked if they would be giving it out to some other contractor or if they would be doing it.

Mr. Rapp said no. He said it was adding another team that was already within the organization.

Ms. McKeel said she was supportive of this. She asked what would happen if the Board did not approve this.

Mr. Fritz said they were juggling all of that around.

Ms. McKeel asked Mr. Rapp what would not happen.

Mr. Rapp said they would have to fold this into their zoning modernization work. He said they had their traditional zoning they were working on and this was in addition to that. He said he would have to allocate a lot of Mr. Fritz's time toward this, and it would add to that modernization effort and may slow some of the other elements down. He said a year or two ago they presented how they were going to try to keep up with the comprehensive plan, and the more they added to it, the more it slowed down. He said they would try and flesh that out with the ROI, but there would be a definite impact.

Ms. McKeel said that if they did this, staff only had so much capacity and time.

Mr. Rapp said he agreed.

Ms. McKeel said she was supportive and thought it was good to hire this consultant.

Ms. Price said she agreed with Ms. McKeel that this was something that would go into their budget requirements. She said there were four that had been identified and she knew personally from her magisterial district members of at least another three where property owners had been contacted and were seriously considering some of these industrial-level solar installations. She said she was certain there were others in other magisterial districts as well and this was something they must do. She said a complexity they must always deal with was that they at the County did not get to pick where they wanted things to take place because property owners got to do that.

Ms. Price said as part of their consideration, she hoped they would consider including discussion of things like parking lots for solar installations. She said out west, there were parking shelters in many locations that provided shade for drivers as well as reducing heat islands. She said if there were solar panels above the parking lots at the airport, it would allow for the generation of electricity and not take up prime agricultural land or issues with remediation or restoration. She said anything that they from the County could do to pre-identify locations that would be ideal for these industrial installations not on farmland would be to the long-term benefit of the County. She said she totally supported what they were doing.

Ms. Price said she appreciated the attachment in the materials that listed a number of the considerations to be taken into account. She said they must look particularly at any agreements that were made concerning the income to the County, or the restoration had to be something that was adjustable periodically to ensure they were not falling behind economically in a long-term rate that would provide little economic value over time to them.

Ms. McKeel said it might be good for Mr. Fritz to note to the consultants that they should reach out to the schools, because the schools were currently discussing moving 200 school buses off of the Lambs Lane campus and moving them to individual schools with solar coverings and parking them under solar coverings so they could charge their electric vehicles.

Ms. Mallek said she loved that idea. She said a few years ago, Roanoke covered their entire

municipal parking lot next to their main building with panels for people to park under, and they covered the entire electric need for the building with that. She said last year, all landowners of more than 100 acres received a request from someone out of state saying they would bring them millions of dollars if they called, and she said that was the kind of enticement of out-of-town investors that they must be ready for.

Ms. Price said that the roofs of school buildings and County buildings were great places.

Mr. Andrews said they heard in the matters from the public the importance of their climate action plan and the relevance of utility-scale solar to that climate action plan. He said there had been studies that indicated they needed to bring this online as soon as they could. He said he hoped they could offer carrots to ensure they sited these in places that were appropriate and beneficial but they would not want to make an overly burdensome system to limit what they could get because they needed the solar.

Ms. McKeel said that Ms. Long said she did not see any connection with the climate action plan in this document. She asked Mr. Fritz to address this.

Mr. Fritz said that as they did this work, they would be looking at the comprehensive plan, the climate action plan, and the state code. He said they did not put it in there because in developing the regulations in the process, that was part of the background research.

Ms. Mallek said that the climate had many approaches, and if they cut down forests sequestering carbon in favor of having solar panels, it was a net loss, so they needed to be thoughtful on all the ways they were going to go forward to make some process.

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Agenda Item No. 11. **Work Session:** FY24 –FY28 Strategic Plan Draft.

The Executive Summary forwarded to the Board states that the current Strategic Plan timeline is FY20–FY23 and will expire June 30,, 2023. The Board met on August 24, 2022 during a Strategic Planning retreat to review staff proposed goals and objectives and provide their input, support and/or direction. Staff documented the Board's comments and suggestions to develop a draft Strategic Plan.

At this work session, the Board will review an update to the draft goals and objectives shared at the August 24, 2022 session and discuss proposed strategic priority areas (Attachment A). This review and discussion comes with a recommendation to share this draft with the community and return in October 2022 for final comments and adoption. The strategic plan goals and objectives align to support the current comprehensive planning process and the five-year financial planning for the fall.

This will inform the FY24 Budget development processes.

Staff recommends that the Board review and discuss the draft FY24–28 Strategic Plan and provide direction on further adjustments to review at a future work session.

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Ms. Kristy Shifflett, Director of the Office of Performance and Strategic Planning, said she was present to discuss the updated strategic plan draft for FY24-28. She said they met in August to talk about the draft proposed, goals, and objectives, and they received the Board's input and feedback, and she would now present the updates to that draft. She said they began with the vision, focusing on what the vision statement said and how they turned that into goals and objectives for future work. She said they were attempting to align their approach over the next five years with many community plans that drove work and progress. She said this big-picture thinking allowed their services to remain adaptable as their community and environment changed. She said specifics about how they would execute those strategies and objectives would be developed through the annual budget process.

Ms. Shifflett said today, they would go through the edits made based on the Board's feedback, then if the draft moved forward, they would move to a public engagement component where they created a webpage and survey for community members to be able to respond and get that input to then bring back to the Board in October for one more review and check-in to see if any final changes should be made. She said then it went into the long-range planning in November that guided the financial planning and annual budget. She said they wanted to bring it to a close to have the goals and objectives supported through their work and be able to create project plans and initiatives that aligned.

Ms. Shifflett said in the new draft, they added a preamble of the core values, which was meant to focus an expectation their values were intrinsic in their work. She said this stated they expected diversity, equity, and inclusion to be integrated into how they lived their mission. She said they valued their customers and co-workers by always providing honest and fair treatment, embraced creativity and positive change, honored their role as stewards of the public trust by managing their natural, human, and financial resources respectfully and responsibly, and they encouraged and supported lifelong learning and personal and professional growth.

Ms. Shifflett said there were comments that the plan needed to be easier to comprehend, so they summarized those six key goal areas, which were prioritized to fulfill the mission and their vision. She said in the middle were workforce and customer service, which served as a central hub because their local government staff was charged with fulfilling their mission to enhance the wellbeing and quality of life for all community members, and without that workforce, they could not provide that high-performing customer

service or many of the initiatives around that circle.

Ms. Shifflett said she would discuss each goal and what had changed since the retreat on the 24th. She said the first was safety and wellbeing, in which they wanted to nurture a safe and healthy community. She said this goal remained the same except for one item mentioned about climate action was moved to a separate topic. She said that the second item was a resilient and equitable community. She said there was consensus on the need for climate action, pocket parks in urban areas, and the importance of cohesiveness in their community. She said there was general consensus on the need for a separate grouping of items concerning equity, so they adapted this goal to support that information and that equity work needed to be called out more specifically, as well as stream health and climate action.

Ms. Shifflett said the third goal remained mostly the same, but they added more information. She said they called out their broadband programming to connect to the County-wide communications. She said they also added some partners in the work around the long-range water and wastewater plans. She said for the item on the public works department, they talked more about determining the level and extent of those services to get to the improved performance and different service levels in their median areas, then implement long-range plans to embrace multimodal connectivity.

Ms. Shifflett continued that goal four had changed for a few reasons; there was consensus to refresh Project ENABLE, and they changed from “implement housing goals” to “implement Housing Albemarle.” She said the need for affordable housing, the need for pocket parks in urban areas, and the need for improved means of communication within their community. She said there was consensus on the need to address policy surrounding land use and density, and there was also agreement on the importance of pad-ready site development. She said those were all things they could move forward with developing in their project work as they began discussing the annual budget.

Ms. Shifflett said overall, there was consensus for more communication about the relationship with the school system, so they would work with the School Board and Board of Supervisors to have more information coming forward in future discussions. She said there was also the addition of CATEC, PVCC, and UVA to advance our workforce pipeline, economic development, and affordable housing goals. She said the last goal was workforce and customer service. She said most of this remained the same, with consensus on the paramount importance of workforce stabilization through revisiting the County’s recompensation practices and benefits.

Ms. Shifflett said there was also agreement on the desire for dynamic, customizable benefits packages, so they called that out. She said there was also discussion about generational differences, the need for modernized business processes in technology to transform customer service demands, as well as the office space planning and employee wellness; as they focused on customer service, they would also need to think about the office space and how they might need to change in the future based on their workforce. She said she would like to hear from the Supervisors if they had comments on the revised draft they received.

Ms. LaPisto-Kirtley said she liked the updates and had no questions.

Mr. Andrews said he wished he had been at the strategic planning retreat in person. He said there was one thing he did not see on here and wanted to know if it was considered, which was something about fostering community and civic engagement and community building. He said he saw a lot that related to the community, but not necessarily in that direct way of engagement with the community. He said that “enhancing overall access to parks and recreational opportunities with an emphasis on the development area” made him think about Biscuit Run, which was not technically in the development area, and wondered if it might be better to say “serving the development areas” to recognize that connectivity to the development areas was extremely important, while not necessarily saying that all efforts would be in the development areas.

Ms. Mallek said the previous work meeting was well done. She said she loved the idea of workforce in the center, because every citizen and landowner in the County engaged with the Finance Department, whereas only a small amount engaged with any of the other departments. She said the visualization was very clear. She said the water plans were fine to include, but she wondered what the background was for that, because the water plan was for 50 years, and she did not anticipate that would be going anywhere for a while, and they certainly should stay engaged with their water departments about that, but she was unsure if she was missing any background on that element.

Mr. Gallaway said that on the third bullet point on the slide for goal three, he saw the public rights-of-way and maintenance of those was something that was obviously in motion. He said the street sweeper program would be online next year, so it was important to have that in there. He said his hope would be that that effort and other infrastructure of public use overshadowed the need to create a public works department. He said he thought they had it there in spirit, but he did not think the third bullet point captured it for him. He said the role of the public works department should be made clear. He said he knew that goal two had a climate-resilient community, but it was also where they said equitable community, and it seemed that there was a lot of climate initiative information there, so he did not want the equity to be lost.

Mr. Gallaway said he was not disagreeing with what Mr. Andrews was saying, but saying “serving the development area” did not accomplish what providing it inside the development area was all about. He said that the point was that if someone in the development area wanted to enjoy a scenic view outside of their home with only 30 minutes of daylight remaining, they could not reach places like Biscuit Run, and

there should be places in the development area to go to, so that was the distinction. He said his CAC talked about how there was nowhere for teenagers to go enjoy activities in an outdoor space.

Ms. McKeel said that she was fine with goal one, goal two, and goal three. She said for goal four, when they had an emphasis on the development area, in the past there had been an emphasis on all the new developments. She said she would like to see something referencing the older urban areas because they had been lost in all the new development. She said when there was an emphasis on the development area, she was trying to be clearer that she did not want it to only include the new proposals in the development area. She asked if that made sense.

Ms. Shifflett said it was very clear.

Ms. McKeel said she did not understand why “refresh” was used on the slide.

Mr. Richardson said that with the plan being five years old, there could be a better word to capture what they were looking for, but with the CIP being a five-year plan, the intention was for staff to look for alignment to the strategic plan, coming out of the two-year pandemic, the community transforming, Mr. Roger Johnson’s work being different than it had been, it was meant to make sure that it was not an outdated plan but an updated plan.

Ms. McKeel said she understood the choice of the word refresh, but she wanted to better integrate Project ENABLE into their work. She said the EDA received yesterday a list of properties they now had available for development, and she was trying to emphasize economic development integrated into their work rather than going through and refreshing that.

Mr. Richardson said it was excellent feedback. He said they would reconsider the word “refresh.” He said Project ENABLE had been extremely successful, and the EDA and Board of Supervisors were working together in a good way, but they would go back and see if there was a better way to describe what they meant.

Ms. McKeel said a good portion of their community had missed the work of the EDA. She said if they could utilize the strategic plan to integrate more for their community, what they were doing in economic development and the reasons for it, it should be included. She said she appreciated the addition of CATEC in goal five. She said in goal six, she agreed with all of the items listed. She asked where they could discuss looking at recruitment of their employees through a different lens than only compensation, such as childcare. She asked Mr. Richardson how that could fit into their plan.

Mr. Richardson said that the first bullet stated that they would implement a total compensation structure that made them highly competitive, so there were lots of things that fit under that. He said Ms. McKeel’s idea of employer-incentivized childcare was an example of something they would bring back in the future, but in a high-level strategic plan, they did not want to cite such specifics, because this document would be connected to the budget and would be before the Board again alongside data reflecting what decisions should be made. He said childcare may be the best idea they could make based on half of their workforce having school-aged children or younger, but they needed more time to be able to determine what things would make the County a preferable workplace of choice in 2023.

Ms. McKeel said she was looking at compensation narrowly as referring to pay, but they were looking at it through a broader lens.

Ms. Price said she understood it as the structure and not only monetary.

Ms. Shifflett said the word “total” was key.

Ms. Price said when she was in the Navy, every year they got a total compensation package analysis, which covered everything from the cost of healthcare, cost toward retirement, and other benefits like childcare, time off, and other benefits. She said she agreed with all six of the goals and recognized that to mention one or two to the exclusion of others may be misinterpreted but asked they not be taken that way. She said for goals four and six, she completely agreed with the conversations that related to the enhancement of accessibility and availability of recreational facilities within the development area, not limited to new development. She said Rio, Jack Jouett, and all of their urban ring needed all more of that. She said she agreed with goal six and the total compensation structure.

Ms. Price said in her own mind, there was another point applicable to the Board of Supervisors which was to keep in mind that their roles were to vote and set policy, with a County Executive, two Deputies, and a County Attorney who executed that, and they should remind themselves of their operational guidelines, which were that they could raise questions to their County Executive leadership who directed and managed staff to get things done. She said that was not the role of the Board, and the Board’s role was to set policy, vote, and have the implementation come through the County Executive.

Ms. Price said they recognized there were short-term situations where something may be needed in preparation for a Board meeting, and their rules allowed them to send emails to County staff, ensuring they always copied their leadership on it, but County leadership managed and assigned tasks to County staff and not the Supervisors. She said if they were not careful, they were interrupting and interfering with that working relationship, which impacted their quality workforce. She said she knew as a commanding officer or department head and division officer in the Navy, she did not want someone outside of her chain of command telling her subordinates what needed to get done. She said they should remember the

chain of command applied to them as well.

Ms. Mallek said the aspect of mental health that they had discussed was not on the list, but it combined all the things they had talked about with the availability of recreational spaces and access to quality-of-life issues. She said a lot of communities were focusing a lot on arts to help people across the spectrum of residents achieve a higher quality of life. She said those should be included in some form. She said they had not talked about the arts as part of their economic development, but in many communities, it was a very important element.

Ms. McKeel said she supported including the arts.

Ms. Price said they should amend the agenda slightly because of their evening schedule.

Mr. Richardson said he wanted to return to Supervisor Andrews' comments about their interactions and work with the community they served. He asked Mr. Andrews to repeat his earlier point.

Mr. Andrews said as he read this material, he thought about it from his perspective as someone who wanted to hold this office as a service to the community, recognizing their community engagement and the importance of specific engagement and what they could do as a community to ensure that was an invaluable service to their future. He said he wanted to see if there was a way they could capture the strategic way that they were doing civic engagement and community building and recognizing their role as a community builder.

Mr. Richardson said if the Board was so inclined, he would take that feedback from Mr. Andrews, review the six goals, and make sure they could come to the Board as they went out for public engagement that they were connected in a clear and consistent way, because he thought the connection to the community was a cornerstone of Albemarle County government and he wanted to make sure they did not miss that with this effort.

Ms. Price said that CAPE had done great work with their van and their constant communication and connection to members of the community. She said they heard periodically that people who ladened the process of a particular application seemed to become aware of it, and it did not matter what the application was, there was some segment of the community that did not get the word. She said part of that went to the challenge that there was more information available but it was more difficult to find when it was not centralized. She said she did not know exactly all the ways the County was able to get information out, but she wanted to be clear and commend the CAPE employees for their work while still acknowledging there were other ways that perhaps they were not as successful in getting the information out.

Ms. Mallek said in the 1980s and 1990s, there was an Albemarle Neighborhood Association, a group for communication with a representative from every neighborhood who met a few times per year as a way to share information throughout the County. She said some elements of that could be revived in their own districts.

Mr. Andrews said they had dozens of committees and other ways in which the community was engaged. He said they had been concerned about their communications and those residents who volunteered their time.

Mr. Gallaway said this conversation could be tied to a discussion at their last meeting about how difficult it was to search for information on their website. He said while he appreciated they could do everything they could to push information out, there would always be people who did not hear about it until the end of the timeframe, but if they were able to go and find the information that had the entire history connected to it, it would be easier for them to accept it had been an ongoing process.

Ms. Price said that she would propose if Mr. Richardson could do his County Executive's report now.

Ms. Shifflett asked if she could finish with her information.

Ms. Price said yes.

Ms. Shifflett said that they were planning to provide a website with this draft for the community to engage and give input on. She said she had taken notes on all the Supervisors' comments, and even though they may have felt there were too many details discussed, it was good for them to work with department heads and executive leadership on building out next year's plan and what they needed to do to connect with that. She said her intention was that it would not be lost, but she must ask if there was anything about the current draft that the Supervisors felt should be changed before they asked the public.

Ms. LaPisto-Kirtley said she did not mind having the public look at it and react. She said in response to Ms. Mallek's earlier remark that it was incumbent upon them as Supervisors to meet with their own district's groups, but she would not want to have meetings in the auditorium where staff time and resources would be used. She said she took advantage of community meetings to exchange information and let people know to sign up for the Albemarle newsletter.

Mr. Andrews said he wanted to understand the request better. He said there was good feedback today and he hoped it was clear even if it was not concise about their concerns. He said he did not want

to take it as-is without considering what changes might come from that, but he did not want them to have to come back before the Board before getting public engagement. He said he hoped some of these things could be addressed before the public was engaged.

Ms. Shifflett said she was asking if they could take the next 30 days or so to incorporate the Board's feedback from today into the draft in parallel to ask for the public to give input on the current draft as they received it, or if they should come back to the Board with a new update and then engage the public with that.

Mr. Andrews said he trusted Ms. Shifflett. He said he would like them to take a stab at what they discussed, but he did not think it needed to be discussed with the Board before engaging the public. He said he did not want this to be taken to the public without considering some of the discussion today.

Mr. Richardson said that they would take the Board's comments, make those changes in the plan, and then go to the public for feedback, then come to the Board for final changes before the process is completed.

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

Mr. Richardson said he would present his report for September 2022. He said earlier today, they briefly mentioned the SEAS the Day event, which was the sixth annual SEAS the Day event, with the goal to provide a free, fun day for veterans, active duty, active and inactive reserve, guard, and their families in Albemarle and surrounding communities. He said there were outdoor activities, games for children, activities with public safety partners, and information tables for organizations that provided and supported opportunities for veterans. He said their mobile engagement hub was there giving out snow cones and inviting veterans and families to respond to a prompt, "How can Albemarle County become a place where everyone can thrive?" He said it was over 220 people in attendance.

Mr. Richardson said National Preparedness Month was observed each September to raise awareness around the importance of preparing for disasters and emergencies that could happen at any time. He said they encouraged everyone to take time to prepare themselves, their families, their homes, and ultimately their community. He said they had collected resources to share with families and neighbors so they could work toward a more resilient Albemarle County. He said to follow Albemarle County Fire and Rescue on social media or check their website to check these resources if they had not already signed up for Code Red at [communityemergency.org](https://communityemergency.org). He said this emergency alert system would keep people aware of potential emergency alerts happening in their area.

Mr. Richardson said that the Board was aware there had been public service and social media announcements about back-to-school safety and monitoring of roadways around schools. He said the Albemarle County Police Department had conducted two targeted enforcement days to address driving behaviors. He said on August 31, over four hours, six officers initiated 49 stops, 59 summons, and the most common summons was for speeding. He said this was an ongoing initiative where they traveled to different school zones throughout the County.

Mr. Richardson said it was important for the public and for the Board to assist the public in understanding that if there was a concern on a roadway, they should call the non-emergency line, 434-977-9041, where they tracked all the reports to identify hotspots and adjust resources accordingly. He said if it were an emergency situation, to call 911 for immediate service. He said he received a report today that detailed that the police department conducted another series of traffic-related focus stops within the last several days.

Mr. Richardson said that approximately 40 individuals from the Albemarle County Fire and Rescue, Charlottesville Fire Department, Richmond Fire Department, Stony Point Volunteer Fire Company, Seminole Trail Fire Department, Crozet Volunteer Fire Department, Charlottesville-Albemarle Rescue Squad, Albemarle County local government, Charlottesville Sheriff's Office, and the general public came together at Monticello High School to participate in a stair-climb on September 11 to honor the lives lost on September 11, 2001. He said they climbed 2,071 steps to symbolize 110 flights that first responders in each World Trade Center tower.

Mr. Richardson said the group held a moment of silence at 8:46 a.m. when the first tower was struck and began their climb at 8:47 a.m. when the first responding units arrived there 20 years ago. He said photographs of the 343 firefighters were carried by the participating individuals. He said after completing their stair-climb, a bell was rung to symbolize their final call, and bagpipers commemorated the morning with a rendition of "Amazing Grace." He noted that the event was organized by an ACFR firefighter, Suzanne Herndon.

Mr. Richardson said that summer had been a very busy season for Facilities and Environmental Services Department, which managed the County's capital construction projects. He said over the summer months, over \$88 million in planning, design, and construction projects were managed by Facilities, Planning, and Construction teams. He said pictured on the slide were two projects that supported pedestrians: on the left, a multi-use path that connected all of the schools located off of Lambs Lane, and on the right, a project on Rockfish Gap Turnpike in Crozet with a pedestrian crossing of Route 250.

Mr. Richardson said their comprehensive plan project, AC44, continued through phase one,

which was to plan for growth. He said this month, there were a series of opportunities to shape the so-called big ideas that would ultimately guide future phases, policy development, and action steps. He said they had hosted two virtual roundtables and two in-person roundtables with 115 people participating from across the County. He said the in-person events were at the County Office Building and the Yancey Community Center.

Mr. Richardson said 1,300 people had reviewed their online materials and they had also produced a community voices podcast where 10 community members shared their perspectives on the major topics of the AC44 work. He said to listen to "Let's Talk Albemarle" on any podcast platform. He said the big ideas they were exploring were to be a community that was welcoming, equitable, connected and accessible, thriving, prosperous, green, and resilient.

Mr. Richardson said the County was sponsoring a community art project that was called Unsettling Grounds, through the Office of Equity and Inclusion and in partnership with the Economic Development Office. He said the project was also supported by the National Endowment of the Arts. He said there was currently a call for local artists to work on the project, which would include a residency to develop a site-specific virtual augmented reality project around recovering hidden histories, viewable along the Broadway corridor. He said this project connected the Community Remembrance Project and the Broadway Blueprint. He said more information about the project was available at [unsettlinggrounds.com](http://unsettlinggrounds.com).

Mr. Richardson said that September had been their transition back to in-person meetings for boards and commissions. He said pictured on the slide were two images from yesterday's Economic Development Authority meeting, with the one on the left in Room 241 and the right with what it looked like to the 12 individuals who joined the meeting virtually. He said they would be collecting feedback in October and continue to refine operationalizing the new meeting procedures.

Mr. Richardson said that Community Day at Simpson Park was upcoming on Saturday, October 1. He said the event attracted several hundred attendees last year. He said Simpson Park was located in Esmont across from the Yancey Community Center. He said they would have crafts, arts, and food, and would end the day with a movie in the park, Encanto.

Mr. Richardson said on Thursday, September 29, from 6 p.m. until 7:30 p.m. on the County's vulnerability and risk assessment report. He said the event would begin with an overview of the report's key takeaways, followed by a discussion with local experts to help contextualize these themes in the daily lives of community members. He said they would close with an outline of the next steps and in preparing for resilience, including the community engagement process, to help develop a climate adaptation resilience plan. He said it was the County's first true hybrid community event where attendees could be in person or virtual for the live event. He said to the public that the climate vulnerability report was available on their website, [Albemarle.org/climate](http://Albemarle.org/climate).

Ms. McKeel asked Mr. Richardson to repeat the date for the event.

Mr. Richardson said it was Thursday, September 29.

Ms. Mallek asked for the time.

Mr. Richardson said it was from 6 p.m. to 7:30 p.m.

Ms. Mallek said she would put it on her calendar.

Mr. Richardson said the Albemarle County Police Department joined partners in the University Police Department, Charlottesville Police Department, and Sheriff's Office to raise funds for the Special Olympics at two Wawa locations this month. He said they covered their cruisers with more than \$1,800 in cash and even greater amounts in credit card payments were raised to support this cause. He said he was proud of these local government employees for reaching out to the community in this way.

Mr. Richardson said Albemarle County Fire and Rescue raised \$3,000 this year for Next Run, a nonprofit that provided free mental health services to first responders and their family members. He said they had over 50 people take turns at the rowers, including career and volunteer first responders, County employees, ECC (Emergency Communications Center) dispatchers, hospital personnel, and community members. He said there were members of Albemarle County Fire Rescue (ACFR), Charlottesville Fire Department, Prince William, Stafford, Orange, Louisa, and the District of Columbia. He said that ACFR had created shirts to commemorate Suicide Awareness Month.

Mr. Richardson said that today was the 31st annual United Way Day of Caring. He said the photograph shown on the slide was from the kick-off this morning. He said the event was a demonstration of the caring community they had. He said 1,600 volunteers were working on projects across Charlottesville and Albemarle County today to address maintenance and beautification projects that would support the non-profits, community organizations, and schools that provided critical services to the community. He said the County directly benefited from the service of 25 volunteers from the University health system who were working at the Yancey Community Center garden today. He said that a second group of 20 volunteers was building trails at the future Biscuit Run Park.

Mr. Richardson said there were workforce stabilization efforts that were underway. He said the County's first comprehensive compensation and class study was well underway. He said this was a way

to understand how their jobs ranked and how they compared to the market so they could evaluate if changes needed to be made. He said this effort was funded in the FY23 budget with the Board's support. He said the larger business process optimization work was to bring on an online HRIS, Human Resources Information System, which gave them modern tools to manage their workforce, from recruiting and onboarding, professional training and development, benefits, all the way to offboarding. He said this would begin on October 1 for recruitment and would shortly follow with additional modules for staff. He said this would help them with tools, pulling data, and giving better reports for the Board.

Mr. Richardson said that one of their five core values that Ms. Shifflett mentioned earlier was learning. He said they had adult workers in their workforce who they wanted to continue to be lifelong learners. He said shown on the far left of the screen was himself and Mr. Trevor Henry in Columbus, Ohio at their national ICMA (International City/County Management Association) event with 4,200 city and county managers from across the United States, Canada, and Europe.

Mr. Richardson said they attended classes over three days on emergency management, public safety, leadership best practices, volunteerism, veteran advisory and committee events, workforce stabilization, aligning boards and commissions to strategic planning work, connecting with leaders, fostering civility with appointed and elected officials, how to build a more resilient community, how to create a more inclusive and diverse culture, and other topics. He said there were two other staff members who attended virtually and would have the opportunity to share what they had all learned with the website open until the end of the year.

Mr. Richardson said on the right side of the slide was a photograph of several women in county and regional government from central Virginia. He said there were two employees, Emily Kilroy and Nelsie Birch, who were participating in the first cohort of the Virginia Women's Municipal Leadership Institute, a leadership development program created through Virginia Women Leading Government and in partnership with Virginia Tech. He said they were trying to expand the network of women in leadership roles in local government. He said they had met across the Commonwealth since March, and last week they were in Albemarle County, where staff held a mixer after their day of learning.

Mr. Richardson said they recently took their entire leadership team to tour the Code building in small groups, looking at a platinum lead-certified sustainable building. He said they were learning about using cutting-edge concepts and space and learned a lot about their own buildings and tried to look for opportunities they had to be smart with the space they had and to really highlight the need for sustainability.

Mr. Richardson said they received a letter from a citizen earlier this week that commended Bailey Legg who was sent to follow up on a single car accident in a neighborhood. He said Ms. Legg was cordial and compassionate as she handled the situation and that she was a real credit to the Albemarle County Police Department. He said many people did not take the time to thank their staff because they did good work and moved on because they were busy, but when they did, they would attempt to share it with the Board.

Ms. Price asked if the Board could give comments on Mr. Richardson's report as well as give their Board comments and committee reports.

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Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. LaPisto-Kirtley said she did not doubt that staff was doing an excellent job.

Mr. Andrews said he was impressed with all that had been accomplished. He said he failed to mention it was National Preparedness Month so he was glad Mr. Richardson did. He said it was also Sickle Cell Awareness Month, and the Red Cross was looking for blood donors during this important time. He said that he attended a discussion of traffic concerns in Keane with the Southern Convenience Center, and he got the sense that VDOT was going to submit some requests to address these in a substantive fashion.

Ms. Mallek said the State Workforce Board was meeting at the Omni hotel next week for a few days. She said she hoped they would enjoy the sights of the area. She stated that they would continue to focus attention on training people who needed new jobs, training young people to gain an understanding of work, and other aspects of the workforce. She said Sarah Morton, Director of the Workforce Center, would be opening the meeting with a presentation of the programs she had begun in the past year.

Mr. Gallaway asked what the website that Mr. Richardson mentioned with Code Red.

Mr. Richardson said it was [communityemergency.org](https://communityemergency.org).

Mr. Gallaway thanked Mr. Richardson. He said for committee items, David Blount had forwarded information about the Blue Ridge Cigarette Tax, and Ms. Birch added that there would be upcoming reports specific to their locality. He said he assumed that would show up on consent but he could not recall the timeframe.

Ms. McKeel said she had multiple conversations with community members recently about how well the County government was run and the work that they were doing. She said that for the most part,

they had recognized that everyone was struggling with vacant positions, but the County was trying to get the work done.

Ms. Price asked Ms. McKeel if she had any committee reports.

Ms. McKeel said the ACRJ she announced this morning and that was all.

Ms. Price said Mr. Richardson's report was very detailed and contained lots of important data. She said that Mr. Henry participated in that stair-climb, which was another example of County leadership being involved in the community. She said that their nation had been tormented with school shootings beyond what anyone should have to comprehend, and in the last week they had a couple of instances of swatting, where people called in fake claims of school shooters in progress. She thanked the police and first responders for prompt reactions. She said that she saw comments online that criticized the police for their presence giving the students anxiety. She said there was legitimate criticism of Uvalde police for not responding, but their own law enforcement was there immediately to take care of the problem. She said they did not know it was only swatting and not an actual shooting, so she thanked the police and first responders for protecting them.

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Agenda Item No. 12. **Closed Meeting.**

At 4:42 p.m., Mr. Andrews **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to boards and commissions, including, without limitation, the Rivanna River Basin Commission.

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

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

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Agenda Item No. 13. **Certify Closed Meeting.**

At 6:00 p.m., Mr. Andrews **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

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Non-Agenda Item. Appointment to Boards and Commissions

Ms. LaPisto-Kirtley **moved** to appoint Lonnie Murray to the Rivanna River Basin Commission, with said term to expire on April 30, 2024.

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

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

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

There were no speakers.

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Agenda Item No. 16. Proclamation Celebrating Hispanic and Latino Heritage Month.

Ms. LaPisto-Kirtley moved to adopt the proclamation celebrating Hispanic and Latino Heritage Month and read the proclamation aloud. Mallek **seconded** the motion.

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

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

Ms. Price said someone would read the proclamation translated into Spanish as well.

Ms. Emily Kilroy, Director of Communications and Public Engagement, said she was present on behalf of Jesse Berkins, the Director of the Office of Equity and Inclusion. She said he regretted he could not be there in person this evening. She said she was there to introduce Alicia Bravo who would be accepting the proclamation on behalf of their staff. She said that Alicia was the Eligibility Supervisor at the UVA Medicaid Unit and had been working with Albemarle County for eight years and had 18 years of benefits program experience in Social Services. She said that Ms. Bravo was born in the state of Durango in Mexico and had lived in Virginia since 1992. She said Ms. Bravo was passionate about assisting the residents in need in Albemarle County and the entire state of Virginia.

Ms. Bravo read the proclamation in Spanish.

Ms. LaPisto-Kirtley said she was proud that they were honoring their Hispanic and Latino residents, who contributed so much to culture, economy, and their way of life. She said when she lived in Los Angeles, she was a principal at a school in a Hispanic community and loved to be there every day.

Ms. Mallek said she was grateful that so many residents were participating today in the public hearing as they participated in the greater community every day. She thanked them for everything they did.

Ms. McKeel said it was fortuitous they had this item on their agenda tonight because they were able to read it to a large population of people. She said she learned to use the translate-to-English button as people sent in emails and it was very helpful in her correspondences.

Mr. Gallaway said he agreed with his fellow Supervisors, and he appreciated Ms. Alicia Bravo being able to do the translation of the proclamation this evening.

Ms. Price said she was the product and descendant of many cultures. She said it meant a lot to her that they were all a part of each other and it was fortuitous for this proclamation to coincide with another item that was of great interest to so many people.

Mr. Andrews said he wanted to echo the comments of his fellow Supervisors.

Ms. Price apologized for omitting Mr. Andrews in that round.

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### **Proclamation Celebrating Hispanic and Latino Heritage Month**

**WHEREAS**, Hispanic and Latino Americans make up 18.9% of the nation's population, making them the largest ethnic minority; and

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

**WHEREAS**, Hispanic and Latino Americans make significant contributions through their leadership in government, protecting freedoms as part of the military, helping feed our community through agriculture, inspiring children as educators, healing the sick and wounded as healthcare professionals, and advancing society through science and technology; and

**WHEREAS**, Hispanic and Latino owned businesses contribute to Albemarle County's economic growth and job creation; and

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

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, do hereby recognize September 15–October 15, 2022, as the 54th National Hispanic and Latino Heritage Month and recommit to building an equitable and inclusive society that works for all members of our community.

Signed this 21st day of September 2022

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### **Proclamación Celebrando el Mes de la Herencia Hispana y Latina**

**POR CUANTO**, los hispanos y latinoamericanos constituyen el 18.9 % de la población del país, lo que los convierte en la minoría étnica más grande; y

**POR CUANTO**, los hispanos y latinoamericanos enriquecen cada comunidad de la que forman parte a través de sus culturas vibrantes y diversas; y

**POR CUANTO**, los hispanos y latinoamericanos hacen contribuciones significativas a través de su liderazgo en el gobierno, protegiendo las libertades como parte de las fuerzas armadas, ayudando a alimentar a nuestra comunidad a través de la agricultura, inspirando a los como educadores, curando a los enfermos y heridos como profesionales de la salud y haciendo avanzar a la sociedad a través de la ciencia y tecnología; y

**POR CUANTO**, las empresas propiedad de hispanos y latinos contribuyen al crecimiento económico y la creación de empleos del condado de Albemarle; y

**POR CUANTO**, las historias de los miembros de la comunidad hispana y latina están entrelazadas en el tejido de nuestra comunidad y la historia hispana y latina es nuestra historia colectiva.

**AHORA, POR LO TANTO, SE PROCLAMA**, que nosotros, la Junta de Supervisores del Condado de Albemarle, por la presente reconocemos del 15 de septiembre al 15 de octubre de 2022 como el quincuagésimo cuarto (54to) Mes Nacional de la Herencia Hispana y Latina y a comprometernos a construir una sociedad equitativa e inclusiva que trabaje para todos los miembros de nuestra comunidad.

Firmado el día 21 de septiembre de 2022.

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Agenda Item No. 17. **Public Hearing: Central Virginia Health Services WellAWARE Program Lease.** To receive public comment on a proposed agreement to lease a portion of the Yancey Community Center, located at 7625 Porters Rd., Esmont, Virginia (Parcel 128A2-00-00-01800) to Central Virginia Health Services for its WellAWARE program.

The Executive Summary forwarded to the Board states that in March 2018, the Board of Supervisors adopted a use framework for the B.F. Yancey Community Center ("Yancey Community Center") located in Esmont. The use framework provides for public entities, such as local government, community agency partners, and human service-oriented non-profits, to occupy space within the Community Center at no cost.

WellAWARE is a grant-funded, geographically-based community health worker program under the fiscal agency of Central Virginia Health Services ("CVHS") that aims to help medically underserved communities overcome obstacles to good health and healthcare. CVHS has requested office space for its WellAWARE program at Yancey Community Center at no charge, to serve area residents more efficiently. A proposed lease (Attachment A) would provide a single secured classroom for the program's use. Program details and the mission and vision of this program are attached (Attachment B).

Yancey Community Center already has several tenants that provide home-based services to the Southern Albemarle Community. A single classroom in the Yancey Community Center would provide the needed space for two WellAWARE staff members.

Under the proposed lease, the County would forego rent for this improved space. No additional expenditures or revenues are projected.

Staff recommends that following the public hearing, the Board adopt the attached resolution (Attachment C) authorizing the County Executive to sign a proposed lease to CVHS for the WellAWARE program, once the lease is approved by the County Attorney.

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Mr. Bill Strother, Chief of Facilities and Operations for Albemarle County said he was present to discuss the Central Virginia Health Services WellAWARE Program lease. He said in March 2018, the Board of Supervisors adopted a framework that provided public entities, community partners, and human services-oriented non-profits to occupy space within the Yancey Community Center. He said currently, several agencies were partnered there, including JABA, Virginia Department of Health, Food Pantry, and the community center activities that served the area.

Mr. Strother said the WellAWARE Program was a geographically-based community health worker program that aimed to help medically-underserved communities overcome obstacles to good health and healthcare. He said it was a program of the primary care partnership between three nonprofit organizations: Central Virginia Health Services, which also served as the fiscal sponsor; Charlottesville Free Clinic; and University Primary Care. He said also present tonight was Betsy Peyton, the Director of WellAWARE.

Mr. Strother said the program was currently requesting a small area to accommodate two workstations and a meeting area, which the Yancey Community Center could easily provide with one of the small classrooms. He said because of the community agency partnership and being a nonprofit, they would provide the space at no charge. He said this request was in line with the goals of the framework from 2018 for the Yancey Community Center, so staff recommended the Board adopt the Resolution and authorize the County Executive to authorize the proposed lease. He said he could take any questions from the Board.

Mr. Andrews said he was glad more was happening in this space because it would add that much more to the community.

Ms. Mallek said she was glad to see they were expanding services.

Mr. Gallaway asked if this program could grow to require more space in the future.

Ms. Betsy Peyton said it did have the potential to grow, but she did not know with their growth model if all of it would be in the Yancey Center. She said they hoped to expand to other counties and jurisdictions, but they now were focused on the Esmont area and the footprint that was Western Fluvanna, Southern Albemarle, northern Buckingham, and Scottsville.

Ms. Price said the closure of the Yancey Elementary School a few years ago was a strain on the community in the southern and southwestern parts of the County. She thanked Mr. Richardson and all County staff who had turned that school into a true community center. She said to Ms. Peyton she thanked her for the work she did. She thanked former Mayor of Scottsville, Nancy Gill, who worked so hard to expand healthcare access to the rural area; Ed Brooks, the manager at the Yancey Community Center who had done a great job bringing it to life; and Peggy Scott, who discussed healthcare issues in southern Albemarle County. She said Ms. Peyton's work was expanding on all of this, so she wanted to thank her for the service they provided to the community.

Ms. Peyton thanked the Board for their words and support. She said with the collaboration of all the organizations in the building, they would be a great asset.

Ms. Price opened the public hearing and asked if there were any speakers signed up. Hearing none, Ms. Price closed the public hearing and brought the matter back before the Board.

Mr. Andrews **moved** that the Board adopt the resolution (Attachment C) authorizing the County Executive to sign a proposed lease to CVHS for the WellAWARE program, once the lease is approved by the County Attorney. Ms. McKeel **seconded** the motion.

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

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

Mr. Rosenberg asked if the maker and seconder of the motion could clarify it was to adopt the Resolution approving the lease.

Mr. Andrews said he had moved to adopt the Resolution to approve the lease space to CVHS.

Mr. Rosenberg said he wanted to ensure the motion included a reference to the Resolution.

Ms. McKeel said she had seconded that.

Ms. Price said the vote was in support of that.

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#### **RESOLUTION TO LEASE SPACE TO CENTRAL VIRGINIA HEALTH SERVICES FOR ITS WELLAWARE PROGRAM**

**WHEREAS**, the Board finds that it is in the best interest of the County to lease space at the B.F. Yancey Community Center, located at 7625 Porters Rd., Esmont, VA 22937, to Central Virginia Health Services for its WellAWARE Program;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Albemarle, Virginia, hereby authorizes the County Executive to execute a lease of space at the B.F. Yancey Community Center to Central Virginia Health Services, along with any necessary related documents for the WellAWARE Program, once approved by the County Attorney as to form and substance.

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LEASE

THIS LEASE, dated this 1st day of October 2022, is by and between the COUNTY OF ALBEMARLE, VIRGINIA (the "County" or "Owner"), and CENTRAL VIRGINIA HEALTH SERVICES INC. ("CVHS" or the "Occupant")

ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the covenants herein set forth, the County hereby authorizes CVHS to occupy the premises shown as "Leased Space" on Exhibit A attached hereto and made a part hereof, together with any and all improvements thereon (the "Premises"). Except as otherwise provided herein, CVHS will have exclusive use of Room 3 and shared use of the common areas. Upon mutual written agreement of the parties, this Lease may be amended to add additional square footage to the Premises.

ARTICLE II. TITLE: QUIET ENJOYMENT

So long as CVHS is not in default hereunder, CVHS will have peaceful and quiet enjoyment, use and possession of the Premises without hindrance on the part of the County or anyone claiming by, through, or under the County.

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease will commence on October 1, 2022 (the "Date of Commencement") and will expire on October 1, 2023. All references to the "term" of this Lease will, unless the context indicates a different meaning, be deemed to be a reference to the term described herein.

Section 3.2. Renewal. This Lease will automatically renew for additional 12-month terms unless written notice is given by either the County or the CVHS no later than 60 days prior to the expiration of any term.

ARTICLE IV. RENT

Though the County reserves the right to collect unpaid charges and expenses incurred under this Lease, no rent (other than for utilities and services as provided in Article V) will be charged for CVHS's occupancy of the Premises.

ARTICLE V. UTILITIES AND SERVICES

The County will provide water, sewer, electricity, and heating and cooling services at no expense to CVHS. The County will further provide custodial services (to common areas only) and arrange for the regular collection of a shared dumpster at no expense to CVHS. CVHS will exercise reasonable and responsible care to conserve these services. Rent may be charged or adjusted to reflect any change in the cost to the County of providing the above services. The County will provide CVHS with prompt notice of any such change and will provide evidence of its actual costs. CVHS will provide telephone, custodial (including clean-up of shared space(s)

when used), and all other services to the Premises.

#### ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. CVHS may use the Premises only for/as the office(s) of its Well Aware Program. No other use of the Premises is permitted without the prior written consent of the County.

Section 6.2. Parking. CVHS will have shared use of parking spaces in the parking lot and an access easement to the Premises. The County reserves the nonexclusive right to use the parking lot.

#### ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

Section 7.1. Installation by CVHS.

(a) CVHS may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements that do not damage or alter the Premises, provided that CVHS has first obtained both (a) the County's written consent and (b) all required governmental permits for such alterations, additions or improvements. All such alterations, additions or improvements will be at the sole expense of CVHS.

Section 7.2. Signs. CVHS may place signs on the interior or exterior of the Premises with the prior written approval of the County.

#### ARTICLE VIII. MAINTENANCE OF THE PREMISES

Section 8.1. Maintenance. CVHS will keep the Premises clean, neat, orderly, presentable, and in good repair at all times. The County will deliver the Premises to CVHS at the beginning of the term in its present condition. The County will be responsible for all repairs and maintenance for the Premises, except as provided below, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, plate glass and windows. CVHS will be responsible for routine repairs and maintenance (excluding repairs and maintenance of the building and structural components identified above), except that CVHS's obligation for such routine repairs and maintenance will not exceed \$2,500 in any one year of the initial or subsequent term(s). Notwithstanding the foregoing, CVHS will be responsible for all maintenance and repairs necessitated by the negligence of CVHS, its employees and invitees.

Section 8.2. Right of Entry. The County reserves the right for itself, its agents and employees to enter upon the Premises at any reasonable time to make repairs, alterations or improvements; provided, however, that such repairs, alterations, or improvements do not unreasonably interfere with CVHS's operations. Such right to enter will also include the right to enter upon the Premises for the purposes of inspection.

Section 8.3. Surrender of the Premises. At the expiration of the occupancy hereby created, CVHS will surrender the Premises and all keys for the Premises to the County and will inform the County of all combinations on locks, safes and vaults, if any, which the County has granted

permission to have left in the Premises. At such time, the Premises will be broom clean and in good condition and repair, commensurate with its age. If CVHS leaves any of its personal property in the Premises, the County, at its option, may remove and store any or all such property at CVHS's expense or may deem the same abandoned and, in such event, the property deemed abandoned will become the property of the County.

#### ARTICLE IX. INSURANCE

Section 9.1. Liability Insurance of CVHS. At all times during the term of this Lease, CVHS must keep in full force and effect a policy of public liability and property damage insurance with respect to the Premises and the business operated by CVHS and any sub-tenants of CVHS on the Premises. The limits of public liability for bodily injury and property damage must not be less than One Million Dollars (\$1,000,000) per accident, combined single limit. The policy must name the County as an additional insured. The policy will provide that the insurance thereunder may not be cancelled until thirty (30) days after written notice thereof to all named insured.

Section 9.2. Fire and Extended Coverage. During the initial and any renewal term of this Lease, the County will insure and keep insured, for the benefit of the County and its respective successors in interest, the Premises, or any portion thereof then in being. Such policy will contain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage," as the same may exist from time to time. The County will name CVHS as an additional insured on such policy, as its interest may appear.

Section 9.3. Evidence of Insurance. Copies of policies of insurance (or certificates of the insurers) for insurance required to be maintained by CVHS and the County pursuant to Sections 9.1 and 9.2 will be delivered by the County or CVHS, as the case may be, to the other upon the issuance of such insurance and thereafter not less than thirty (30) days prior to the expiration dates thereof.

Section 9.4. Waiver of Subrogation. The County and CVHS each hereby release the other from any and all liability or responsibility to itself or anyone claiming through or under it by way of subrogation or otherwise for any loss or damage to property caused by fire or any of the extended coverage or supplementary contract casualties, even if such fire or other casualty results from the negligence of itself or anyone for whom it may be responsible, provided, however, that this release will be applicable and in force and effect only with respect to loss or damage occurring during such time as any such release will not adversely affect or impair the releasor's policies or insurance or prejudice the right of the releasor to recover thereunder.

#### ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. CVHS must not commit or allow to be committed any waste or any nuisance upon the Premises.

Section 10.2. Governmental Regulations. During the term of this Lease, CVHS must, at CVHS's sole cost and expense, comply with all requirements of all County, municipal, state, federal and other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to the Premises or CVHS's use and occupancy thereof.

ARTICLE XI. FIRE OR OTHER CASUALTY

If the Premises are damaged so as to render two-thirds (2/3) or more of the Premises untenantable by fire or other casualty insured against under the insurance required to be carried by the County pursuant to Section 9.2, the County may elect either to terminate this Lease as of the date of damage or to repair the Premises. Unless the County elects to terminate this Lease, such damage or destruction will in no way annul or void this Lease. Notwithstanding the foregoing, if any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, CVHS may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to the County.

ARTICLE XII. CONDEMNATION

If the whole or any part of the Premises is taken under the power of eminent domain, then this Lease will terminate as to the part so taken on the day when CVHS is required to yield possession thereof, and the County will make such repairs and alterations as may be necessary to restore the part not taken to useful condition. If the amount of the Premises so taken substantially impairs the usefulness of the Premises, then either party may terminate this Lease as of the date when CVHS is required to yield possession.

ARTICLE XIII. DEFAULT

Section 13.1. Default. The occurrence of any of the following will be deemed a "default" under this Lease:

- (a) CVHS fails to pay when due any amounts due under this Lease, including Articles IV and V, and such payment is not received by the County within ten (10) days after written notice of such failure is received by CVHS; or
- (b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from the County.

Section 13.2. Remedies. In the event of any default or breach hereof by CVHS, the County may (in addition to all other rights and remedies provided by law) terminate this Lease or re-enter and take possession of the Premises, peaceably or by force, and remove any property therein without liability for damage to and without obligation to store such property, but may store the same at CVHS's expense, and collect from CVHS any amounts then due and which would accrue for the unexpired portion of the term hereof, together with reasonable attorney's fees. In addition, in the event of a failure to pay any amount due within five (5) days of its due date, CVHS must pay to the County the greater of Twenty-Five Dollars (\$25.00) or one half (1/2) of one percent (1%) of such sum for each day after the fifth day such amount is late.

ARTICLE XIV. HOLDING OVER, ASSIGNS, SUCCESSORS

Section 14.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of the County, will be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and will otherwise be on the terms and conditions herein specified as far as applicable.

Section 14.2. Showing the Premises. During the last ninety (90) days of the term hereof, CVHS will allow the County, or its agents, to show the Premises to prospective tenants or purchasers at such times as County may reasonably desire.

Section 14.3. Successors. All rights and liabilities herein given to, or imposed upon the respective parties hereto, will extend to and bind the heirs, executors, administrators, successors and permitted assigns of the parties. All covenants, representations and agreements of the County will be deemed the covenants, representations and agreements of the fee owner of the Premises. The County will be automatically released of any liability under this Lease from and after the date of any sale by the County of the Premises. All covenants, representations and agreements of CVHS will be deemed the covenants, representations, and agreements of the occupant or occupants of the Premises.

#### ARTICLE XV. BROKER'S FEES

CVHS and the County hereby warrant that there are no brokerage commissions due in connection with this Lease.

#### ARTICLE XVI. NO ASSIGNMENT

CVHS may not assign this Lease or sublet all or any portion of the Premises, either directly or indirectly, without the prior written consent of the County. No assignment, sublease or transfer of this Lease by CVHS will (i) be effective unless and until the assignee, subtenant or transferee expressly assumes in writing CVHS's obligations under this Lease, or (ii) relieve CVHS of its obligations hereunder, and CVHS will thereafter remain liable for the obligations of CVHS under this Lease whether arising before or after such assignment, sublease or transfer.

#### ARTICLE XVII. SUBORDINATION OF AGREEMENT

This Lease and all rights of CVHS hereunder are and will be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Premises, including any and all renewals, replacements, modifications, substitutions, supplements and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, upon the County's request, CVHS will promptly execute and deliver an instrument in recordable form satisfactory to the County evidencing such subordination. If CVHS fails to execute, acknowledge or deliver any such instrument within ten (10) days after request therefor, CVHS hereby irrevocably constitutes and appoints the County as CVHS's attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any such instruments on behalf of CVHS. If any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, CVHS may not withhold or delay its consent thereto.

#### ARTICLE XVIII. MISCELLANEOUS

Section 18.1. Waiver. A waiver by either party of any breach of any term, covenant or condition contained herein will not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of any amount hereunder by the County or CVHS, respectively, will not be deemed to be a waiver of any breach by CVHS or the County, respectively,

of any term, covenant or condition of this Lease, regardless of knowledge of such breach at the time of acceptance or payment of such amount. No covenant, term, or condition of this Lease will be deemed to have been waived by CVHS or the County unless the waiver be in writing signed by the party to be charged thereby.

Section 18.2. Entire Agreement. This Lease, and the Exhibits attached hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between the County and CVHS concerning the Premises; and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease will be binding upon the County or CHVS unless reduced in writing and signed by them.

Section 18.3. Notices. Any notice, demand, request or other instrument which may be, or is required to be given under this Lease, will be in writing and delivered in person or by United States certified mail, postage prepaid, and will be addressed:

(a) if to the County, at  
County of Albemarle  
County Executive's Office  
401 McIntire Road  
Charlottesville, Virginia 22902  
or at such other address as the County may designate by written notice;

(b) if to CVHS, at  
CVHS Well Aware Program  
P.O. Box 220  
New Canton, VA 23123  
or at such other address as CVHS may designate by written notice.

Section 18.4. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way do they affect this Lease.

Section 18.5. Partial Invalidity. If any term, covenant or condition of this Lease, or the application thereof, to any person or circumstance to any extent is held to be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be affected thereby and each term, covenant, or condition of this Lease will be valid and be enforced to the fullest extent permitted by law.

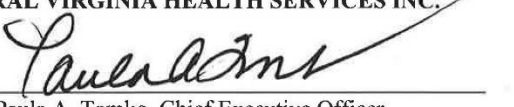
Section 18.6. Governing Law. This Lease will be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Section 18.7. Counterparts. This Lease may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

**OCCUPANT**

**CENTRAL VIRGINIA HEALTH SERVICES INC.**

By:   
Paula A. Tomko, Chief Executive Officer

**COUNTY**

This Lease is executed on behalf of the County of Albemarle by Jeffrey B. Richardson, County Executive, following a duly-held public hearing, and pursuant to a Resolution of the Albemarle County Board of Supervisors.

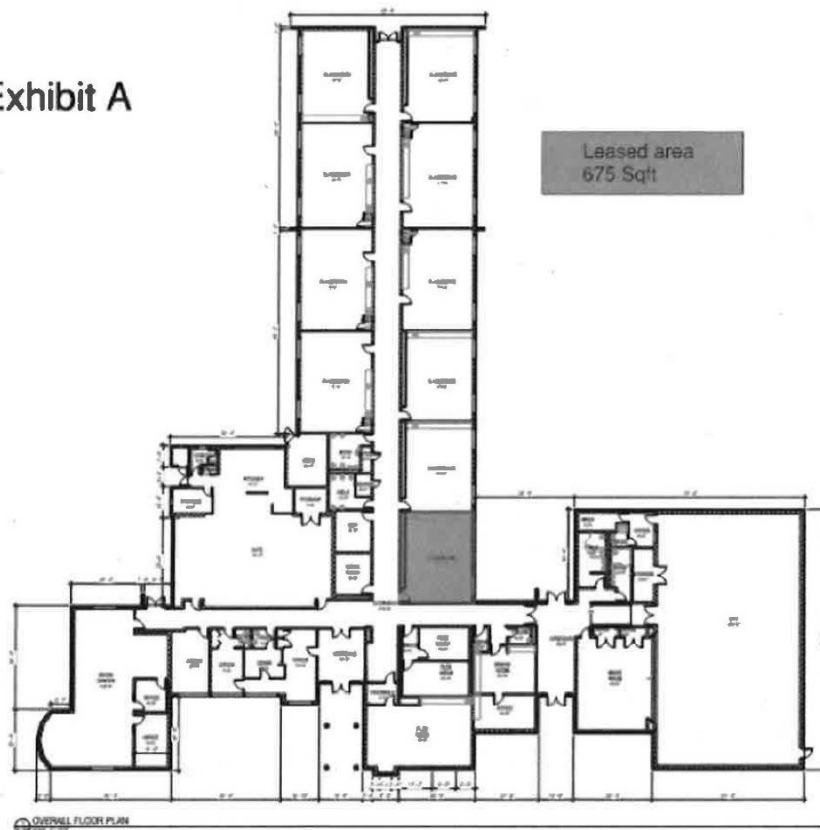
**COUNTY OF ALBEMARLE, VIRGINIA**

By:   
Jeffrey B. Richardson, County Executive

Approved as to form:

  
Albemarle County Attorney

Exhibit A



Agenda Item No. 18. **Public Hearing: ZMA202100013 Southwood Phase 2.**

PROJECT: ZMA202100013 Southwood Phase 2 (Signs #50 and 53)

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 090A1-00-00-001D0, 090A0-00-00-001C0, 090A0-00-00-00400

LOCATION: Southwood Mobile Home Park located along Old Lynchburg Road (State Route 631) off of Hickory Street approximately 350 feet from Ambrose Commons Drive and approx. 1,900 feet from Oak Hill Drive.

PROPOSAL: Rezone property from residential to a mixed use- mixed housing development.

PETITION: Rezone 93.32 acres from R2 Residential zoning district, which allows residential uses at a density of 2 units per acre, to Neighborhood Model District (NMD), which allows residential uses at a density of 3-34 units per acres, mixed with commercial, service, and industrial uses. A maximum of 1,000 units are proposed for a gross density of approximately 10.7 units per acre and a net density of approximately 13.5 units per acre. A minimum of 10,000 square feet of non-residential uses are proposed and up to a maximum of 60,000 non-residential square footage.

OVERLAY DISTRICT(S): Flood Hazard Overlay District; Steep Slopes- Managed and Preserved

PROFFERS: Yes

COMPREHENSIVE PLAN: Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams; Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses with a Center in the Southern Neighborhood within the Southern and Western

Urban Area Master Plan.

The Executive Summary forwarded to the Board states that at its meeting on April 26, 2022, the Planning Commission (PC) held a public hearing to review the rezoning proposal to redevelop the remainder of the Southwood mobile home community (ZMA202100013 Southwood Phase 2). The staff report, PC action memo, and PC minutes from that meeting are provided as Attachments A, B, and C. A number of emails were sent from community members to the Planning Commission concerning this application prior to the public hearing and they are provided in Attachment D.

During the public hearing, many speakers spoke in favor of the proposal, though some had concerns. Many of the speakers were existing Southwood residents. During the hearing, the applicant presented new information, including potential proffers, to address concerns with the rezoning, but this information was not received prior to the hearing.

Following the lengthy public hearing and discussion, the PC voted to recommend approval by a vote of 4:2 (Commissioners Firehock and Bivins opposed). This recommendation was based on the positive aspects of the project stated in the staff report. The Commission recommended that in addition to addressing the areas of concern stated in the staff report, the following items be addressed:

- The applicant should establish a minimum square footage for non-residential uses to ensure a Center is provided, as recommended by the master plan.
- The applicant should work to identify possible funding opportunities to address the need for transportation improvements, especially to Hickory Street.
- The applicant should commit in a revised proffer statement to the amendments offered at the meeting, including:
  - Obtaining 100% completed engineering drawings for the upgrade of Hickory Street from Southwood to Oak Hill as a public road.
  - Removing the one-year sunset clause on the County's option to purchase an approximately 5.7-acre parcel in Block 34 for use as a school, childcare center, or community center, and remove County obligations to relocate residents.

After further discussion with staff and reviewing agencies, the applicant has provided additional information in response to the outstanding issues identified at the PC public hearing. The new information is included as an updated project narrative, application plan, code of development and proposed proffers. (Attachments E, F, G, and H) Staff's analysis of the updated materials (Attachment I) include remaining areas of concern with the proposal.

As previously noted, this application has great potential to increase and improve affordable housing in the County. However, because the impacts noted in the updated staff analysis (Attachment I) have not yet been fully addressed, staff is unable to recommend approval at this time.

Following the public hearing, the Board may approve or disapprove the proposed rezoning, or may defer action to allow for changes to the application. Based on County Code § 1833.4(O)(2), Board action is not required on this application until March 1, 2023.

If the Board wishes to act on the proposed rezoning, staff has prepared both an ordinance to approve and a resolution to deny, provided as Attachments J and K, respectively.

Ms. Price said all speakers must be signed up to speak at the public hearing and indicated to where the sign up sheet was located on the table to the side of the Auditorium. She said Ms. Ragsdale would be presenting the staff report on Southwood Phase 2.

Ms. Rebecca Ragsdale, Planning Manager in the Community Development Department, greeted the Board and said she would be presenting information for the public hearing for Southwood Phase 2. She said other staff were present if there were questions during the discussion, including Planning Manager for Transportation, Kevin McDermott, and Housing Policy Manager, Stacy Pethia. She said there would be a brief update on Phase 1 and then discuss the Phase 2 rezoning.

Ms. Ragsdale showed a map of the Phase 1 parcels labeled and the Phase 2 parcel outlined in yellow. She said this area was about 92 acres and represented the remainder of the mobile home community that was proposed for rezoning this evening. She said the County partnership with Habitat for Humanity was established in 2007, and in 2016 actions and milestones for the Phase 1 rezoning were completed that led to the approval in 2019, including performance agreements and action plans that would be discussed this evening.

Ms. Ragsdale said Phase 1 was about 34 acres and had 450 units maximum allowed and up to 50,000 square feet of nonresidential permitted. She said in the neighborhood planning efforts, they began to establish the code of development, guidelines, and block plans for redevelopment that included amenities and a neighborhood center. She said this Phase 1 included a proffer for trail access to the public park when it was developed.

Ms. Ragsdale said Phase 1 was underway and some of the Supervisors had already visited the model home. She said the map shown was a representation and update the Board received a few months

ago back in April that showed what the buildout would look like for Phase 1 with 335 units, 207 of which would be affordable, with a combination of different housing types that included condos, townhouses, single-family, and 121 Piedmont Housing Alliance (PHA) low-income housing tax credit units that would be developed.

Ms. Ragsdale said there were several sections that had site plan approval and construction was underway in what was referred to as Village 1, to be followed by 9-11 and subsequently Village 2 and Block 12. She said 72 building permits had been issued, Certificates of Occupancy were being issued, and progress for Horizon and Hickory Streets and other improvements of the internal street structure were taking shape. She said there was an update on the performance agreement from Dr. Pethia and all the milestones according to the performance agreement and the \$3.2 million total contributions between cash contributions and tax rebates had been met to this point. She said in addition to that performance agreement and those contributions, during the budget process there was discussion and commitment to provide the additional funding of \$3.3 million to assist with the apartments and resident relocation into temporary units during redevelopment.

Ms. Ragsdale said that Phase 2 was distinct from Phase 1. She said there was not an extensive timeline to go over in terms of County action plans or performance agreements. She said this was the rezoning that was submitted in late 2021, seen before the Planning Commission in April 2022, and separate from Phase 1. She said Phase 2 included 93 acres and could be a range of 527 units to 1,000 units at maximum, including 227 units for low-income housing tax credits, as well as providing for nonresidential uses that would include a minimum of 10,000 square feet and up to 60,000 square feet. She said continuing with the resident planning work, they were framing two transit stops and amenity green space areas to be provided as well as the internal block and road structure.

Ms. Ragsdale said the existing property was zoned R-2 Residential, allowing about 186 units if it were to develop by-right, shown on the slide in light green. She said the dark green was the Neighborhood Model District where Phase 1 was rezoned. She said there was some lower-density residential across Old Lynchburg Road to the west and the Biscuit Run property to the southeast was zoned RA (Rural Areas). She said in reviewing this, in terms of the land use recommendations for southern and western neighborhoods Master Plans, the property was designated Urban Density, which allowed a range of units between 6 and 34 units per acre.

Ms. Ragsdale said this project was coming in at about 10.7 units per acre based on the gross density. She said there were parks and green space areas shown and the neighborhood center was recommended near Old Lynchburg Road. She said the code of development had provided consistency with these recommendations in the Master Plan in terms of preservation of green space areas, provision of the neighborhood center, and being within the density range.

Ms. Ragsdale showed an image that detailed the block layout she mentioned previously. She said it included green space areas around the perimeter of the property and the higher density being oriented toward Hickory Street and closer to the neighborhood center area, which was in the darkest red color. She said it showed the general framework for the blocks and interconnections to Phase 1. She said the concepts of the Phase 1 code of development had continued into Phase 2 with the excellent work of the planners and included all the aspects they needed in a code of development to regulate block sizes, building form regulations, and typical setbacks and building height.

Ms. Ragsdale said the green space plan provided for the required green space and amenities and exceeded it in terms of the amount of green space that was being provided. She said it preserved critical resources such as stream buffers and steep slopes, which would be located in the green space areas. She said there was a range of amenity types that included smaller pocket parks and a larger central park. She said with the site plan process and further resident planning, those areas would become further defined, but they were specified in the code of development. She said in addition to this, there would be the recreational amenities required by the ordinance. She said the red arrows showed where the trail connections were provided to the future Biscuit Run Park.

Ms. Ragsdale said the current slide showed those trail connections in yellow with red arrows again. She said the trails being provided within Southwood were with a proffer that public access easements would be on all the trails to provide connections from Old Lynchburg Road into Biscuit Run Park.

Ms. Ragsdale said the internal streets included an improved Hickory Street being the main connection and the only interconnection within Southwood out into the broader street network, Old Lynchburg Road, and 5th Street. She said the plan provided for that framework and for multimodal transportation opportunities. She said there were a number of transportation concerns related to the 5th Street Corridor that included failing intersection movements at 5th Street and Stagecoach and at the interstate ramps. She said the corridor had limited bike and pedestrian facilities and there was one transit stop that currently existed in Southwood. She said a study of the corridor had recently been completed on January 5th with the Avon Street Corridor Study, and efforts were underway with transportation planning to pursue grants to provide a path on the west side of Old Lynchburg Road and 5th Street.

Ms. Ragsdale said more specifically in terms of the transportation concerns, Southwood Phase 1 and 2 would together add nearly 8,000 trips to the roadway. She said while there were deficiencies now, with buildout there would be further degradation and there were concerns about the increases in delays going from 30 seconds to 130 seconds at some intersections, or some intersections becoming inoperable. She said VDOT continued to give transportation comments throughout the review of the

Transportation Impact Analysis, and with their most recent comments asked the applicant to identify some recommendations to address those failing intersections. She said there was existing transit in Southwood, so the applicant proffered two transit stops, which would be significantly improved from the current condition of the existing transit stop, to offset trips.

Ms. Ragsdale said also of concern was Hickory Street, which was the only interconnecting street between Southwood and other parts of the street network. She said with Phase 2, they expected there would be even more trips on Hickory Street. She said Hickory Street was currently a private road with maintenance responsibilities shared between the County, Southwood, and the Covenant School, with sections that were in poor condition. She said there was a section of Hickory Street that was proposed to be upgraded with the Southwood redevelopment, but the portion circled on the slide would need significant improvements that would require additional investment by the County to complete.

Ms. Ragsdale said the applicant had proffered construction drawings to help make interim improvements to bring Hickory Street to minimal functional standards and 30% design drawings to reconstruct Hickory Street to public standards. She said there was some discussion at the Planning Commission about 100% design drawings for Hickory Street, and 30% is what staff determined would be helpful for pursuing future planning and projects for Hickory Street.

Ms. Ragsdale said Southwood was served by Monticello High School, Burley Middle School, and Mountain View Elementary School. She said the maximum number of units for both Phase 1 and Phase 2 could yield about 168 students total, 91 of which would be elementary school students. She said Mountain View Elementary School did not have additional capacity and was currently operating with mobile units. She said the planned expansion would accommodate existing needs but would not provide for future needs. She said the school system had been studying various options, and the applicant had discussed with schools and staff how impacts could be addressed. She said the need for a site was critical in terms of accommodating any future growth in those neighborhoods.

Ms. Ragsdale said the estimated student yield analysis shown on the slide was included in the applicant materials and showed the breakdown between Phase 1 and Phase 2, the additional units that would be added, netting out the current Southwood students. She said the current capital budget had two elementary schools with FY24 funding for one elementary school, but the second elementary school was not fully funded, and \$3.5 million was budgeted in FY27 to begin site design and planning. She said the applicant had offered a school site, originally offered at 5.7 acres but now increased to 7 acres, with the general location shown on the map with a green star. She said it was located within Blocks 31 and 20 in the code of development. She said it was on the edge of the development closer to Covenant.

Ms. Ragsdale said part of the process and discussion with schools included some schematics provided in the packet to show how an urban multi-story elementary school could work on the property. She said the site was reserved for the sale of 7 acres through July 1, 2027. She said there were provisions for the condition of the property before the County accepted it after the ultimate rezoning and agreement of the school division.

Ms. Ragsdale said those improvements would include creating a pad-ready site and in this case some additional remediation and removal of structures in addition to providing utilities to the edge of the property. She said the sales price stipulated in the proffer provisions was that it would be 80% of the appraised value at the time of purchase agreement. She said that included 80% plus the owner's expense to achieve the pad-ready site conditions along with any other site improvements the County and the applicant decided were desirable before the property was conveyed.

Ms. Ragsdale said staff had concerns with this proffer not specifying the sales price in the provisions and it did not provide some things that they may typically see in a proffer in terms of who was bearing the cost of preparing the plat and deed of dedication. She said the size of the site could provide for a school and was in a desirable location for the schools, but a 7-acre site could limit future needs by not allowing any additions or temporary structures that may be needed in the future. She said it would also lack outdoor amenities that were often at schools that could be used on the weekend.

Ms. Ragsdale said while a sales price had not been identified, there was information provided to the Planning Commission on what Habitat for Humanity estimated as the discount value of the proffer, so they estimated the sales price and took look at the assessed value of the property and estimated that to be about \$591,000. She said that for affordable housing provisions in the code of development and proffers, there was a minimum of 227 units that were proffered, a number that came from the number of residents that still needed to be rehoused. She said if it were built out at the maximum it would be 23% affordable units, and at the lower end, 527 units would be 43%. She said the units could be detached, attached, multifamily, or accessory units.

Ms. Ragsdale said units may be rental or for sale, but the provisions in the code of development included for-sale units offered at 80% area median income or below, and if the qualified purchaser was not provided within 120 days, it could be sold at market rate. She said if units were rented or sold to current Southwood residents, the housing cost would be capped at 30% of the family's income. She said there was a proffer that Block 25 would be reserved until 2023 for the development of 50 or more low-income housing tax credit units by a third party.

Ms. Ragsdale said that there were 314 existing mobile homes in Phase 2. She said there was a net of 120 affordable new units and 170 net new affordable units if 50 LIHTC (Low Income Housing Tax Credit) units were constructed in Phase 2. She said they did not have any action plan groundwork

prepared for Phase 2. She said the Planning Commission had held its public hearing in April and recommended approval by a vote of 4-2. She said with that recommendation was the provision that all the outstanding concerns that staff identified in the staff report be addressed as well as the specific comments the Planning Commission included in their action.

Ms. Ragsdale said the applicant was now committed to the minimum square footage for nonresidential uses, work continued on Hickory Street, and the 100% design drawings were offered, but they settled on 30% in the interim proffer for improvements needed. She said the school's proffer had been addressed in terms of the sunset clause revision, the size had been increased, and the obligations to the County had been removed.

Ms. Ragsdale said the remaining concerns regarded the school's impacts, the impacts on the Old Lynchburg and 5th Street corridor, and the impacts that would be generated to Hickory Street and other County facilities if the project were to be approved. She said this was a public hearing, but as the Board discussed and potential action, the Board may approve, disapprove, or defer the item. She said there were two Resolutions prepared. She said due to the timeframe of the project, the item had to be acted on by March of 2023. She said she was available for any questions.

Ms. Price said she noticed some other people had recently arrived, so she reiterated that if anyone wanted to speak at the public hearing, they must sign up before the public comment began. She said as Ms. Ragsdale mentioned, the Board had three options, which were to approve, deny, or defer a decision up until March of 2023. She asked Ms. Ragsdale if that date was correct.

Ms. Ragsdale said yes.

Ms. LaPisto-Kirtley said she was most concerned about the situation with the schools. She said to pay market value in 2027 could be \$5 million for the 7 acres, and it still would not meet what they should have to be able to have a play area for the residents and children to use after-hours. She asked if staff had made any progress with that concern.

Ms. Ragsdale said they continued to express that concern and there were no other updates. She said demonstrated through design concepts, 7 acres could work for a specific type of school scenario, but the school systems indicated that 20 acres would be preferred and the minimum preferred was 10.

Ms. LaPisto-Kirtley asked if there was progress regarding the situation with the streets.

Ms. McKeel asked if Ms. Ragsdale could speak louder.

Ms. Ragsdale said they had no updates for the Board, but the applicant may have updates for them. She said what was before the Board this evening was what was most recently submitted in the proffers that were offered. She said there had been no developments since then.

Mr. Andrews said he was thrilled that the performance agreement for Phase 1 had met all benchmarks. He asked at what point an action plan performance agreement was put into place for Phase 2.

Ms. Ragsdale said the rezoning and action plan and performance agreement were separate matters. She said the focus was on the land use discussion. She said Mr. Walker could speak on this issue.

Mr. Doug Walker, Deputy County Executive stated that the performance agreement for Phase 1 was accomplished prior to the consideration of the Phase 1 rezoning, so all of the negotiations that resulted in the contract that was the performance agreement was finished, so there was not a direct correlation between the rezoning application and the performance agreement and they were treated separately. He said technically and practically speaking, to avoid contract zoning, they could accomplish that before the rezoning or after the rezoning, so in this case, they were in a quiet period, but there certainly could be some opportunity if the rezoning was approved for those conversations to start again.

Mr. Andrews said he appreciated the explanation. He said there were several concerns voiced about transportation, schooling, and park usage and access. He asked if there were any ongoing concerns with environmental concerns related to the remediation of the site and the ability to carry out the rezoning plan with the existing environmental issues.

Ms. Ragsdale said they were working with an environmental consultant and there may be some unknowns, but the preliminary work was underway. She said no other issues had been identified other than the ones discussed in the edge area or the area with existing drain field problems.

Mr. Andrews said his remaining questions were for the applicant.

Ms. Mallek said Mr. Walker's explanation was clearer and showed that if things had stabilized, the zoning issues could go forward without any further mention of the fact they did not have a performance agreement in place. She said that point was not clear in the staff report. She asked if she should ask Mr. McDermott about her issues with the transportation.

Ms. Price said that would be fine.

Ms. Mallek said there were some evaluations about existing intersections. She said there were other zoning applications where they did not expect a developer to solve historic problems. She said she wanted to know how they attributed all of the issues to this specific application and not surrounding developments.

Mr. Kevin McDermott, Planning Manager for Transportation, said that they typically reviewed what the existing conditions report said, then what the build alternative conditions would be, then distinguished how the conditions changed between those. He said there were existing significant issues in the corridor that were identified prior to any of this work, occurring primarily in the interchange heading south, at Stagecoach Road, and at the Old Lynchburg Road and 5th Street intersections where there were many failing movements that were in serious condition and had been for some time.

Mr. McDermott said there was an improvement project already funded for the Old Lynchburg and 5th Street intersection to convert that to a roundabout. He said south of there, the conditions tended to be in fairly good shape. He said the one movement currently in good shape that they saw fairly significant degradation to was at Sunset where it met Old Lynchburg, due to a.m. peak hour movements heading north into town. He said that was the one movement that would go from about 90 seconds to 130 seconds with the addition of Southwood Phase 2. He said there was also a significant impact at Stagecoach, which was already failing badly.

Mr. McDermott said there was a police presence to direct traffic during school hours there which helped in the morning, but it was a poor-performing intersection, and because of the additional traffic from Southwood, they would see additional vehicles coming from Hickory to Stagecoach and would further worsen that intersection. He said they would have to deal with that problem regardless of the Southwood development. He said the two intersections he was most concerned about were Stagecoach and Sunset between the no-build to the build conditions.

Ms. Mallek said there were solutions that she suspected VDOT had already considered, because many of the residents of Sunset made a right and then made a U-turn to go into town.

Mr. McDermott said he did not know if that happened at Sunset but he knew that happened at Old Lynchburg. He said at Stagecoach, the 5th Street corridor study that was completed about a year ago made a recommendation for some improvements at Stagecoach Road that would address the situation. He said for Sunset, there were no specific recommendations, but it was definitely possible with funding to be able to take care of that movement.

Ms. Mallek said once the need was there, they had a better opportunity to get funding rather than trying to get it in advance. She thanked Mr. McDermott for answering her question. She said she was in a dilemma about the school site. She said five years ago, school representatives said to Board members at a joint meeting that they did not want a school in this location. She said she was surprised to read the staff report and find that had rather dramatically changed. She asked Ms. Ragsdale if the 168 students were all new students or if the 91 current students were included.

Ms. Ragsdale said the 168 were the net new students from Phase 1 and Phase 2, and the 91 was the number of elementary school students in the total 168.

Ms. Mallek asked if that was totally separate from the ones who lived there now.

Ms. Ragsdale said she could show that information again. She said the existing Southwood students were 154 elementary, 92 middle, and 116 high school—for 362 total students.

Mr. Gallaway asked how the minimum for the nonresidential piece was committed for.

Ms. Ragsdale said in the code of development standards, there was a minimum of 10,000 square feet required.

Mr. Gallaway asked if that was for Phase 2.

Ms. Ragsdale said it was for Phase 2.

Mr. Gallaway said in the Planning Commission discussion, they were opting back to Phase 1. He asked what Phase 1 was again.

Ms. Ragsdale said Phase 1 did not include any nonresidential.

Mr. Gallaway asked if the piece up front was in Phase 2.

Ms. Ragsdale said the piece up front were blocks 11 and 12, the two blocks at Hickory and Old Lynchburg Road. She said those blocks were referred to as the neighborhood center area where certain blocks identified whether there was a minimum or maximum commercial, but in Phase 1, there were no proposed nonresidential uses through site plans or building permits. She said there was no minimum specified in Phase 1, so a minimum was important for consistency with the master plan for Phase 2, so 10,000 square feet was what was revised in the code of development.

Mr. Gallaway said in the current list of proffers, the school site was the one use that had been proffered forward. He said in the original piece, there were two other uses, which were a community

center and a third possibility. He asked if the school site as the only proffered piece was a decision that came about with discussions with staff. He said he could wait and ask the applicant that question.

Ms. Ragsdale said the applicant could address it, but they wanted to allow maximum flexibility if the County were to acquire the property, it did not prevent a Boys and Girls Club as a partnership with public schools, such as at Albemarle High School. She said it was to provide flexibility and was one of the revisions that occurred between the Commission and the Board. She said the Boys and Girls Club could be accommodated in Southwood but they could probably better speak to what they had discussed.

Mr. Gallaway asked to see the slide with the school enrollment data. He asked if they knew what the idea of the maximum enrollment of a school in this urban school model would be.

Ms. Ragsdale said they had not gotten to that point with the school system still evaluating their options. She said she was unsure, but she recalled it was about 500.

Mr. Gallaway said he could ask the applicant as well. He asked if the two transit stops were in Phase 2 only. He said there was a proffer statement for the two. He asked if there was anything in Phase 1.

Ms. Ragsdale said there was currently a transit stop in the area of Phase 2, but there was not a transit stop proffered to be located in Phase 1. She said it was internal to Phase 2 of Southwood.

Mr. Gallaway said it was difficult to have this information without seeing it. He asked if Mr. McDermott had a map he could show that referenced the roads Supervisor Mallek mentioned.

Mr. McDermott said yes. He said on the slide were four red circles along the road were the intersections that showed failing movements. He said the lower one in front of the County Office Building was already being addressed by the roundabout, and the next to the north was the Stagecoach intersection.

Mr. Gallaway asked if Mr. McDermott could indicate the intersection with a pointer.

Mr. McDermott said the indicated intersection was the Old Lynchburg Road and 5th Street intersection, where a funded project would be fully constructed by the time Phase 2 would be opened that would solve any issues at the intersection.

Mr. Gallaway asked if that was the Albemarle Business Campus.

Mr. McDermott said yes. He said heading north from there, the next marked intersection was at Stagecoach Road, where they expected vehicles traveling from Southwood Phase 2 on Hickory Street to reach the number of hundreds in the peak hour on Hickory Street and coming out at that intersection. He said that the intersection was already failing, and with the addition of traffic coming onto the main entrance of Old Lynchburg and Hickory Street, the movement failed to a degree that it would not be operable with many minutes of delay. He said it was already failing, but they believed they would have to fix it quicker if Phase 2 came online. He said the other two were at the ramps of I-64, where the movements were failing already. He said the difference in the ramps between the build and no-build scenarios was not that big, so Southwood would not have a major impact on the ramps.

Ms. McKeel asked if Mr. McDermott was referring to the interstate ramps.

Mr. McDermott said yes. He said the intersection indicated on the slide was Sunset, which now operated fairly well, but in the peak hour with the Phase 2 development, the movement coming off of Sunset to make a left onto Old Lynchburg to go into the City would go from a 90-second delay to 130 seconds, which would expand overall delays and likely send people to other intersections, making those operate worse.

Mr. Gallaway asked if these intersections, with the exception of the ABC intersection, were on the priority list.

Mr. McDermott said he did not think any of them were on the 2019 priority list, but between 2019 and now, VDOT had conducted the 5th Street Corridor Study, which recommended improvements at Stagecoach and fixing the I-64 interchange ramps. There were also corridor improvements, including a shared-use path recommended there. He said that was a project they submitted a grant application for through SmartScale. He said those improvements were upcoming and because those intersections were identified in the corridor study, they would update the priority list to find where they wanted to put funding.

Mr. Gallaway thanked Mr. McDermott.

Ms. McKeel said between 5th Street Station and Old Lynchburg Road, she had experienced the unsafe traffic conditions.

Mr. McDermott said there were safety concerns throughout, and while they were not as severe as in the City on 5th Street with fatalities, it was unsafe. He said they believed the roundabout at the Old Lynchburg interchange would help calm traffic, and as part of the recommendation for the shared-use path, they would remove one of the southbound lanes between Old Lynchburg Road and where it fell off at Hickory, so that should reduce the speeding on the southbound sections as well.

Ms. McKeel said she understood these issues. She said there were also transportation concerns within the development, for example, around Covenant School and that road.

Mr. McDermott said that Hickory Street was currently a private road for its entire length with a shared responsibility with the County, which they took when they signed the lease for Biscuit Run, Covenant School, and Southwood. He said that was where the maintenance responsibility lay, and they understood the road was in very poor condition right now, especially from Covenant going all the way through the Southwood development. He said as part of the Southwood development, they would be required to upgrade the section within their development and had proposed it become a public road that must meet VDOT standards.

Mr. McDermott said that was seen in the submission, and all the issues should be addressed. He said there still was a concern about the border of the Southwood property, Covenant, and going all the way out to the Oak Hill intersection, the next road it met. He said they recognized that needed to be improved and the applicant had proffered to provide a full 30% design to use for cost estimates and to obtain a future grant. He said they had expressed willingness to work with the County on grant applications for road improvements for that and were helping develop cost estimates for interim improvements that would fix the current pavement issues.

Ms. McKeel asked if they were proffering design.

Mr. McDermott said yes. He said they were proffering design from their property boundary to Oak Hill. He said they would have to improve the section within their development.

Ms. McKeel said there was a lot of money required to fix all of the transportation issues in this area.

Mr. McDermott said yes, it was.

Ms. McKeel said she was concerned about schools. She said the School Board's concern had been having to pay for the land. She said she had never known of a development going in where the school system or County government had to pay for it and usually the site was proffered.

Mr. Charles Rapp, Director of Planning stated that they looked through previous proffers of large-scale developments like this. He said the last two that came to mind were Brook Hill and North Pointe. He said each of those proffered pad-ready school sites at no expense to the County at their request. He said those were some of the sites the schools were looking at identifying for the new elementary school in the CIP. He said as far as history and precedent of what they had in the past, this was a unique one where the acquisition of the property would be a part of this proffer, and some of the concerns that had been expressed in their internal meetings with school representatives were the unknown cost of the appraised market value would be at the time of sale.

Ms. McKeel noted a developer would typically proffer the land. She said ACPS or County government would have to purchase the land and prepare it on top of the cost of building the school.

Mr. Rapp said that was what was unique about the particular proposal.

Ms. McKeel said the size of the property was concerning. She noted there was a Boys and Girls Club planned in Phase 1. She asked where the Boys and Girls Club would be located for Phase 2.

Mr. Rapp said he knew from some of the discussions with the applicant that they were looking at the same site for the Boys and Girls Club. He said they had brought up discussions about a shared use between the school and Boys and Girls Club.

Ms. McKeel noted that the model was out there. She said if the Boys and Girls Club was sharing space with the school, it would be better to have more acreage, outdoor space, and equipment.

Mr. Rapp said that was correct. He noted that many of the County's elementary schools had multiple recreational fields, and many sports leagues utilized those properties. He acknowledged that 7 acres may not provide that opportunity.

Ms. McKeel said in Phase 1, there was the intention there would be a commercial, nonresidential piece. She asked if Phase 1 no longer had that provision.

Ms. Ragsdale said there was still the provision that it could have a residential piece.

Ms. McKeel said she did not see it anywhere.

Ms. Ragsdale responded that it was not planned.

Ms. McKeel said it was not in the plan so it would not be in the development. She clarified that it could be added.

Ms. Ragsdale said it could be added.

Ms. McKeel clarified that as of the meeting, there was no planned commercial space in Phase 1.

Ms. Ragsdale said that was correct. She clarified that there were no approved commercial onsite plans to date.

Ms. McKeel asked in terms of Phase 2.

Ms. Ragsdale explained Phase 2 would require the 10,000 square-foot minimum, and the space could be as large as 60,000 square feet.

Ms. Price clarified the southernmost of the four roundabouts was at the intersection of 5th Street and Old Lynchburg Road, and it was the roundabout that had been approved.

Mr. McDermott said that was correct.

Ms. Price noted the roundabout south of Sunset. She said she was concerned if the roundabout was south of Sunset, then the roundabout would be to the north for people coming out of Sunset, so they would be making a left turn heading north onto Old Lynchburg Road.

Ms. Price said an option would be to go back into the development on the west side and take Country Green, but she noted the street was poor—narrow and tight turns. She said Country Green was not suitable and asked Mr. McDermott if he agreed.

Mr. McDermott said he agreed. He asked Ms. Ragsdale to indicate Country Green on the map. He said it was an older road.

Ms. Price noted how narrow the road was. She said it was not a reasonable alternative. She asked how the situation for vehicles coming out of Sunset could be improved. She noted there was a lot of development and housing to the northwest of the development. She asked what improvement those residents would see from the intersection.

Mr. McDermott responded that the 5th Street Corridor Study did not make a recommendation for the intersection. He said the intersection was not expected to fail as it was shown to fail in the modeling with Phase 2. He said there were options—it could be signalized if it meant warrants, a roundabout could be added, or a protected left-turn lane could be added.

Ms. Price noted it was proposed to eliminate one of the southbound lanes south of the roundabout at 5th Street and Old Lynchburg Road.

Mr. McDermott said that was correct.

Ms. Price noted that would aid in calming traffic on the road.

Mr. McDermott said it would also open site lines and reduce oncoming traffic. He said it could potentially change the modeling, as well.

Ms. Price noted the ramps on I-64 were reviewed. She noted when the Board considered developments, they considered a range of units that could be built. She noted Phase 1 was 34 acres and included 450 units. She said she was not sure how many of those would be affordable. She said she had numbers between 121 and 207. She said Phase 2 was 93 acres with between 527 and 1,000 units. She said with the affordable units from Phase 2—227 with potentially up to 277 units—and the 207 from Phase 1, there was a net increase of 120 affordable units over the current number of residents.

Ms. Ragsdale noted the number of units provided in Phase 1 that exceeded the minimum proffered in the code of development. She said the 227 units represented the minimum number in the proposed code of development for Phase 2.

Ms. Price clarified that 600 students was considered an ideal size for an elementary school.

Mr. Gallaway said from 220 to about 1,000.

Ms. McKeel said 400 to 600 for elementary schools.

Mr. Rapp said they were at a meeting with ACPS last week going over enrollment projections. He said all the projections were within the 400 to 600 range.

Ms. Price noted how the number of students generated by the development would be about half of an elementary school. She said locating an elementary school near the Southwood redevelopment made sense. She said it would be great to locate it within the property for walkability. She noted school bus drivers were an issue, and building schools far from students increased that difficulty.

Ms. Price said the pricing was concerning. She noted the \$11 million, and even if the sale price was \$9.1 million, they still had to prepare the pad. She noted a typical elementary school cost \$20 million to \$25 million to construct.

Ms. McKeel said an elementary school would not be constructed for that much.

Ms. Price asked how much it would cost.

Mr. Gallaway said \$30 million to \$40 million.

Ms. McKeel said she thought it would cost about \$60 million. She said \$40 million to 60 million. She said a high school costs about \$160 million to \$180 million.

Ms. Price said it was important because the County initially committed \$3.2 million and then added \$3.3 million toward Phase 1. She said the additional costs from the school could total \$60 million in addition to the cost of purchasing land.

Ms. Price asked what the consequences to the County would be for not having a performance agreement with the zoning. She clarified she was not on the Board when Phase 1 was approved, but she recalled there was a performance agreement with the zoning for Phase 1.

Mr. Walker responded that most of the zoning actions the Board took occurred without any consideration of a performance agreement. He said the performance agreement for Phase 1 of Southwood was completed prior to the consideration of the rezoning, and it was done in consideration of a but-for—but-for the County's participation, then the development would not achieve the results the County and the property owner sought to achieve.

Mr. Walker said the process was done intentionally in that sequence to avoid complications. He said the County Attorney could provide more detail on those complications. He said it was the same sequence followed for the Barnes Lumber Project where a performance agreement was completed based on a but-for provision and then a rezoning was initiated. He stated that it was the same process used in the Albemarle Business Campus Project where a performance agreement was completed and then a rezoning was initiated.

Mr. Walker said absent a performance agreement, what was left was a more typical rezoning where the Board was left with a land use decision embedded in the zoning action without any other consideration or agreed-upon cost-sharing arrangements. He said it did not preclude future decisions, but it did not leave the Board with information regarding who would be paying for the impacts of the development not specifically addressed within the application as it stood.

Ms. Price noted she had only been on the Board for a little over 2.5 years, and this was the largest application that had come before the Board since. She asked what the most recent comparable development was that the Board had addressed.

Ms. Ragsdale said the most recent developments were likely Brook Hill and North Pointe. She noted there were school impacts that had to be addressed. She clarified Brook Hill was in 2018 and North Hill was about 2008. She noted Old Trail Village. She said the developments could use a combination of approaches to address impacts.

Ms. Ragsdale said other proffers the County received had a cash-in-lieu option if the school site was not desired by the County. She said there was a \$500 thousand cash proffer from the North Pointe development.

Mr. Andrews asked for clarification about the Relocation Assistance and Anti-Displacement Plan.

Ms. Ragsdale said the minimum requirements that they could expect from an owner were brought up because the zoning requirements followed the land. She said Habitat was the applicant, and they did additional work with residents. She said the zoning documents represented the minimum.

Ms. Stacy Pethia, Housing Policy Manager, explained the anti-displacement and relocation plan was specifically tied to the Community Development Block Grant (CDBG) in Phase 1. She said any time federal dollars were used to fund any type of project, they required compliance with the Uniform Relocation Act. She said it was a requirement in the performance agreement as well. She said should any further CDBG grants be used in Phase 2, they would have to have a similar plan for Phase 2.

Mr. Andrews clarified that it would not be part of an action plan or performance agreement but a different plan.

Ms. Pethia said that was correct.

Ms. Price opened the public hearing.

Ms. LaPisto-Kirtley read the rules for public hearings. She noted there were more than 10 speakers.

Ms. Price noted there were 32 in-person commenters and two remote commenters signed up. She asked if the Board wanted to continue with the 3-minute speaking limit. She explained that if a speaker had an interpreter, they were allowed twice the amount of time to give time for interpretation into English. She said if a Supervisor wished for the time to be reduced, please offer a recommendation.

Ms. LaPisto-Kirtley said two minutes would be adequate. She said they had read the emails that

had been sent to the Board.

Mr. Andrews echoed they had received many emails. He said two minutes would be good.

Ms. Mallek said it was hard to adjust comments that were prepared for a 3-minute speaking time to a 2-minute speaking time. She said she would prefer that speakers be given the full time.

Mr. Gallaway said he was fine remaining with a 3-minute speaking time.

Ms. McKeel assumed the majority of speakers would have translators.

Ms. Price said they did not know how many speakers would need translation. She said they also did not know if every speaker would use the entire allotted time.

Ms. McKeel said the emails were helpful because they could use an English translation. She said three minutes was fine.

Ms. Price said she concurred. She said it was an important hearing that evening.

Mr. Andrews said he was fine with three minutes as well.

Ms. Price said the consensus of the Board was to remain with three minutes per speaker. She asked the applicants to begin their presentation.

Ms. Lori Schweller from Williams Mullen said she represented the applicant, Southwood Charlottesville LLC, a wholly-owned subsidiary of Greater Charlottesville Habitat for Humanity (Habitat). She introduced the other speakers who were with the applicant and would present that evening: Mr. Dan Rosensweig, President and CEO of Habitat; Mr. Andrew Vinisky, Chief of Construction; Mr. Steve Schmitt, Timmons Group; and Ms. Valerie Long and Ms. Megan Nedostup, Williams Mullen.

Ms. Schweller said since the Planning Commission meeting, the applicant had worked with the County agencies and departments—transportation, ACPS, FES, Parks and Recreation—to make the application and proffers as precise as possible.

Mr. Dan Rosensweig, President and CEO of Habitat, explained Habitat served the County and other neighboring jurisdictions. He said the project was identified as a priority project in 2016 as a public-private partnership. He noted it was also designated as a priority area in the comprehensive plan.

Mr. Rosensweig said any professional would be happy to have the design of Phase 1 on their resume. He said the design emphasizes open space and parks. He noted there was a picture of Habitat and market-rate units on every block.

Mr. Rosensweig noted the Board approved the Phase 1 application with 50 affordable units proffered, but they had planned to overdeliver. He said they delivered 211 affordable units in Phase 1 out of 335 total homes. He said construction was underway and about \$12 million had been invested in infrastructure to date. He said the first model homes were complete.

Mr. Rosensweig said the site was being environmentally rehabilitated. He said the area where they were developing was pristine, and they knew what was under the ground for the rest of the site, so there were cost projections. He said they were doing environmental analyses and working on federal grants that would likely not exist past the winter.

Mr. Rosensweig explained Phase 2 was an extension of Phase 1—the same code of development but tweaked. He said Phase 2 would create space for residents to work in a phased manner. He said the process was underway, and the next group had already designed Village III, the first village in Phase 2. He said it included a central park with a mix of housing on every street.

Mr. Rosensweig said the open space and amenability plan was to create enough flexibility so residents could put the spaces where they wanted. He said there would be a neighborhood center. He explained when rezoning was approved for Phase 1, the first neighborhood center area had 12-foot first floors, so the buildings could be commercial or residential during the life cycle of the development. He said it was not accurate to say there was no commercial plan, but it was accurate to say no site plan had been submitted for commercial space. He noted an early childhood education center was being developed.

Mr. Rosensweig said they were working with residents and outside partners to bring a shared commercial kitchen, a credit union, and a number of resident-centered business incubation activities to anchor the neighborhood commercial center of Phase 2.

Mr. Rosensweig said the numbers for the school costs were not accurate. He said he would later explain the figures in more detail. He said in terms of affordable housing, they proffered, instead of a percentage, an absolute minimum of 227 units to ensure every resident had a home. He said they hoped to well exceed that figure. He said in terms of land use, that was the bottom-line figure so that no one would be displaced.

Mr. Rosensweig explained affordable housing posed a qualitative issue. He said affordable

housing was not monolithic. He said the Area Median Income (AMI) of Southwood residents was primarily at 30% or below. He said they were committed to not only providing affordable housing—under 80% AMI—to people making under 30%. He said there was no other housing provider in the area or in the country that did the same.

Mr. Rosensweig explained they were meeting diverse housing needs. He said Southwood was not just for affordable housing; they were creating a ladder of opportunity per the first objective in the Board's Housing Policy. He said they would subsidize residents down to \$0. He noted that some people made no money in Southwood, and they would be subsidized all the way. He LIHTC fulfilled a niche that would add to the regional housing stock, and the market would pick up after. He said they were providing something unlike anything else in the country.

Mr. Rosensweig explained the Planning Commission voted in favor of the proposal in April. He said the applicant had worked with staff to reconcile the issues the Commission identified. He noted three main issues were identified, and each one was addressed.

Mr. Rosensweig said the first issue was commercial space, so in response, the applicant added a minimum amount of commercial space to the code of development. He said the second was the school site, and there were several associated concerns.

Mr. Rosensweig explained there were concerns regarding the timeframe of the school site. He said it was originally a one-year sunset clause, but they amended it to give it until 2027. He said the Commission was concerned the proffer was written in a way that the County would be responsible for rehousing, so it was removed and the applicant committed to being responsible for rehousing.

Mr. Rosensweig said the costs had changed considerably. He said the costs were not representative of the fair market value after redevelopment, it was the cost of pre-redevelopment. He said the cost was only about a couple hundred thousand dollars.

Ms. Schweller said the minimum number of total affordable units was 438, and the applicant intended to far exceed that value. She mentioned \$140 million in affordable housing investment and \$750 thousand every year for real estate taxes. She said the total anticipated project cost was \$500 million. She said all the benefits included a reserved site for a school, over two miles of public pedestrian walkways, access to Biscuit Run Park, improvements to Hickory Road, two transit stops, and opportunities for onsite local business incubation. She said with all of the contributions that Southwood made to the community, the price tag exceeded \$83 million.

Ms. Schweller said they requested the Board to take action at the meeting. She said there was nearly \$3 trillion in ARPA (American Rescue Plan Act) and Bipartisan Infrastructure Bill funding opportunities, and the applicant had the opportunity to submit an application the next month to receive funding to cover 75% of the cost to replace the septic systems with sanitary sewer systems.

Ms. Schweller said the residents had waited and planned, and they did not want to have to move residents into temporary housing before permanent housing.

Ms. LaPisto-Kirtley noted the school. She asked for more information regarding the acreage being provided for the school and the number of students it would be able to enroll.

Ms. Schweller said in the discussions with Albemarle County Public Schools (ACPS) and Roselyn Schmitt, COO of ACPS, they focused on an elementary school site that would fit between 400 to 600 students.

Ms. LaPisto-Kirtley said she thought she saw a slide that mentioned 600 to 700 students.

Ms. Price said the slide showed 450 to 600 students.

Ms. LaPisto-Kirtley noted that at the Commission meeting, there were about 17 questions from staff that had not been addressed. She said she looked forward to those items being addressed. She asked how much was spent on community involvement and residential input.

Mr. Rosensweig responded he could not provide a breakdown of the figures because community engagement was part of the daily operations. He said about \$30 million had been spent in total on upgrading the infrastructure in the park, operations in the park, and community engagement. He said there was a full-time staff at Southwood that worked with residents—on the redevelopment and with other needs, such as transportation or translation services.

Ms. LaPisto-Kirtley asked if that figure included the \$10.7 million mentioned for community engagement.

Mr. Rosensweig asked for clarification regarding which figure. He said it referred to the total from 2007 when they purchased the park to 2035 or 2037 when the project would be completed. He said without the backup documentation, he could not provide more details, but he believed the figure referred to about 30 years of resident engagement.

Mr. Andrews noted the anticipated price for the property as presented by staff was different than the price mentioned by the applicant. He said the proffer stated the sale price will be an amount equal to

80% of the as-is, where-is appraised value of the land at the time of the effective date of purchase of the sale agreement. He said it was dramatically affected by the development because the appraisal would change as it was constructed. He said he was worried about the uncertainty and why the proffer was not made more transparently.

Ms. Schweller said she believed they had been very transparent in the discussions with ACPS and the County about the school proffer. She said she would first discuss the difference between the proffers the Commission reviewed and the ones being reviewed by the Board. She explained originally, a price was proposed for a fully-developed site, so the appraisal would be based on what the cost of the land would be, sold as fully-developed residential pads. She explained that was how Habitat conceptualized the land. She explained the land was turned into affordable housing by selling market-rate pads.

Ms. Schweller explained the discussion referenced millions of dollars because that was how valuable the land would be if sold to a market-rate home builder. She said there would be discounts on the market rate. She said at the advice of staff, the model was changed entirely to be closer to what the Board was used to—the as-is/where-is value of the land. She said there was another line item included about redeveloping the land to the standard ACPS desired.

Ms. Schweller noted that in Brook Hill and North Pointe, there were pristine green fields the developments had no other purpose for. She said those were for-profit developers while Habitat was a nonprofit so any funds devoted to the schools would be detracted from the affordable units. She said the land had about \$5 million in value to Habitat because if it were developed and sold to for-profit builders, there would be about that much in sales. She said those funds would then be used to develop affordable housing.

Ms. Schweller explained the proffer was the as-is/where-is value. She said the value was known—there was an appraisal of Southwood. She said 7 acres would be worth about \$850 thousand to date. She said the value could change in the future, and the cost of construction changed all the time. She said the unknown would be there whether they obtained the site from Habitat or from an unknown source.

Mr. Andrews said he understood the unknowns. He said he wanted to understand the value of the proffer and how it would change due to the impacts of Phase 2 development as opposed to market conditions. He noted that if the land were sold according to the proffer now, then the cost to purchase would be \$850 thousand.

Ms. Schweller said it would be \$850 thousand, less 20%.

Mr. Rosensweig said the intent was that the land use at the time the County requests the land would be the same as it currently was: trailers and a small commercial pad. He said that would be the base value, and there would be further discounts. He noted the County often struggled with staffing issues for large construction projects.

Mr. Rosensweig said there was an additional proffer that Habitat would manage the construction without any charge for the overhead costs—about half a million in savings for the County. He said the County would inform Habitat at the time they request the site what condition they want the site to be delivered in, which could be anything according to the proffer, and Habitat would deliver it as requested with no additional overhead costs incurred by the County.

Mr. Andrews noted the federal grant funding that was potentially available for new sewer connections to the site and that those funds would not be available if the rezoning was not finished. He asked how necessary was it that the rezoning be accomplished prior to October 15 to receive the grants.

Mr. Rosensweig said it was an absolute necessity. He said there were two layers. He explained that if an applicant tried to submit a grant application for something that had not been entitled to, they were unlikely to score high because it was a competitive application. He said he heard directly from staff that they were unsure whether there was support. He said there was the idea to keep zoning and partnerships separate. He said there seemed to be confusion from staff as to whether or not they should partner.

Mr. Rosensweig said the grant was only available through ARPA through the County or sewer authority, and the applicant could not apply for it itself. He said the current request would provide clarity as to the zoning so they could focus on the partnerships for the application. He noted several of the partnerships had not been finalized.

Mr. Rosensweig said the County had a good chance of pulling down outside funding to improve stretches of Hickory Street offsite unless the stretch of Hickory Street onsite was included. He said the purpose and intent of the programs, ARPA, and the Bipartisan Infrastructure Bill were specifically to bring infrastructure to underserved communities and communities of color. He said they could not start drafting a site plan until the rezoning occurred.

Ms. Mallek asked for a description of issues identified by the Commission that had not been addressed in the staff report. She noted there were six or seven stated in the staff report. She noted other Board members had mentioned 17 issues, and she wanted to know what that was referencing. She said she assumed the staff report covered all the necessary topics.

Ms. Ragsdale said that was how they approached it. She said anything that fell off the list was not brought up again.

Ms. Mallek clarified falling off the list meant it was taken care of or determined to not be an essential topic of discussion for the Board.

Ms. Mallek asked if there were more details on the wastewater connection grant. She asked how they became aware of the grant. She commented that it was unacceptable to live under poor septic conditions.

Mr. Rosensweig said the applicant applied through the County's process for ARPA funding to replace the septic in Phase 2 with a permanent sewer line that the trailers could temporarily connect to. He said there were a lot of applications, so the Board made allocations elsewhere and the request was not funded through the County's ARPA process.

Mr. Rosensweig said they continued to work with County staff, state officials, and federal officials, and they were eventually approached by the Virginia Department of Environmental Quality (DEQ). He explained DEQ was receiving a \$70 million one-time ARPA allotment, and they had never before had a grant program. He said DEQ requested the applicant to apply for the grant.

Mr. Rosensweig said there had been a process—they were invited to send an email to formally request County partnership, but they had not yet received a response. He said he did not know if the application had to occur after the rezoning took place. He said he believed rezoning was the final piece to make Habitat an excellent applicant.

Mr. Rosensweig explained the \$70 million did not have a cap, and they believed the funds could be used to address the private stormwater and wastewater system in the rest of the park. He said if they applied by December 15, they could potentially pull down enough funding to provide brand new sewer collection for the park. He said he did not know of any other available source of funding.

Ms. Mallek said it was an example of the new reality of outside funding. She said it was not anticipated to continue into the future. She said she had a hard time separating the evaluation of the impacts from the market-rate units and the 340 families that already lived in the area. She asked if further clarification could be provided.

Mr. Rosensweig said it was different than a greenfields development, wherein 100% of the new residents created new impacts to the County. He said in Southwood, there were 317 trailers paying personal property taxes that would still be there but will instead be paying real estate taxes. He said the change in tax revenue collected by the County year over year was \$750 thousand more every year.

Mr. Rosensweig said the tax burden for the homeowners would be subsidized by the Habitat Mortgage Program. He said they essentially made an in-perpetuity proffer to add to the County's tax rolls. He acknowledged there were other impacts and that the development was adding density. He said they addressed those impacts through the provision of \$83 million worth of public benefits to the County.

Ms. Mallek clarified that the \$83 million was leveraged outside funding.

Mr. Rosensweig said it was not. He clarified that it was essentially cash from the development—for the two miles of trail dedicated to public use and the trail easements. He said it included the cost of providing more than 15% affordable housing—about \$76 million. He said there was about \$160 million of affordable housing that would be eventually constructed. He said the cost of the excess affordable housing over the County minimums was about \$76 million. He said transit stops and engineered design drawings for Hickory Street were included in the cost-benefit to the County.

Mr. Rosensweig explained when they began to examine developing the site, they met multiple times with ACPS and Steven Koleszar of the School Board. He said they were told multiple times that ACPS did not want the school site there. He said at the time, the County wanted to use available capacity in other schools to redistrict. He said they began developing land plans and budgets and made a promise of non-displacement to residents.

Mr. Rosensweig explained they began determining what they could offer in terms of land planning and what they needed to sell to subsidize the affordable housing. He said they determined the cost would be about \$81 million of market-rate lot sales and the 428 units of affordable housing. He said by removing 7 acres, there would be a net cost of \$5 million because the market value of the 7 acres at the prices lots were currently being sold at was about \$14 million.

Mr. Rosensweig said they estimated it would take between \$9 million to \$10 million to develop the site. He said the net proceeds from the sale of lots which would have gone into the proforma as revenue to fund the affordable housing, roads, and parks would be lost if the land was sold to the County. He said it was acceptable because an onsite school was desirable. He said there were opportunities once the rezoning was approved to bring the Boys and Girls Club on as a partner.

Mr. Rosensweig said there were models for shared-use facilities that could be a model for how to proceed in the urban growth area.

Mr. Gallaway said it was a County policy decision whether they wanted affordable units or a school. He asked if that was fair.

Mr. Rosensweig acknowledged there were tradeoffs.

Mr. Gallaway said the Board had to decide whether it wanted more affordable units or a school.

Ms. Schweller noted it was a policy decision, however, she emphasized Southwood was a designated priority area, and the comprehensive plan specifically state the County would focus on infrastructure funding and decision-making into the area as a priority area. She said in a way, the Board had already made the policy decision by stating it was a focus for what it wanted for mixed-income, mixed-use, mixed-house, and an incubation for community business.

Mr. Gallaway asked if the \$850 thousand and the \$5 million values were based on the 5 acres or 7 acres.

Ms. Schweller responded it was the 7 acres.

Mr. Rosensweig said the \$14 million market value and the \$9 million to \$10million development costs were based on 7 acres.

Mr. Gallaway asked how many more affordable units would be built if the site did not become a school.

Mr. Rosensweig said it would equal the number of affordable units they were able to build with \$5 million.

Mr. Gallaway asked how many units that would be.

Mr. Rosensweig said they would likely be able to construct 30 or 40 units.

Mr. Gallaway clarified that if the site did not become a school, then there were potentially 30 or 40 more affordable units in the whole phase.

Mr. Rosensweig said the units would be throughout the whole project, and it provided opportunities to work with partners, such as Permanent Supported Housing. He said it provided opportunities to better utilize Southwood to meet the substantial and diverse housing needs in the community.

Mr. Gallaway noted there were three items under the school site: the site condition, the sale price, and the schedule. He asked for clarification and for more information on the school site condition.

Ms. Schweller explained the site condition must be a finished pad with utilities to the site located on a road to access the site. She explained that at the time Habitat and ACPS enter into a purchase and sale agreement, ACPS can decide to what extent Habitat should further develop the site, up until the complete performance of the approved site plan less the school building itself. She said all of the site readiness could be prepared by Habitat at no cost above the actual cost to the County. She noted it would be the decision of ACPS.

Mr. Rosensweig said essentially, should the rezoning be approved with the proffer, anytime between the meeting and 2027, the County can decide if it wants the school site. He said if the County wanted the site, it would inform Habitat, and at that point, the price would be set which was currently \$700,000 to \$850,000. He said Habitat would provide 20% off the purchase price. He continued that Habitat would then enter into a contract with the County, and the County would inform Habitat on how to deliver the site. He said Habitat would then develop the site at cost.

Mr. Gallaway asked for clarification about the grant application deadline. He noted October 15 and December 15 were stated as deadlines.

Mr. Rosensweig said the application window went from October 15 to December 15, so the application could be submitted as early as October 15 and as late as December 15. He said they did not know if it was a rolling review or if they would all be reviewed at the end. He said they wanted to have the application submitted as early as possible.

Mr. Rosensweig said the bigger challenge was that there were several preliminary environmental tasks that needed to be done to be eligible, and those tasks took some lead time.

Mr. Gallaway said he wanted to ensure he had the timeline correct. He said if the school site was not proffered and the additional affordable units were provided, then the impacts still had to be addressed. He asked what a comparable proffer would be to address the impacts. He asked how the applicant would address the impacts to the schools without the proffered site and how they would otherwise address impacts from the increased affordable housing. He asked if he was allowed to ask that sort of question.

Mr. Rosenberg said Supervisors could not request a specific proffer.

Mr. Gallaway said he was not doing that. He said he wanted to know hypothetical ideas as to how other impacts could be addressed. He said if it was a policy decision between a school site or affordable units, there were still other impacts that needed to be addressed.

Ms. McKeel clarified they were depending on grants to pay for septic.

Mr. Rosensweig responded that currently, half of the mobile home park was on septic and septic fields, and half was on private sewer that had to be replaced. He said they needed to perform a scoping exercise with County staff because it was possible for them to request funding in a strategic way for only one section, but then it would be possible to extend the grant request for another section.

Mr. Rosensweig emphasized the scoping exercise had to happen. He said at a minimum, the grant could take care of the mobile homes currently on septic and build temporary and permanent sewer lines. He said the funds could also potentially upgrade the sewer and stormwater management on the other side of the park.

Mr. Rosensweig said they were counting on being able to pull out other funding. He said the grant was a prime opportunity to offset some of the costs.

Ms. McKeel clarified that the grants were competitive.

Mr. Rosensweig said they were.

Ms. McKeel said they were not guaranteed to receive the funding.

Mr. Rosensweig said they were not.

Ms. McKeel said the applicant would depend on County staff to complete and submit the grants.

Mr. Rosensweig said historically, they write the grants and submit them to staff who then had to submit them through the CAMS system. He said they had a full development staff that did the groundwork. He said they did all of the environmental work as well.

Ms. McKeel clarified that the grants were competitive.

Mr. Rosensweig said all federal and state grants were competitive.

Ms. Price noted a slide from the Commission presentation showed a \$19.9 million shortfall. She asked what the plans were to address the shortfall. She asked if the County would ultimately bear those costs.

Mr. Rosensweig said it had changed. He reported that the figure was now only \$17.8 million. He explained that since the Commission hearing, they received a Congressionally directed spending allocation from Senator Tim Kaine's office of \$1.1 million toward remediation efforts, and they received \$100,000 from Martha Jefferson, and another \$900 had been raised in private funding.

Mr. Rosensweig explained the deficit was forecasted over 15 years. He said the primary way they believed they would get the money was through two Congressional acts—the Bipartisan Infrastructure Law and the American Relief Plan Act, which put \$2.9 trillion worth of infrastructure funding for low-income neighborhoods into the system. He said it was a generational opportunity. He said the urgency was because they believed there was only about six months to a year to utilize the funding.

Ms. Price said she did not want to spend so much time analyzing that they missed out on the opportunities. She said she wanted to know more about the specifics of the ARPA funding.

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Mr. Lourdes Lopez said that he had lived in Southwood for more than 10 years. He said that for his family, this was the place where his children were born and grew up. He said that even though they knew the conditions of the trailers were not the best, this was their home. He said that the infrastructure in the park was terrible. He said that the streets were full of potholes, and old trees were constantly falling, putting at risk the lives of more than 300 families who lived there.

Mr. Lopez said that the summer was very hot, the winter very cold, and at times, he paid more than \$400 a month for electricity. He asked for the Supervisors to experience the sensation of being inside a structure as fragile as a trailer when it was raining, or when branches were falling. He said that it was not a pleasant experience.

Mr. Lopez said that he wanted his children to feel secure and to know that their future in Southwood was the result of their hard work on the part of Albemarle County, Habitat, and all the people who support the idea that a decent house is a right, and that it does not matter where one is from, or how one looks. He said that at the end of the day, they are all human beings.

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Ms. Tatiana Serrato said she was the mother of two twins of one year, and of a boy of nine years of age. She said she wanted to thank the Board for the permits that were recently granted for the redevelopment of Southwood. She said that with their support, various families, including her own, can

have a decent house. She said that she knew various families that did not have sufficient income to buy a house, but Habitat had promised to help them find a solution for housing that was affordable, whether to buy or rent in the County, which was a privilege given the high cost of land and the proximity to all the services.

Ms. Serrato said that the families living in Southwood live in constant risk from the trees. She said that in her situation, she felt afraid when it rains or is windy; she feared for the lives of her children, and it was not just or fair to live in constant fear in the place that she called her home. She said that if one were to ask her why she did not leave, the answer was that she did not have the economic resources to pay the rent in the County. She said that she would have to have two full-time jobs to pay for daycare and sacrifice for her family.

Ms. Serrato said that the humidity had started to destroy the structure of the house she rented, her shoes and clothes, and she did not even want to imagine the damage to her health. She said that if the Board denied or delayed this project, the possibility exists that various families were going to lose their houses and would not have a place to go. She said that the Board decided the uncertain future of more than 300 families in Southwood, and as not one on them had ever been in this situation, they had not considered the immediate necessity that the residents were facing.

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Ms. Isabel Guzman said that she had two children, Sorayda and Douglas, and she wanted to give them the opportunity to live in a safe and decent home. She said that the County's support allowed many people to purchase homes that they could not otherwise afford.

Ms. Guzman said that the process to buy a house took time and was not easy. She said that one has to work and attend meetings and participate. She said that it has been very difficult for her. She said that on October 9, 2021 at 2:45 pm, while she was working, she received the sad news that her eldest son, Marlo Eliud Cabrera Guzman, had been murdered. She said that despite the pain in her heart, she never stopped working, and she kept fighting against adversity, and she will continue to do so as long as God allows her.

Ms. Guzman asked the Board to continue supporting this project. She asked if the Board had another plan for Southwood if they did not support the project. She said she understood that the conditions of the park are not the best, the trailers were too old, the roads were terrible, and Habitat was working hard to provide every family with a housing solution that met their needs. She said that they need to work as a team, they need to work together for the good of the community and their families.

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Mr. Benjamin Madrid said that he wanted to express his gratitude to Habitat for the support they have offered, and more than anything, he wanted to express his gratitude to the County for its support of the redevelopment of Southwood.

Mr. Madrid said that to be a homeowner was something more than having a space to occupy; it was an opportunity to grow, it was to find the greatest satisfaction and to feel the sensation of pride and happiness. He said that last week, when he visited the model house, he felt 100% satisfied with his decision to work with Habitat. He said that the quality of construction, the finished details, the design and the spaces were like seeing a dream made real.

Mr. Madrid said that as part of the Habitat program, he had to participate in the construction of the houses, and he believed that knowing how they build a house offered the opportunity to appreciate the work and effort that Habitat generated in order to offer affordable housing and without interest. He said that for himself, it was very important that other families have the same opportunity, and he asked the Board to approve the second phase of development of Southwood.

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Ms. Sara Pena Mendez said that she believed that they all have goals in life, such as a stable job, good education, mental health, and to achieve these goals and gain autonomy, they need decent housing. She said she understood that the redevelopment project in Southwood was very large, over 300 families seeking positive change in their lives will be impacted by the decisions the Board makes at the meeting. She asked that the Board not deny them the opportunity to continue working as a team. She said that without the Board's support, they will not be able to have a roof over their heads that they call home.

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Ms. Melva Jones-Myers said she was a resident of Southwood. She said she had lived in Charlottesville all her life, and this was the first time she was worried about money. She said she could not afford to leave Southwood because she could not afford a deposit or rent. She said they were offered the opportunity to get a decent home that no one else had lived in. She said the units were sizable for her, the kitchens were fine, and the bedrooms were fine. She said could not afford anywhere outside of Southwood, so she was requesting help to stay in a home that she could afford.

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Ms. Lakeisha Washington read a prepared statement from Ms. Martha Doggett on her behalf. Ms. Washington explained Ms. Doggett was unable to attend the meeting.

Ms. Martha Doggett, 775 Joy Court, said she had been living in Southwood for the past 30 years, where she raised four boys. She said that her trailer was built in 1993 and was falling apart; there were cracks on the floor where she could see daylight; the roof was leaking, and the breaker was not working well. She said that when it rains, the water runs behind the panel box and it was scary. She said she has to put buckets everywhere, and she cannot afford a professional to come in to fix it. She said that her son comes from time to time to help patch things up.

Ms. Doggett said that they need these homes, and it will be better for everyone. She said that Habitat is doing many things for them, but there was not enough. She said that other people also need a place to live, and she had many friends, and she wanted them to be here. She said she liked to be around the nice people in the neighborhood. She said she has never had a problem, and her neighbors were always willing to help if she had a problem. She said she was always willing to help them.

Ms. Doggett said that all of her medical appointments were at UVA, and when she was sick, it is close to get there, especially for emergencies. She said that they have everything they need around them. She said that it will be better for them if they can have a place that they can afford. She said she would love to move into a place that is nice and safe and affordable. She said that she and her husband had been waiting a very long time.

Ms. Doggett asked if the supervisors had been to the new model Habitat home in Southwood. She said that it was nice, with new counters, a washer/dryer, a microwave and a dishwasher in every home. She said she could not believe it. She said that her hands had been the only dishwasher in the house for the past 30 years. She asked the Board to approve the rezoning.

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Ms. Lakeisha Washington read a prepared statement included in the record by Ms. Laura Holsapple on her behalf. Like Ms. Doggett, Ms. Holsapple was unable to attend the meeting in person.

Ms. Laura Holsapple, 1963 Scott Court said that she has lived in Southwood for the past 23 years and her partner has lived here for the past 27 years. She said that Southwood is home to her, and it was like a really tight family. She said she invited everyone and anyone that needs anything into her home. She said that if someone needs food or clothes, she would give them the last piece of meat in her refrigerator or the shirt off her back. She said she felt safe here, felt known, and she was not afraid to be herself.

Ms. Holsapple said that five years ago, her brother-in-law offered to sell her his home in Greene. She said she packed up all her stuff, furniture and all, in a moving van, and she was getting ready to leave. She said she took one last look at her trailer, and she told her boys to put all the stuff back in the trailer. She said she just could not leave. She said that she loved her trailer, and if she could stay in it, she would because it was what she knew.

Ms. Holsapple said that during the winter months, the electricity and water bills together run around \$500 or \$600 a month. She said that she knew there were a lot of people in the park that were not as lucky as she was, and they were living in trailers that were in really bad shape. She said that some had holes in the floor, mold all over, roofs that leak every time it rains. She said she knew lots of people have also lost their homes to trees falling and crushing through their roof and the walls.

Ms. Holsapple said that hopefully, Habitat can hurry up and get those folks into better homes first because they really need it. She said that there were also a lot of things in the park that were falling apart because it was so old. She said that the roads were bad, and there were problems with the septic systems underground. She said that the power cuts off during storms for long periods of time and the water lines keep breaking. She said that in fact, her water line broke just last month.

Ms. Holsapple said that she took a tour of that new house they built on Horizon and it was really nice. She said that everything was new, nice new appliances, nice bathrooms, big bedrooms. She said that Habitat told her that even if they did need to move out of her trailer, they would not be homeless. She said that she was glad about that because her husband, Albert, was the only one that had an income.

Ms. Holsapple said that he gets disability, but it was not enough to buy or rent a home anywhere around here. She said that her full-time job was to take care of Albert because he lost both his legs 8 years ago and needs a lot of help. She said that Habitat was really trying to help people here, and she asked the Board to support Habitat.

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Ms. Tiffany Beverly said that she was a Habitat home buyer in the Southwood community. She said she had been attending neighborhood design meetings with her father since 2017. She said that her father also served on the Architectural Review Board for the neighborhood. She said that she started volunteering in the redevelopment process years before she applied to the homeownership program. She said she supported the approval of the rezoning for Southwood.

Ms. Beverly said she understood that they were not getting mansions. She said they were getting affordable housing that was sturdier than what they had now. She said that they would not have to worry about trees falling, the power going out, or toilets backing up. She said she was sick and tired of delays while they were stuck in a trailer where the roof was falling in and the water had to be cut off periodically to fix a very old septic system.

Ms. Beverly said that she had selected the lot for her new home and had waited months and months for the building permits to be approved. She said that she was forced to refill her tank for a thousand dollars to make sure they have enough heat for another long winter. She said that she was ready to move into a newly built home where she would know that it will be warm and the heating costs will not be high.

Ms. Beverly said she did not agree with the concerns about the need for dedicating a lot of space for a school for a Southwood school. She said that the Board had 1000 acres right behind Southwood in Biscuit Run Park if it felt like the County needed to build another school.

She said she did not think Southwood needs its own school because it would make it harder for Southwood kids to get to know kids from other neighborhoods.

Ms. Beverly said she felt like they were being held hostage by the County for a school that it did not even know if it needed. She said that the redevelopment of Southwood was going to take many years, and the higher number of students will happen in stages. She said she did not understand why the Southwood rezoning application had to wait any longer for approval. She asked the Board to approve the rezoning request.

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Ms. Michelle Crawford said that she lived in Southwood with her husband for 24 years, and they raised two daughters there. She said that even though she did not live there anymore, she still worked in Southwood for Habitat as the maintenance manager. She said that before Habitat bought the park in 2007, she used to work for the old owner, Ms. Minor. She said that when Habitat bought the park in 2007, they hired me to keep doing my job there.

Ms. Crawford said that her job title was maintenance manager, but her job had always been to take care of the park and to take care of the people that lived there. She said that sometimes, that means she would call plumbers to help families fix a leak in their trailer, or she would take sick people to doctor appointments. She said that sometimes, that means reading the water meters and collecting rent, or helping someone find money to get a tire replaced on their car. She said she would take people to the pharmacy or to the grocery store to get what they need.

Ms. Crawford said that Southwood was not just a neighborhood, it was a big family. She said that people take care of each other and they depend on each other to get through hard times. She said she had been working there for 15 years, and she had seen a lot happen. She said that some people are scared of change, and they see the construction happening, and they are scared to lose their home. She said that they know they have nowhere else to go with rents being so high around here.

Ms. Crawford said that lots of people work full time or even more than that but their income is still too low to be able to afford anything else around here. She said that there were a lot of people that were elderly or had a disability, and they were on fixed incomes. She said that most of them had been living here for 20 or more years, and they cannot move anywhere else outside of Southwood.

Ms. Crawford said she knew that lots of families, especially older families, were living in really old trailers that were falling apart. She said that they did not have the money to fix anything that breaks. She said that Habitat has put lots of money into fixing things there—the water lines, power lines, the roads, cutting down dead trees, and replacing septic tanks—but they cannot keep doing this.

Ms. Crawford said that this past month, three water lines burst that had to be fixed. She said that the pipes were too old, and they keep breaking and leaking, and it hikes up the water bills. She said that the trailers were like tin cans. She said that they did not hold the heat and they did not hold the AC, so the electricity bills were high—\$300 to \$500 a month. She said that the roofs cannot hold up against branches that fall during storms. She said it would be better for everyone to redevelop and rebuild. She asked the Board to approve the rezoning.

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Mr. Alfredo Martinez said he had been a resident of Southwood for 17 years. He said that this was his fourth time that speaking before the Board. He said that the Southwood community was currently undergoing important changes, such as the Habitat redevelopment. He said that Habitat's work will allow for healthier and safer homes. He asked that the Board vote in favor of continuing to support Habitat. He said that Habitat should listen to each family in the Southwood community and build the house that fits the size of each family.

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Ms. Michaela Woodley read a prepared statement written by Ms. Sherica Turner on her behalf.

Ms. Sherica Turner said she was in the Habitat Homebuyer Program. She said she applied for Habitat because it was so hard to find an affordable home that would accommodate me and five kids. She said that in a few months, she will be closing on her home with space for her entire family. She said that through her work with Habitat, she had learned the importance of becoming a homebuyer and everything that came with it: saving for a down payment, paying off debts, and increasing her income.

Ms. Turner said she had the joy of watching and helping her neighbors build their homes. She said that as a future homeowner, she was looking forward to being at ease in her home and finally being financially stable enough to go back to school to become an RN. She said she hoped that others would have the same opportunity at Southwood to reach their goals.

Ms. Gloria Beard said she was a citizen of Charlottesville. She said she worked with the People's Coalition, and she used to volunteer for Habitat. She said the citizens of Southwood were excited to own a home and be homeowners. She said the trailers were coming apart, some had tarps on the roofs. She said no one should have to live like that.

Ms. Beard said there were homeless people in Southwood, as well. She requested the Board approve the project because the people needed homes. She said if it were not for an organization, she would not be able to afford a home. She said Charlottesville was not the number one place to live for people in the City because they did not make a lot of money and could not afford the rent.

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Mr. Magin Sanchez said that he was a Public Policy graduate student at the University of Virginia. He said that this past summer, he was honored to serve as a Housing Policy and Advocacy Intern with Habitat, specifically assigned to work with the Southwood community. He said this was an honor because, coming from his background as the son of Salvadoran immigrants, he saw many of the same struggles and triumphs in his family within the park.

Mr. Sanchez said that from single mothers working multiple shifts to support their children, to entrepreneurial couples launching their self-sufficient taco truck service, to children ensuring their little siblings get to the bus stop daily, the vibrant and caring community should make Albemarle County proud.

Mr. Sanchez said that behind these stories exist living conditions that were not sustainable for much longer. He said that having visited their homes and spoken to these mothers, fathers, brothers, sisters, and grandparents, it was more apparent than ever that the need for action was now, right now. He asked that the Board approve the rezoning and take this opportunity to ensure the sustainability and growth of a community that had sacrificed so much and waited so long to obtain the most basic necessity; a safe place to call home.

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Ms. Oriana Figuera Cheicin said she volunteered with Habitat over the summer. She said that the time she spent volunteering opened her eyes to both the beautiful and saddening things. She said that the Southwood project was crucial for the residents. She said that hundreds of residents were living in unhealthy conditions, hoping to get the opportunity to buy or rent a home. She said that the Southwood community deserved more than contaminated grounds and the gear that a tree will fall on them. She said that they deserved to have a good roof over their heads and an affordable house to call home.

Ms. Figuera Cheicin said that the people in Southwood were not safe, but Habitat was giving them a chance to live in a safe neighborhood, where they can have the life they deserve without fearing the falling trees. She said that all of this will become much harder to achieve if the rezoning decision was denied or delayed. She said that the residents and the County needed Southwood. She said that living costs were rising now more than ever, and people need affordable housing. She said that they needed the units that will be built, and the County needed it, too. She said that working for Habitat taught her that there is nothing more important than a community. She asked that the Board approve the rezoning.

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Mr. Peter Krebs said he was from the Piedmont Environmental Council (PEC). He said he was speaking in support of the Southwood redevelopment project. He said it was the right project in the right location. He said the project began in some ways as an effort to improve environmental quality. He said Habitat implemented a model of planning that was environmentally sustainable and socially just. He said Habitat displayed the importance of leadership from the community.

Mr. Krebs said providing access to Biscuit Run Park through the property was an important change. He said due to a grant from the June Anne Foundation, PEC was working with Habitat and County government to design and expedite a connection to the park from Hickory Street. He said the project would connect residents from the western part of the County to 5th Street Station and Charlottesville. He noted the inclusion of a shared-use path.

Mr. Krebs said the proposed school site was a location that made sense—it was a walkable community with a lot of children. He noted the site was not the typical size, but there were several lots of a similar size being offered around the country that end up working well.

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Mr. Phil D'Oroncio said he was a resident of the City. He said he had a long-standing interest in affordable housing matters, and he chaired the City's Housing Advisory Committee, and he sat on the City's Planning Commission. He said he was speaking to the Board in his individual capacity. He noted he provided financing for hundreds of development projects at his day job.

Mr. D'Oroncio noted the project had been under development for more than 12 years. He said Old Lynchburg Road would be a mess whether the project was approved or not, and it would not get fixed until the resources were made available. He said it did not seem like there was a point in waiting further. He said the project was well organized and run by experienced people. He said delaying the project would not produce a better project or create a fundamental difference. He urged the Board to approve the project at the meeting.

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Mr. Larry Scott said he lived in Charlottesville. He noted the septic tanks, plumbing, and piping were not up to par in Southwood. He said it was not a matter of poor housekeeping. He requested the Board make a decision at the meeting and to not delay the matter because the conditions were getting worse day by day.

Mr. Scott noted environmental and weather crises around the country. He said in Southwood, the crisis was just as severe. He said people were not dying, but inside, they were because they did not know if they would be able to live a dream or have something to pass to their children. He said there were people who could make the decisions to make the project happen who did not live in such conditions. He said the housing response could serve as an example for other communities.

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Mr. Anthony Harlow said he lived at 389 Stone Creek Point, Scottsville. He said he served as the director of the Blue Ridge Area Coalition for the Homeless (BRACH). He said the project was important, and he was speaking in support of approval. He said the community needed more affordable units, and the project would help to prevent people from falling into homelessness. He said it would transition people into proper, safe, permanent housing.

Mr. Harlow said they had been working on ending veteran homelessness in the community. He said they were utilizing "Built for Zero," and they were aware of about 12 veterans experiencing homelessness in the community. He said all but one had a housing plan—there was rental assistance or a housing voucher for the veteran. He said the issue was units—they had the staffing and other parts in place to house the veterans.

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Ms. Nancy Carpenter said she was a resident of the City of Charlottesville. She said she supported the rezoning request both professionally and personally. She said she worked at the Haven which provided homeless services and served as a resource center for people facing housing instability. She said by supporting the Phase 2 zoning, they elevated the "welcome home" connection. She said the project was an example of trying to dismantle the unfair housing policies propagated by the country over the last 60 years. She said the traffic concerns were not worth delaying the project.

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Mr. Juan Manuel Aguilar [interpreted by Mr. Avery Chenowith] said he had lived in Southwood for 13 years, and a few months ago, he picked out the lot where Habitat was going to build the home for his family. He said that it was not an easy decision, but he believed it was the best. He said that the County had been a key piece in the future of his family and his neighbors. He said that without the Board's support, it would be difficult and, in some cases, impossible to be able to rent or buy in Albemarle County.

Mr. Aguilar said that homeownership was a way to create financial freedom, find greater satisfaction, and make a substantial impact in the community. He said that without the support of Habitat, the trailer park would no longer exist. He said that houses would have probably already been built that only people, mostly white, could afford. He said that the concept of equality was reflected when they all have access to the same opportunities. He asked the Board how much longer it would make the community wait.

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Ms. Cathy Butler Cisneros said she and her husband were market-rate homebuyers in Phase 1 of Southwood. She said she was excited about the chance to move to the community. She encouraged the Board to approve the project.

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Ms. Price noted there were no more people who signed up for in-person comments. She said remote speakers participating through Zoom could begin.

Ms. Emily Dreyfus said she lived in the Rio District. She said she was speaking on behalf of the Charlottesville Low-Income Housing Coalition (CLICH). She voiced strong support for the Southwood rezoning application. She said the community faced an increasingly unaffordable and pressured housing market that disproportionately affected the most vulnerable residents. She said Habitat would provide an expansion of secure and safe housing.

Ms. Dreyfus said the project should be expedited for completion. She noted the situation was urgent because many residents lived in substandard housing with major issues. She said Southwood's redevelopment would provide residents with sustainable, affordable homes, and the County would gain additional revenue through the redevelopment from the increased number of taxpayers and because the properties would have a higher assessed value.

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Ms. Marlina Kauer said she had volunteered with Habitat since she was 16. She said she volunteered as part of the Sunrise Trailer Home redevelopment. She said she currently lived in the City. She noted the success of the Sunrise project and how she was excited for the Southwood project. She urged the Board to consider the testimony and approve Phase 2 of the project.

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Ms. Tawkiyah Jordan said she was the senior director for housing and community strategy at

Habitat for Humanity International. She explained the mission of Habitat. She noted the rest of the Habitat organizations were watching the success of the Southwood redevelopment. She said the impact of the work went beyond Charlottesville, serving as a national model for resident-driven, equitable mobile home park redevelopment.

Ms. Jordan said manufactured homes were an important source of affordable housing. She said to date, there were over 20 million individuals living in trailer parks. She said their stability was threatened as investors took advantage of the parks as lucrative, unaffordable redevelopment opportunities. She said increasingly, residents in mobile home parks faced steep rent hikes, eviction, and permanent displacement.

Ms. Jordan explained that while mobile home residents owned their trailers, they did not own the land. She noted many parks suffered from the same problems as Southwood—aging trailers, failing infrastructure, and the need for reinvestment. She said Southwood was a model as to how government and nonprofits can work together for equitable redevelopment of the communities while preserving affordable housing stock. She said the Board's decision was critical for the overall success.

Ms. Jordan urged the Board to approve the rezoning for Southwood. She asked those who came to the meeting in support of the project to stand in the audience.

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Ms. Latonya Allen said she currently lived in a refurbished home in Esmont, Virginia, from Habitat, and she had lived there for a year with her family. She said Southwood was the place where her mother first lived in the area. She said her aunt raised her cousin in Southwood. She said her husband worked for the Southwood Boys and Girls Club for many years. She said Southwood had become a part of Charlottesville that had been forgotten about.

Ms. Allen noted the City was expensive for a lot of people to live in. She said it was expensive for her before Habitat came along. She said it was hard to enjoy family and community with the stress of expensive costs of living. She urged the Board to approve Phase 2.

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Ms. Price reminded the applicant they had 5 minutes for rebuttal.

Ms. Schweller acknowledged the concerns about the cost of the school site in three to five years. She said the Board had the opportunity to accept amended proffers before they closed the public hearing. She said they suggested a simple amendment, to insert a clause capping the purchase price of the site at \$680,00 — 80% of the current as-is/where-is value. She said that could be done that evening and invited additional speakers from their team to address the Board.

Mr. Steve Schmitt, Timmons Group, said he was the traffic engineer who performed the traffic study. He clarified that the full volume of traffic from Southwood would be gradual over the next 15 years or more. He said there was time to work on traffic improvements and seek funding for those improvements. He explained the traffic would not appear immediately upon approval.

Ms. Megan Nedostup of Williams Mullen highlighted the priority areas of the Comprehensive Plan. She said Southwood was within a priority area. She said what was proposed was exactly what was discussed in the Comprehensive Plan—a mixed-use, mixed-income community. She said priority areas were supposed to be where public improvements and public investment were designed in the decision-making.

Ms. Nedostup said the Comprehensive Plan Community Facilities chapter discussed neighborhood schools. She said after the adoption of the neighborhood model, the County recognized playing fields could be provided at other locations so the minimum size requirements for elementary schools could be reduced.

Ms. Nedostup said smaller size requirements should improve the affordability of new sites in the development areas. She said the chapter stated new elementary schools should be located within neighborhoods or at the edge of neighborhoods to promote walkability. She said the proposed site was a prime example and an opportunity for the County to meet that goal in the Comprehensive Plan.

Mr. Rosensweig noted Ms. LaPisto-Kirtley asked about the \$30 million line item over 30 years for resident engagement. He said that the figure also included the costs of engineering and architecture.

Ms. Price clarified the figure was \$10.3 million over 30 years, not \$30 million over 30 years. She brought the item back to the Board and invited them to ask questions of the applicants.

Ms. LaPisto-Kirtley said the figure was actually \$10.7 million. She asked if the cost for the architects and engineers was over the lifespan of the project to date. She said the cost still seemed like a lot. She said the proffer offered for the school site was capped at a cost of \$650,000 for 7 acres of land.

Ms. Price clarified it was capped at \$680,000.

Mr. Rosensweig said it would be capped at that price. He said even if the evaluation was higher later, then it will still be capped at \$680,000.

Ms. LaPisto-Kirtley noted the site would be developed to the specifications provided by ACPS, and the applicant would perform the work at cost.

Mr. Rosensweig said that was correct.

Ms. LaPisto-Kirtley said she was supportive of the project. She said it was the best thing to happen to the County, and Southwood was a wonderful project. She said she had visited the site. She said she had a fiduciary responsibility to the County. She asked what would happen to the project if the grant application from DEQ was not accepted.

Mr. Rosensweig said the \$10.7 million was over the lifetime of the project—over 30 years. He said they would not let the project fail, and they would continue to work with donors and seek other funding sources. He said the challenge was that there was a generational opportunity embedded in the two acts from Congress that put nearly \$3 trillion of funding specifically for infrastructure to benefit historically marginalized communities. He said the funding would be gone in a year or so, and there was a process to apply for the funding. He said they did not plan to only apply for the DEQ grant, but they planned to apply to as many grants as fit their needs.

Mr. Rosensweig noted there was a funding gap. He said Habitat had shown, over the course of 10 mixed-income communities, another trailer park redevelopment, and Southwood Phase 1, that they too had fiduciary responsibilities with donor money and public money. He said the DEQ grant was the single best opportunity to date. He said it was rare that a funder approaches an entity like Habitat and requests them to apply. He noted the grant was competitive, but he stressed it was a great opportunity.

Ms. LaPisto-Kirtley noted they would apply for further funding if the grant fell through. She said she wanted to ensure the cost of the project did not fall on the County. She asked how many units had been built in Phase 1.

Mr. Rosensweig responded that there were two homes completed and six were under construction. He said they just received building permits for another 24 units, so in 30 days, another 20 would be under construction.

Ms. LaPisto-Kirtley noted the applicant mentioned more scoping had to be done with staff. She said she was in favor of the applicant meeting with staff. She noted staff had concerns. She said she would like to see the issues worked out so that staff felt comfortable. She said she would be willing to hold a special meeting before October 15 to further address the topic.

Mr. Rosensweig said they moved through the Planning Commission six months ago. He said they had stretched and pushed as much as possible, and he did not see how the project could change any more. He said he did not know if a week or two weeks would significantly change aspects of the project. He said they wanted to work with staff, but the way to start the partnership was to move through the rezoning. He said once the rezoning was addressed, then they could transparently pursue funding and start coordinating partnerships. He said he would like to see the school site become a multi-use facility. He said if the Board did not move forward on the zoning, then there would be no project.

Ms. LaPisto-Kirtley said she was suggesting further clarification because there was so much information.

Mr. Andrews asked where the issues were focused and where there might be unresolved concerns. He recognized traffic was a major issue. He said there were no plans to resolve the traffic concerns in the near future. He said there was a lot of uncertainty about where to get funding and what the plans were for improvements. He asked if there were short-term plans for transportation improvements.

Mr. McDermott said it was a similar question to Ms. LaPisto-Kirtley's question about whether there was more work that could be done to get to a better understanding on transportation.

Mr. Andrews said he wanted further clarification about the traffic issues related to the project.

Mr. McDermott said the Hickory Street proffer included the 30% design provided by the applicant, and that provided the County the opportunity to pursue funding as it became available. He said nothing would become available in the next upcoming months. He said they were aware of grant opportunities to fund traffic improvements on Hickory Street and Old Lynchburg Road. He said there were several projects for the area. He noted they may find out in January if the shared-use path was funded. He said they wanted to ensure the Board was aware there were issues in the corridor. He said he did not believe the proposal could offer anything more to make staff more comfortable. He said it was a matter of recognizing the issues and making a decision about whether those issues would be addressed over the coming years.

Mr. Andrews noted the school topic. He said he was confused about what was being proffered. He said he wanted further clarification about the concerns regarding the schools and what had not been addressed. He noted the School Board was not present to provide feedback.

Ms. Ragsdale said there were concerns with the proffer because it was not clear. She said the preceding discussion showed why there were concerns. She said the proffer was unclear because she did not understand what "as-is/where-is" meant. She said she was not sure if the attorneys believed it

was covered in the language as described. She said if changes were accepted during the public hearing, then they would like the opportunity to review it.

Mr. Andrews said his question was whether the amendment to cap the purchase price at \$680K gave the Board enough clarification.

Mr. Rapp noted there was uncertainty about the price of the site, but that had been addressed with the recently proposed amendments. He said that was not the only aspect of the school proffer that was of concern. He said the size, timing, and construction plan were all still concerns. He said a school could be built on the site, and it was a desirable location.

Mr. Andrews said he wanted to know what it would take to get further clarity as to whether it was a solution that would work.

Mr. Rapp said he knew from their discussions that ACPS wanted to weigh the option against other school site options prior to committing to building on any specific property. He said he was not sure staff could provide any specificity, and it was more of a decision as to where and when the County wanted to build a school.

Mr. Andrews asked if there was a sense of the timing.

Mr. Rapp responded that there were some preliminary discussions about what the school might look like, but the specific design and costs had not been addressed. He said when a project like that came up, they liked to have time to determine the best path forward and the necessary resource allocation. He said staff would need time to flush out the specifics.

Mr. Andrews said he wanted to know if the issues would be resolved within a short timeframe.

Ms. Mallek mentioned that the staff report stated the Hickory Street concerns had been addressed with the arrangements that had been made.

Mr. Gallaway noted it was stated the traffic impacts would be gradual over 15 years. He asked if that was the length of the project timeline.

Ms. Schweller said the project would be built out over 15 to 20 years.

Mr. Gallaway asked what the timeline was for current residents to be moved into new housing.

Mr. Rosensweig said they were frontloading replacement units for families to try to move residents out of the park. He said part of the reason was that trailers were falling apart, and another was because the school site was going to be the last place that would be redeveloped, but if the County chose to use the school site, then redevelopment would have to happen more quickly.

Mr. Gallaway asked what the projected timeframe was to move residents into new homes. He noted people were stating that if there was a delay, then they would lose their homes. He said he wanted a timeline for moving people into new homes.

Mr. Rosensweig said because it had been six months since the Commission meeting, they had performed the engineering for Village III and other areas—a total of about 50 Habitat affordable units. He said they were trying to attract other forms of affordable housing. He said if the zoning was approved at the meeting, then the site plan could be submitted that week. He said it would then be a matter of waiting for the review.

Mr. Rosensweig said many residents had already been moved across to the other side of the park. He said the site would be clear of people who were moved either to new homes in Phase 1 or to the other side of the park. He said once the site was cleared, they could more efficiently and effectively remediate the land. He said he hoped the site plan would only take a year. He said they could potentially start building a little after a year.

Mr. Gallaway noted the ownership ladder for homeownership. He asked how it worked in Habitat's model.

Mr. Rosensweig said they were breaking the Habitat model for Southwood. He said they created 11 tiers of homeownership and four different rental products so people at all different income levels could purchase homes. He said they wanted to ensure there were options for people who were paying a net less than they were currently paying. He said there were opportunities for people to buy an 850-square-foot condo up to a standalone single-family home with an affordable dwelling unit (ADU) through Habitat. He said there were market-rate opportunities as well. He said people who entered into the Habitat program accumulated equity. He said they offered a one-to-one down payment match.

Mr. Gallaway asked if the residents would retain the equity.

Mr. Rosensweig said they would.

Mr. Gallaway asked what Habitat would do with the site if ACPS did not want it.

Mr. Rosensweig said the County would still have the option to purchase the site at the capped amount, and they would have the option to use the land for some other purpose.

Mr. Gallaway clarified if that use was in the language. He asked what the applicant would do with the site if the County did not want to purchase it. He said there was a deadline for the County to decide.

Ms. Schweller explained the deadline was not arbitrary. She said it was determined from the discussions with ACPS to be the longest time period that ACPS would need to be able to provide an answer as to the use of the site.

Mr. Gallaway asked what the applicant would do with the site if ACPS did not want the site.

Mr. Rosensweig said if they did not want the site, then the applicant would make use of the asset to fund affordable housing. He said they would likely build some affordable homes on the site, and it would capitalize on the project.

Ms. McKeel wanted more information about the worst-case scenario. She clarified that the zoning approval would follow the land.

Mr. Rapp said the rezoning would follow the property regardless of the owner.

Ms. McKeel asked for information about what would happen if Habitat was unable to complete the project.

Mr. Rapp explained that whoever took over ownership would have to follow the accepted proffers and the code of development, and they would be required to meet those minimum requirements and nothing more.

Ms. McKeel said it was important to make sure the proffers were clear. She asked about the performance agreement.

Mr. Walker explained that he spoke about the sequencing of the performance agreement for Phase 1. He said the performance agreement was concluded before the rezoning for Phase 1 was initiated.

Ms. McKeel asked why a performance agreement was not performed for this application.

Mr. Walker said the reason was that the rezoning application was filed by Habitat.

Ms. McKeel clarified that the rezoning application was filed before there was a performance agreement.

Mr. Walker said there were no conversations about a performance agreement.

Ms. McKeel asked if it was possible to come up with a performance agreement before they made a decision.

Mr. Walker said he did not see it as possible because a rezoning application was being considered. He said the County Attorney could speak to what was allowed.

Mr. Andy Herrick, Deputy County Attorney, explained that if the Board proceeded with approving the rezoning, the rezoning would run with the land, and any successive owner could rely on the rezoning without a performance agreement. He said if the Board felt a performance agreement was necessary, then performance should come before a rezoning to ensure the items in the performance agreement were addressed. He said after the property was rezoned, there would be no basis for a performance agreement.

Mr. Herrick explained that the performance agreement for Phase 1 came first. He said there was a clause in the performance agreement that indicated the two processes were separate, and that the Board's approval of the rezoning was not contingent on the performance agreement.

Ms. McKeel said she was on the Board at that time. She said the project was wonderful. She said she still had concerns about particular items. She asked if it was too late to do a performance agreement.

Mr. Herrick said it was not too late to do a performance agreement, but it had to be made clear that the rezoning and performance agreement were separate processes. He said the preferred sequencing was for the performance agreement to have been done first.

Ms. McKeel said she was concerned because it appeared the County was taking on the role of developer. She said she was concerned because the County could not be the developer.

Mr. Herrick said proffers were an opportunity for a developer to address the impacts of a development, and it was up to the Board to determine whether the proffers that had been offered satisfactorily addressed the impacts of the development being proposed.

Ms. McKeel said talking about the proffers was not enough—they had to be agreed to in writing.

Mr. Herrick said relatedly, the County code required proffers to be submitted, signed, and in writing. He said there were decisions before the Board to accept amended proffers even after the opening of the public hearing. He said the Board would have to make a determination before accepting the amended proffer. He said if the Board chose to proceed with the amended proffers, the suggestion of the County Attorney would be to call a recess in order for the applicant to submit the written proffers to the Board for consideration.

Ms. McKeel said she had done that before, and it was not a good practice. She said she could not make good decisions after 9 p.m. She asked if staff had received Habitat's 990 form. She noted the deficit had gone from \$20 million to \$17.8 million and said that was concerning.

Ms. Pethia said the form would have been collected through the Agency Budget Review Team (ABRT) application process. She said they had a copy on file.

Ms. McKeel asked if the 990 form had been reviewed.

Ms. Pethia said she had not reviewed it herself, but they had a copy.

Ms. McKeel noted the cost of resident engagement was listed as \$10.7 million. She said site work, acquisition, trailer acquisition, and all the others seemed to be current for the project expenses. She noted that County direct funding was already at \$16 million, and that did not include any of the staff time devoted to the project. She said state and federal funding had risen to \$19 million. She said private fundraising had reached \$27 million. She noted the deficit was still at \$17.8 million.

Ms. Pethia said the \$16 million in County funding included anticipated funding in the future.

Ms. McKeel clarified that the \$16 million was what the County was preparing to spend on the project.

Ms. Pethia said there had been no discussion about that particular amount of money.

Ms. McKeel clarified the costs were provided by Habitat.

Ms. Pethia confirmed that they were.

Ms. LaPisto-Kirtley asked if the \$680,000 cap on the purchase cost was inclusive of the additional 20% discount.

Ms. Schweller said the \$680,000 cap took into account the additional 20% discount—it was 80% of the \$850,000 as-is/where-is value of the 7 acres.

Ms. LaPisto-Kirtley said before, the proffer was \$850,000 less 20%.

Ms. Schweller said that was correct.

Ms. LaPisto-Kirtley said that the value would be \$680,000, which was the same as the current proffer.

Ms. Schweller said the change that was offered was that the cost would not exceed \$680,000 to provide the County with a definite amount. She noted there was concern that the price of the property would be unknown in three to five years.

Ms. LaPisto-Kirtley asked if the Habitat homeowners were able to sell their properties at market rate.

Ms. Schweller explained Habitat homeowners rarely sold. She said there were many facets in place to encourage homeowners to stay in their homes and build equity—deferred mortgages, forgivable mortgages, and other types. She said the deed restrictions in the Habitat deeds had provisions so that when the homeowners sold their homes, there was a right of first refusal for Habitat, so they were able to bring the home back into the affordable housing stock.

Ms. Schweller said there was an appreciation sharing provision based on how many years the person had lived in the home determined the percentage of appreciation sharing that must go back to Habitat to infuse funding into the affordable housing stock. She explained homeowners could sell their homes for whatever price because it was their home.

Ms. LaPisto-Kirtley clarified there were provisions that extra funds had to go back to Habitat and provided Habitat with first right of refusal.

Ms. Schweller said that was correct.

Ms. Mallek requested more information about the performance agreement for Phase 1. She said she believed there were ongoing efforts to continue the performance agreement.

Ms. Schweller said the applicant had been anxious to enter into performance agreement

conversations for Phase 2. She said they opened an inquiry into beginning performance agreement discussions as early the June update on Phase 1. She said they were not able to gain traction in those conversations.

Ms. Schweller said as the applicant understood, the rezoning had to happen first before a performance agreement could be done. She said it was not the applicant's desire to go into Phase 2 without a performance agreement. She said the performance agreement granted funds to Habitat in exchange for actions taken by Habitat.

Ms. Schweller said regarding the proffers, they were detailed. She said they had reviewed and revised the proffers with Mr. Herrick and Mr. Rapp. She said she had an issue with the suggestion that the proffers were vague and ambiguous. She said the Commission told the applicant to focus on two points. She said the Commission instructed the applicant to look for funding for Hickory Street.

Ms. Schweller said they worked with staff, and staff informed the applicant that they did not want 100% road plans. She said they were asked to provide 30% road plans which offered more flexibility when looking for funding. She said they were asked first for plans to upgrade the road. She explained they had further discussions with ACPs, and Mr. Rapp also had discussions, and ACPs wanted the school site. She said she did not know what other detail the Board sought, and she requested clarification as to what information they needed.

Ms. Mallek noted the amended proffer was to a greater detail than the one provided. She asked if the amendment could be accepted at the meeting. She said she hoped an approval could be granted that was based upon a future performance agreement. She said she needed guidance.

Ms. McKeel noted staff was not willing to discuss a performance agreement with Habitat.

Mr. Walker explained the topic went back many months. He said he was not in a good position to argue or debate when there were or were not discussions around a performance agreement. He said they had been consistent at the staff level at ensuring that when there was an active zoning application, then it was not appropriate to engage in conversations around a performance agreement. He said it did not preclude future conversations around performance agreements to the extent there was a desired quid-pro-quo or a but-for provision that was acceptable to the property owner and County. He said it served as a contract.

Mr. Walker noted that for Rolling Mills, the rezoning application was completed first followed by discussions about a performance agreement. He said the circumstances were different for Southwood, but it was an example where rezoning occurred first. He said they were not precluded from entering into a performance agreement, but they could not within the context of the rezoning.

Ms. Ragsdale said the performance agreement would come when the County made decisions about future financial commitments. She said the performance agreement would be in place so that there were assurances that what was approved in the rezoning would happen with the County's future, undetermined contributions.

Ms. Mallek said it would sound like it would be appropriate to do a performance agreement after the rezoning.

Ms. Ragsdale clarified a performance agreement was a tool for the County if they were investing further funding. She said an agreement would not change the proffers, the code of development, or the application plan.

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Non-Agenda Item: **Recess**

Ms. Price said she would call a 10-minute recess. She said if the Board was interested in accepting an amended proffer, it needed to be submitted in writing and signed before the public hearing was closed, otherwise, another public hearing was required by County code. She said the public hearing could be recessed to allow the submittal of the revised proffer, or the hearing could be recessed to a date certain.

The Board recessed its meeting from 10:33 to 10:46 p.m.

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Agenda Item No. 18. **Public Hearing: ZMA202100013 Southwood Phase 2**, continued.

Ms. Price called the meeting back to order at 10:46 p.m.. She said she had received an amended proffer statement. She said in paragraph 4-A2, sale price, the sale price would be the amount equal to A) eighty percent (80%) of the as-is, where-is appraised value of the land at the time of the effective date of the purchase and sale agreement, the contract, and will not exceed \$680K.

Mr. Rosenberg said under County code, the Board may accept amended proffers after a public hearing commenced if the Board concludes or makes a finding that the amended proffers do not materially affect the overall proposal. He suggested that if the Board wished to be in a position to consider the amended proffer, it would be appropriate to consider a motion to make the finding that the amended proffers did not materially affect the overall proposal.

Mr. Andrews **moved** that the revised proffers do not materially affect the application. Ms. McKeel **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Ms. Price asked Mr. Rosensweig if there was anything substantial that had not had an opportunity to fully address that evening.

Mr. Rosensweig said there had been disagreement with VDOT over which ITE manual to use for the traffic study. He explained the traffic engineer performed a code-required traffic study with the most updated version of the manual with more data points. He said this was germane to impacts on Old Lynchburg Rd.

Mr. Steve Schmitt, Timmons Group, said the trip generation traffic numbers were based on the ITE published data. He said the ITE published data for every individual land use. He said they provided statistical averages to determine how much each unit type generates in traffic. He said they had published 11 volumes so far. He said in the process of performing the traffic study, volume 11 was released, so the numbers in the study were updated to reflect the more recent data. He noted how the 10th volume only had one study on trailer home parks while the 11th volume had nine studies.

Mr. Schmitt said VDOT had not purchased or reviewed the 11th volume. He said it was industry standard to use the most recent statistical averages possible. He noted that he did not pick and choose figures based on which volume benefited the project and that they only used volume 11. He said he had discussed the matter with Mr. McDermott.

Mr. McDermott said he agreed with Mr. Schmitt's comments. He said the reasoning to use the 11th edition as opposed to the 10th edition was sound.

Ms. Price asked for any additional questions from the Board. Hearing none, she closed the public hearing and brought the matter back before the Board.

Ms. Mallek said she was ready for a leap of faith for Phase 2. She said she would take action in support of equity of opportunity. She said she was strongly in support of approval for the application. She acknowledged that not all the details were set and that a performance agreement would be completed.

Ms. Mallek said she supported the project to enhance the living conditions and quality of life for the residents who lived in Southwood. She said failure was not an option for the project. She noted how people had different housing needs and desires. She said affordable should mean attainable and sustainable. She said the current housing program helped designated workforce housing based on 80% AMI.

Ms. Mallek said Southwood would achieve housing for many people who had no ability to participate in the programs of the County. She said affordable meant people could afford to pay the rent or mortgage based on their income. She said sustainability meant the housing arrangement would continue into the future, and there were no other agencies providing the same level of deep affordability and the benefits of home ownership.

Ms. Mallek noted there would be County investment. She said the \$83 million in value described in the staff report was an incredible benefit to the County. She noted the level of detail in the code of development. She said she supported the urban agricultural provisions and the accessory and flexible use spaces.

Ms. Mallek noted that the parks and recreation and open spaces would create high-quality-of-life neighborhoods. She noted the trail network that provided real value for passive recreation. She said Habitat had not purchased the land in 2007, then the residents would have likely already lost their homes. She said she supported the rezoning to provide more housing.

Mr. Gallaway said he was supportive of the project, but he had concerns about the specific impacts generated by the entire development. He said the nonresidential minimums were a cause of concern. He said Phase 1 was the first rezoning they had where there were failing transportation issues yet there was no opposition to moving the development forward. He said the 1,000 units proposed would have a true transportation impact. He said if the traffic issues were not fixed, then there would be many more residents impacted.

Mr. Gallaway said he was compelled by the grant potential. He noted the funding gap had existed and was not surprising. He said the school site proffer gave him the most pause. He mentioned that North Pointe proffered a site to the County that was never used. He said he believed the proffer allowed for a 300-seat school which provided no benefit to the County in the areas where it needed to address capacity.

Mr. Gallaway noted that the development was projected to generate about 245 students. He said they would have to bus about 400 students to the school site to fill the school. He noted how they were unable to bus students to the existing schools. He said he was concerned whether the location was a solution to southern feeder pattern elementary school seats. He noted ACPS likely did not commit to the

site but rather expressed interest in considering the site as an option.

Mr. Gallaway said he was not obligated as a Supervisor to make decisions on the proper site for a school. He said he had to be concerned about whether the proffer was actually addressing an impact. He said if the site did not become a school, then it would not address the impacts. He noted how Habitat would use the land for more affordable housing if the County did not purchase it.

Mr. Gallaway said they were supposed to be receiving clarity as to where the school sites would be located later in the year. He said \$680,000 was not a small number. He noted the costs for building a school. He said the cost of the Crozet addition was \$18 million. He said the County needed to build new elementary school buildings. He said in 2021, the lowest cost for a new elementary school he saw was \$25 million in Chesapeake City. He said the highest cost he saw was \$37 million.

Mr. Gallaway said the \$30 million to \$40 million range was important to consider. He said the County did not have the ability to build three or four elementary schools. He said the School Board would have to pick where the school went to maximize the needed capacity in two sections of the County. He questioned whether the proffer truly addressed the impacts of the development. He said it was a major obstacle.

Ms. McKeel noted the Board wanted the project to work. She said they were approving Phase 1. She said the County needed affordable housing. She said she still had concerns. She said she wanted to ensure staff had all the items they needed. She said she was uncomfortable passing the item late at night. She said she would like to come back to the item at a later date. She said she was concerned about relying on competitive grants. She said she did not want to make a decision after 11 p.m., and she would like staff to review the information further. She said they should wait longer than two weeks.

Ms. Price said someone who did not support the Southwood redevelopment would have no heart and no soul. She said the development had to happen. She said she did not expect any individual project application to cover the cost of the impacts. She said the Board had to review certain considerations to reach a decision.

Ms. Price said the residents of Southwood had suffered too long, and it needed to be done. She said she wanted to support Phase 2. She said there was a financial gap between what the Board was being told the ultimate expenses may be and what the impact was on the County. She said she supported the rehousing of residents and affordable housing. She noted the market-rate housing and mixed-housing units. She said there was a moral obligation of the County to make up for the current living conditions of residents in Southwood. She said the \$18 million funding gap was concerning.

Ms. Price noted the narrow window for ARPA funding. She said she was not interested in a significant delay to the project, but she was hesitant to call a vote at the meeting without closing some of the information gaps.

Mr. Andrews mentioned there was a desire to delay the vote. He said if they deferred, then the Board needed to commit to adding the item to the agenda at an upcoming meeting.

Ms. Price asked if staff had received the necessary feedback from the Board.

Mr. Walker said the planning staff will have an informed opinion on deferring the item. He said the Clerk would also have an opinion on how quickly the item could be rescheduled.

Mr. Rapp said the best step forward would be to do more research on potential grants. He said a lot of funding opportunities had been discussed, so staff would research more details about what they were, the timeframes for submissions, and possible uses for the funds.

Ms. Price asked the Clerk if the item could be rescheduled for the second October Board meeting.

Ms. Borgersen responded that it would be possible.

Ms. LaPisto-Kirtley said she concurred with the other comments. She said the second meeting in October was good. She said they could come back with a better understanding.

Ms. Price noted the public hearing had been closed, so they would have a work session on the item. She said the Clerk informed her the work session would occur at the earliest in early November.

Ms. Borgersen said November 2 would work for a work session on the Southwood rezoning application.

Mr. Andrews said he would entertain a special meeting to address the item so that there would be time to apply for the previously mentioned funding opportunities.

Ms. Pethia said the DEQ grant would be used for infrastructure and was separate from the process for rezoning. She said the Board's decision on rezoning would not impact the ability to apply for the DEQ grant. She said the grants were accepted beginning October 1, and the deadline for application submission was December 15. She explained DEQ would review and evaluate the applications throughout the month of January and send recommendations for approval. She said they anticipated

having the final projects selected in mid-March or early April.

Ms. McKeel said the first meeting in November would work.

Ms. Mallek noted the County would not partner with the applicant until the rezoning was approved. She asked how that would be addressed.

Mr. Walker stated that staff had worked collaboratively with the applicant and DEQ to prepare the application.

Ms. Pethia said staff had been having internal discussions to determine what needed to be in place to apply for and support the grant. She said they had been involved in a webinar to apply for the grant. She said they did not have any additional information for Habitat.

Mr. Gallaway said if the item were deferred, then it would need to come back before the Board where they could take a vote. He said the item would have to come back as an action item.

Ms. McKeel said it would need to be an agenda item.

Mr. Gallaway said he would support revisiting the item sooner rather than later. He asked for clarification about the Board's could and could not do regarding proffers.

Mr. Rosenberg explained the Board could not request a specific proffer. He said the proffers were voluntarily made by the applicant for the rezoning.

Ms. Price noted the public hearing was closed. She said they had to be cautious about taking an action that would require another public hearing.

Mr. Rosenberg said if there was a further change to the proffers, another public hearing would have to be held and in turn would have to be advertised.

Ms. Price suggested a special meeting be scheduled for the item before November 2 if the item was ready earlier.

Ms. McKeel **moved** that the Board defer this item and directed the Clerk to reschedule it as an action item on a future agenda not later than November 2, or as a special meeting if possible earlier than November 2. Ms. LaPisto-Kirtley **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 20. Adjourn to October 5, 2022, 1:00 p.m., Lane Auditorium.

At 11:22 p.m., the Board adjourned its meeting to October 5, 2022, 1:00 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Ms. Price said information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar

Chair

Approved by Board
Date: 07/17/2024
Initials: CKB