

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 15, 2022, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:01 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 on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Ms. Price noted that Ms. LaPisto-Kirtley was unable to attend the meeting in person due to a medical condition but would like to participate remotely.

Ms. Price **moved** to allow Ms. LaPisto-Kirtley to participate remotely. Ms. Mallek **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. LaPisto-Kirtley joined the meeting and said that she hoped to be able to return to attending the meetings in person in July. She said her present location was her home in Keswick, Virginia.

Ms. Price introduced the following Albemarle County Police Department Officers in attendance: Officer Darrell Mikesch; Officer Jordan DeLange.

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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 mentioned that added to the Consent Agenda was a Proclamation of Recognition for Mr. Richard "Jake" Washburn. She said Mr. Gallaway requested to add a discussion for possible action to item No. 20. regarding HB 444, the Virginia Freedom of Information Act (FOIA); meetings conducted through electronic communications. She said a closed meeting would be held at the end of the agenda in the case it may be needed under item No. 18.

Ms. Mallek **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. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Mr. Andrews, and Ms. Price.

NAYS: None.

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

Ms. LaPisto-Kirtley said a new venue was opening in the Keswick area called Route 231. She said it would be comprised of vineyards, breweries, restaurants, and hotels. She said there was a ribbon cutting by Governor Youngkin that was televised. She said it would be a tax generator.

Mr. Gallaway said he was calling attention to the various concrete medians that had vegetation growth. He said there was a plan in place to address it. He said across the road from the medians were sidewalks. He presumed that the property owners were responsible for sidewalk maintenance and for ensuring the sidewalks were free of tall trees and weeds. He said the medians and the sidewalks matched in condition.

Mr. Gallaway said both sides needed to be addressed. He said he would like to be reminded of the process. He asked for clarification if the property owner was responsible for sidewalk maintenance. He said it could be reported through CDD (Community Development Department) to communicate to the property owners that there was a plan in place for the public spaces, and the property owners should align and clean up their own spaces. He hoped that the sidewalks and the medians would be clear by next summer.

Mr. Andrews noted the Board received an important announcement about the Spotted Lanternfly quarantine was to be extended to the County and the City in July. He said it would have a significant

effect on businesses that moved regulated articles to and from the area.

Ms. McKeel announced the Albemarle County Service Authority (ACSA) water project for the repair and replacement of the water lines had been affecting Georgetown Road and Barracks Road. She said the project was complete, and contractors had begun to prepare repairing the concrete. She said Georgetown Road would be repaved, and parts of Barracks would be repaved. She said the rest of Barracks Road would be repaved at the end of the summer. She said it would take two phases.

Ms. McKeel said she attended graduations in-person and over Zoom for Greer Elementary School. She said there were 1,000 students that graduated from the high schools.

Ms. Mallek noted Independence Day weekend was approaching. She said there were three events in the White Hall district that the general public was invited to. She said on July 2, the Fireman's Parade began at 5 p.m. at Crozet Elementary School. She said the parade was sponsored by the Crozet Volunteer Fire Company and had been since 1910. She said the parade route went through town to Claudius Crozet Park where there would be music and food trucks for the evening.

Ms. Mallek said on July 3, the Free Union Homemakers Parade began at the Church of the Brethren at 4 p.m. and traveled over Free Union Road and ended at Free Union Baptist Church on Millington Road. She said on Monday, July 4, the Earlysville Area Residences League was hosting the 26th Annual Parade beginning at 10 a.m. at the intersection of Earlysville Road and Earlysville Forest Drive. She said lunch would be provided along the parade route by churches along the parade route.

Ms. Mallek said it was solar season, and Solarized Piedmont was open until the end of June for requests for home assessments and information about possible home solar projects. She said Dominion, other state agencies, and money from the RGGI (Regional Greenhouse Gas Initiative) funds helped to offset the costs to homeowners based on income for many of the projects. She said LEAP would perform free satellite assessments for the property, initially from a distance then from the property. She said the deadline to sign up for a free solar assessment was June 30. She said information could be found at [solarizeva.org](http://solarizeva.org).

Ms. Mallek said she was at the Earlysville Oak with the Charlottesville Tree Stewards to recognize it as one of the notable trees. She said it was being measured by Jake Van Yahres. Van Yahres Tree Service. She said the Earlysville Oak was the second largest white oak in the Commonwealth on the Big Tree Registry. She said the Village of Rivanna, a historically Black community, was built up around the tree for more than 100 years until the airport construction demolished the houses along with the Pleasant Grove Church. She said the tree had its own deeded property and was protected and cared for. She said the Big Tree Registry had more information.

Ms. Mallek said June 12 through June 18 was Virginia Agriculture Week. She said internet searches returned information about several local connections for Virginia grown food and specialty products.

She said the Virginia Career Works Piedmont is the workforce agency in regions 9 and 10. She said she had distributed to the Board and would give a virtual copy to include in the minutes, a matrix that showed the different careers for which the clients had been working in all 10 counties of the region.

Ms. Mallek said at the state board meeting the following week, the local elected officials would bring a request to the Board to include, as a mandated partner at the one-stop agency, counselors from mental health agencies. She said having skilled counselors on hand to guide job seekers at a very stressful time of their lives would go a long way to enabling their success. She said many individuals require more than job training. She said the partner would help. She said the skills were not in the wheelhouse of the caseworkers who were helpful in getting connections with training and support services such as childcare or transportation. She said the County hoped to make progress. She said Region 10 signing day was held for the CTE graduates. She said the agency would work with the local school divisions to better connect young people with careers.

Ms. Price noted Mr. Andrews' announcement regarding the expansion of the quarantine area for the Spotted Lanternfly. She noted Ms. McKeel's announcement regarding the graduations. She said she had been able to attend five graduations ranging from private schools, public schools, CATEC and post-high. She said if someone wanted to be uplifted to go to the graduation ceremonies.

Ms. Price said she, Ms. Mallek, and Ms. LaPisto-Kirtley were present at the Route 231 launch at Keswick Winery. She said it showed the diversity of the economic driving forces in the County.

She said the Batteau Festival was coming to Scottsville the next Wednesday. She explained the batteaus rode from Lynchburg to Richmond, and Scottsville was the only overnight stop.

She said Scottsville's July 4th Parade would be held Saturday, July 2 at 9 a.m.

Ms. Price said she had been part of the Sorensen Institutes Political Leaders Program. She explained each month, the class traveled to a different part of the state and were exposed to different economic, educational, logistical, environmental, and agricultural systems. She said the past weekend, they visited Danville and Martinsville. She said the jurisdictions incorporated STEM curricula in some of the school systems starting in elementary school and building up through high school, culminating in a technical or college program.

Ms. Price said they were leaving a lot of other areas behind. She said they were starting at the youngest age, similar to athletics.

She said outside of Danville, there was a 3,500-acre mega-industrial site. She said a mega-industrial site was where the land had been cleared and the infrastructure had been installed (railroads, power lines, gas lines, water lines), and a developer simply could add a facility to the area. She said Martinsville was second for the largest battery production factory in America. She said because of the site, there were other programs and industries that were coming to the area.

Ms. Price said the County needed to examine what it could do as part of its economic development and Comprehensive Plan to ensure there was adequate industrial and commercial base, and that they were preparing the sites so the County could favorably compete. She noted the agricultural aspects. She said the plans for a 900,000 square foot, 15-story agricultural plan where there would be stacked, indoor-grown plants were shown to the group. She said indoor farming was made possible because of the use of LED lights. She said the energy consumption and generated heat from LEDs was significantly different than that produced by the incandescent bulbs. She said the agricultural output could be increased 1,500 times over a comparable single field. She said it was a 365/24/7 growing season.

Ms. Price noted the moisture was captured from the air so that the water was recirculated. She said there was control over pathogens. She said it would take a number of years, but agriculture would change dramatically. She said it was a topic the County needed to consider as they considered others such as land use, the Comprehensive Plan, and the ACE program. She said outside of Gretna, acre upon acre of solar farms were being installed.

Ms. Price said they were not taking into account some of the protections the County needed to consider, such as vegetative buffers. She said she would share the slides from the program with County staff and the Board.

She said there had been language confusion during the matters from the public. She said the way item No. 7. was phrased, "Matters not Listed for Public Hearing on the Agenda, or on Matters Previously Considered by the Board." She announced that at the next meeting, the Board would consider a change, so the item would read, "Matters not Listed on the Agenda for a Public Hearing" to make the item clearer for the public.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.1. Proclamation Honoring John Henry James Day.

Ms. McKeel **moved** to adopt the proclamation recognizing honoring John Henry James Day and read the proclamation aloud. Ms. Mallek **seconded** the motion.

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

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

Ms. Kilroy, Director of Communications and Public Engagement, and Interim Director of the Office of Equity and Inclusion, said she accepted the proclamation on behalf of the Office of Equity and Inclusion. She said in 2019, many of the Board members were part of the installation of the historic lynching marker at Court Square to commemorate Mr. John Henry James' life and his extrajudicial killing. He said a group of white community members pulled him from a train, hung him from a tree, and shot his hanging body.

Ms. Kilroy invited the people listening to visit the marker because it provided additional context. She said the Board's Community Remembrance Project was intended to support the sharing of County history and to lift up the voices of the community that told a more complete, inclusive history. She said it took courage to post a public sign in front of a public building to tell a story that did not reflect the County's best history. She said telling the one story helped them understand the lived experiences of our neighbors of color. She said it allowed them to consider how the experiences back then impacted the present history. She said telling the story allowed them to reflect on the trauma and move forward as a community.

Ms. LaPisto-Kirtley said she was proud they were honoring Mr. James. She said she hoped lynching would not take place again. She hoped they had learned from many decades of doing what they should not have done. She said they were moving forward in a positive direction and recognized every person mattered.

Mr. Gallaway appreciated they had done the proclamation. He said it had been issued before. He said some of the current Supervisors and previous Supervisors made a trip to Alabama. He said the public took Mr. James from the train he was being transported on, and it was clear government officials were involved in the activity before, during, and after. He said it was important for the current representatives of the government to acknowledge that and take the responsibility. He said the proclamation called that out, and since government officials were involved, they acknowledge that it happened, and that they were working to make sure it did not occur again.

Mr. Andrews said he appreciated the Community Remembrance Project was being continued and keeping the past presently in mind.

Ms. McKeel suggested people stop at the memorial at Court Square. She said five years ago, many of the Supervisors went to the lynching museum in Montgomery, Alabama. She said they took dirt from the lynching site to leave on a shelf with Mr. Henry's name along with remembrances of other lynching victims from across the U.S. She suggested people to take the opportunity to visit the lynching museum.

Ms. Mallek said it was a part of the County's history that she used to know nothing about. She said she was overwhelmed and grateful the information had come to light. She said she participated in the soil gathering and the installation of the marker. She said the County needed to do a more complete job in its education. She noted the lovely experiences she had in elementary, middle, and high school, and that she graduated high school in 1967. She said there were many opportunities for the teachers and leaders to share these stories, and it did not happen. She said there were many decades where she was not equipped with the information to do a better job, and she would not make that mistake again.

Ms. Price said she concurred with the comments of other Supervisors. She said she appreciated the comment from Mr. Gallaway regarding the conspiratorial involvement of government officials. She said the County worked hard to be civil and respectful. She said she recently rewatched the film, Best of Enemies, a true story from 1971 in Durham, North Carolina of Ann Atwater and C.P. Ellis. She said Ms. Atwater was a Black Civil Rights activist and Mr. Ellis was the head of a local KKK chapter.

Ms. Price said they came together to solve a schooling issue when there was a fire at a Black school. She said a decision had to be made whether to allow the Black students to attend the white school. She said the experiences of that community demonstrated what happened if they worked together towards a common cause and acknowledged the reality and facts. She said the movie was on Netflix, and it was a true story on working through racial diversity and division.

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### **Proclamation Honoring John Henry James Day**

**WHEREAS**, Albemarle County Board of Supervisors, as part of their Community Remembrance Project, have committed to sharing an inclusive history of our County—including the stories that have been traditionally left out of the dominant narrative; and

**WHEREAS**, following Reconstruction, the crime of lynching succeeded slavery in the United States as an expression of racism and an upholder of white supremacy until the middle of the 20th century; and

**WHEREAS**, the lynching of Mr. John Henry James on July 12, 1898 was determined to have taken place in the County of Albemarle; his body shot dozens of times and his corpse hanging for hours; and

**WHEREAS**, 99 percent of all perpetrators, including those who murdered Mr. James, escaped punishment by State or local officials; and

**WHEREAS**, the Board of Supervisors recognizes that a history of racial injustice must be acknowledged, recognized, and most especially, remembered before a community may heal, and that July 12, 2022 marks the 124th anniversary of the lynching of Mr. John Henry James.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, do hereby recognize this tragic anniversary and declare July 12, 2022, as John Henry James Day in remembrance of our shared community history and as a demonstration of our commitment that this tragedy will be neither forgotten nor repeated.

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Item No. 6.2. Proclamation Celebrating LGBTQ+ Pride Month.

Mr. Gallaway **moved** to adopt the proclamation celebrating LGBTQ+ Pride Month and read the proclamation aloud. Ms. LaPisto-Kirtley **seconded** the motion.

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

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

Ms. Nicole Jones, Audio Visual Technician, accepted the proclamation. She said two years ago, she worked with Audio Visual company Spectrum Integrators, broadcasting the meetings over Zoom. She said the first meeting with the body was on June 17, 2020. She said at the meeting, she watched Ms. Lisa Green accept that year's Pride Month proclamation. She said she had not met Ms. Green in person, but the story she told stayed with her.

Ms. Jones said Ms. Green told a story of pain and fear and about the Pride Resolution introduced in 2013 that did not pass. She said Ms. Green spoke about the County employees fearing for their jobs for no

other reason than who they were. She said Ms. Green noted the gains made in and out of court, but that the war was not won. She said there were still attacks against people of color and trans people of color. She said there was an increase in legislative discrimination in states such as Arizona, Massachusetts, Tennessee, and Florida.

Ms. Jones said there was increased awareness and public support due to similar proclamations. She said because of the work of her predecessors, she hung a large Pride Progress flag in her office. She said since she had worked at the County, she had not been afraid. She said she was with the County because she believed in its principles of equity, and because they had communicated it was safe to be oneself. She said the bravery it takes for the Board to stand for all their constituents, regardless of sex or orientation is significant and she thanked the Board for their willingness to do so. She said these statements were an olive branch to the LGBTQIA+ community members who felt invisible and left behind, to say their experience is valued. She said that for the Board to offer support at such a high level is everything, especially to queer youth. She said to the people who felt disenfranchised, left behind, and unwanted; in Albemarle County, from White Hall to Scottsville, they were seen, respected, and loved. She said our leaders are fighting for us.

Ms. LaPisto-Kirtley said she was proud of being a part of recognizing everyone in the community and treating everyone with respect and love.

Mr. Gallaway said he remembered the proclamation Ms. Jones referenced. He said he stood with Ms. Jones, and the County had her back. He said he appreciated that the proclamation explicitly mentioned transgender youth and the obstacles and difficulties they faced. He said it was contingent as public officials to stand for those who needed that type of support.

Mr. Andrews said he was happy the Board was taking such action.

Ms. McKeel said the comments about the history made her remember. She said she remembered the School Board took a stand when the Board of Supervisors would not. She said the School Board continued to show strong support for the rights of all its students. She said it was important that leaders and communities make these statements and pass these proclamations.

Ms. Mallek said she remembered the failure in 2013. She said she hoped the community, Commonwealth, and country had learned a lot since that time. She said if they were to make progress for the future, then they required everyone's input.

Ms. Price said she did not often mention this publicly, but she was the only LGBTQ member of the Board, and she was a transgender woman. She said she was a professor who taught the biology of sex, sexual orientation, and gender identity. She said unfortunately, too many people did not appreciate that biologically, sex was determined by six factors: chromosomes, genes, hormones, gonads, internal reproductive organs, and external genitalia; and people focused only on the sixth.

Ms. Price said people did not understand that the brain structure of cisgender women and transgender women was similar to each other, and different from the brain structure of cisgender men and transgender men. She said the bed nucleus of the stria terminalis in the hypothalamus was where the similarity was found. She said there were biological, scientific facts which explained sex, sexual orientation, and gender identity.

Ms. Price said it was not a moral choice, and it was the way people were born. She said there were many people around the country and around the world who were unwilling to accept that fact and stuck with old wives' tales. She said she appreciated the County and the organization, and the community who elected her. She said she was proud to have the proclamation approved.

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### **Proclamation Celebrating LGBTQ+ Pride Month**

**WHEREAS** Albemarle County's stated mission is to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds and the Board of Supervisors is committed to supporting through its actions and its partnerships the promotion of an equitable and inclusive Albemarle County that allows all members of our community to grow and thrive; and

**WHEREAS**, Lesbian, Gay, Bisexual, and Transgender Pride Month (LGBTQ Pride Month) is celebrated annually in June to honor the 1969 Stonewall riots, and works to achieve equal justice and equal opportunity for lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) Americans; and

**WHEREAS**, on April 11, 2020, the Virginia Values Act was signed into law, making Virginia the first state in the South to protect LGBTQ+ people from discrimination in their daily lives, including discrimination in housing, public and private employment, public accommodations, and access to credit; and

**WHEREAS**, LGBTQ+ individuals continue to face national challenges to hard-won rights, with LGBTQ+ youth especially targeted by newly built barriers to their full inclusion in the spheres of healthcare and education; and

**WHEREAS**, LGBTQ+ individuals have shaped, advanced, and enriched the fabric of Albemarle County and our nation by making immense contributions to all areas of life including government, business, arts and sciences, medicine, law enforcement, technology, and the military; and

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, continue to affirm our commitment to our stated mission to enhance the well-being and quality of life of all the members of our community and recognize with pride the rich cultural diversity and contributions of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) residents to the vibrancy of Albemarle County.

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Item No. 6.3. Proclamation Recognizing the 20th Anniversary of the Osher Lifelong Learning Institute at UVA.

Mr. Andrews **moved** to adopt the proclamation recognizing the 20th Anniversary of the Osher Lifelong Learning Institute at UVA. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Ms. Tay Strauss, Co-Director of OLLI at UVA and Director of Planning, thanked the Board for recognizing the program and the people involved who made the program work.

Ms. Genevieve Baer, Co-Director of OLLI at UVA, thanked the Board for the proclamation.

Ms. LaPisto-Kirtley said she supported the OLLI program.

Mr. Gallaway said prior to moving to Charlottesville, he was a teacher in Shaker Heights, Ohio. He said the first two years, he was a guest instructor, and the principal at the time encouraged him to get his teaching certificate so he could be hired full-time. He said he went to John Carrol University to obtain the certification. He said at the university was where he came to appreciate that learning was in and of itself an incredible value and an enriching process. He said he knew he was in a healthy community because people were interested in self-enrichment.

Mr. Andrews said he had taken several OLLI courses. He said he appreciated the program.

Ms. McKeel said she agreed with the previous comments. She said the community valued education. She said OLLI was a wonderful asset to the community. She said her late husband used to teach an OLLI class. She said he was a research structural bridge engineer, and he often taught an OLLI class on bridges. She said she remembered the program used to have a struggle finding space for its classes. She asked if they had been able to resolve that challenge. She said she remembered they had considered providing OLLI space at Albemarle Highschool.

Ms. Strauss said the space at the high school would be appreciated. She said the program moved around the community, and there were courses in a variety of spaces around the City and the County. She said sometimes, people did not have a reason to travel to a different area of town, and the different locations encouraged people to travel around the community and explore a different space. She said the program rented, but it was a small non-profit. She said it worked hard to keep the pricing structure down.

Ms. McKeel said she mentioned the high school because they were constructing an addition. She said they wanted to carve out classroom space for OLLI, but other Supervisors at the time were not interested. She said there was the Lambs Lane Campus, and they were conducting a small-area plan. She noted OLLI did not require a lot of space. She said it would be interesting to have a discussion about providing space for OLLI through the small-area plan. She asked if OLLI had solved its space needs.

Ms. Strauss said no.

Ms. Mallek said 72 was the new 52. She said she looked forward to having more time to participate in the OLLI courses. She said lifelong learning was important. She said new people to the community had a chance to meet longtime residents.

Ms. Price said unlike Ms. Mallek, who was born in the County, she traveled and lived around the world: six states and three countries. She said she had visited 48 states, 43 countries, four Canadian provinces, and one territory before she realized Albemarle County was the place to be. She said it was in large part because of the educated population and the educational opportunities. She said she looked forward to continuing her education through the program. She said she was impressed with the statistics from the program. She said it had gone from 93 students 21 years ago to 2,100 students. She said the benefits to the community were wonderful.

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**Proclamation Recognizing the 20th Anniversary of the Osher Lifelong Learning Institute at UVA**

**WHEREAS**, the Osher Lifelong Learning Institute at the University of Virginia (OLLI at UVA) Mission Statement reads: Aware that an active mind is as necessary to a full life as are social relationships and physical exercise, the Osher Lifelong Learning Institute at the University of Virginia offers educational opportunities and intellectual enrichment to active adults in the community. The Institute is member-directed and draws upon its members' resources, as well as other academic and community resources, to organize courses and other educational activities. In this stimulating environment, members may acquire new knowledge, explore ideas, exercise creativity, and share interests and expertise with others; and

**WHEREAS**, OLLI at UVA was started by people who came together because of their desire to continue to learn and explore in interaction with other active adults. Olli's founders became aware of other lifelong learning programs from which they could borrow ideas, and the Jefferson Institute for Lifelong Learning (JILL) was organized and began offering courses in February of 2001 and, in 2005, the organization became a University-affiliated foundation; and

**WHEREAS**, OLLI at UVA started with 17 instructors and 98 student participants in 2001 and by the spring of 2011, there were 63 instructors and 684 student participants. In the last several academic years, OLLI at UVA offered 193 courses that were attended by over 2,100 student participants. OLLI at UVA will continue to be a community benefit, offering robust course offerings, exciting trips, and a community of friendly faces; and

**WHEREAS**, in 2020, 2021, and 2022, OLLI at UVA upheld its commitment to providing academic programming through the pandemic, moving all programming online to ensure classes continued, offering social opportunities to enrich community connectedness, and creating special presentations available to the public.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, recognize Osher Lifelong Learning Institute at UVA as a valuable resource for our community as it celebrates its 20th Anniversary.

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Non-Agenda Item: Motion to Amend the Agenda to Rename "From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board."

Ms. Price said the County Attorney had informed her they needed to discuss the rule amendment procedure.

Ms. Hudson said the reminder was to herself. She said with respect to the notice the Chair gave regarding the intent to seek an amendment of the language that described "Matters not Listed for Public Hearing on the Agenda, or on Matters Previously Considered by the Board, or Matters that were Pending before Board," which purported to describe the limitations of the subjects which could be addressed from the public. She said the Chair indicated the Board would address the item at the next meeting.

Ms. Hudson said there were two approaches. She said the one that required action at the next meeting required that in addition to the notice provided by the Chair, the Board discuss a specific date for the meeting at which that would occur, and it had to be a meeting other than the next regular meeting, according to the language of the rules. She said the next meeting time would be set by the Board, and then the issue would be addressed.

Ms. Hudson said there was an alternative approach that the Board could take at the meeting. She explained when a proposed motion to amend addressed a minor, technical amendment that the Board deemed necessary to conduct business efficiently and effectively, then it could entertain a motion at the meeting. She said as long as the motion passed with a super-majority, then it was effective at that time. She submitted the nature of the amendment was technical.

Ms. Hudson said what was sought to be amended was that the description be not "Matters not listed for public hearing on the agenda," but, "Matters not listed on the agenda for public hearing." She said it was simply changing the location of some words in that description, which was the epitome of a clerical and technical amendment. She said if it was the Board's pleasure to take that by motion at the meeting, then the amendment could be adopted by super-majority.

Ms. Price said the floor was open if a Supervisor wished to make a motion as indicated by Ms. Hudson.

Ms. Mallek asked if the motion was to further discuss the amendment that afternoon, or if they were to adopt what Ms. Hudson stated. She said if the language could be made positive rather than stating what was not allowed, it was confusing with the negatives in the title.

Ms. Price said she understood there were two options. She said one was to consider the amendment as a technical correction, in which case the motion could be made and the amendment adopted at the meeting. She said the other option was the item would have to be proposed to be

amended not at the next meeting, but one subsequent. She said they were not having a meeting on July 6, so the next regularly scheduled meeting was July 20, and therefore, the item would be addressed during the first meeting in August. She said the item could be addressed at the meeting or during the first meeting in August.

Mr. Andrews said it was, "Matters not Listed on the Agenda for Public Hearing," would be almost anything that was not listed on the agenda for public hearing. He said he thought the amendment would read, "Matters that are on the Agenda, but not Listed for Public Hearing."

Ms. Price said it was the second and third phrases that would get things not listed on the agenda. She said it would simply change the description to be, "Matters on the Agenda not Listed for Public Hearing," and the other two would exist. She said they would be outside the agenda previously considered or pending before the Board.

Mr. Andrews said that was why he would have suggested the language, "Matters on the Agenda, but not Listed for Public Hearing, or on Matters Previously Considered by the Board, or on Matters that are Pending Before the Board." He said that way, it was saying only items that were on the agenda or previously on the agenda or were to come before the Board were to be discussed.

Ms. Price said that would be the intent.

Mr. Andrews said he understood.

Ms. Hudson said that was what she understood.

Mr. Andrews said that was not what he heard. He asked if "on the agenda" came after "not listed" or after "matters."

Ms. Price said "on the agenda" would be at the beginning. She said as she understood, the motion could be, "Matters not Listed on the Agenda for Public Hearing, or on Matters Previously Considered by the Board, or on Matters that were Pending Before the Board."

Ms. Hudson said what Mr. Andrews proposed was, "Matters on the Agenda, but not Listed for Public Hearing." She asked if that was what was proposed.

Ms. Price said, "Matters on the Agenda not Listed for Public Hearing."

Mr. Andrews said that was correct.

Ms. Price clarified that the rest of the language would remain the same.

Mr. Andrews said the placement of "on the agenda" was important.

Ms. Price said, "Matters on the Agenda not Listed for Public Hearing."

Mr. Andrews said maybe insert, "but not listed for public hearing," because if they were listed for public hearing, then the public hearing would be the appropriate time for the comments. He said it would be for "Matters that were on the Agenda, but not Listed for Public Hearing."

Ms. Price said right, "Matters on the Agenda not Listed for Public Hearing."

Mr. Andrews said okay.

Ms. Mallek said that answered her question as well.

Ms. McKeel said that handled Ms. Mallek's concern.

Mr. Gallaway said Mr. Andrews should state that in the motion.

Mr. Andrews asked if it was okay if he added the word "but" into the clause.

Mr. Andrews **moved** the Board to amend the agenda item to read, "Matters on the Agenda but not Listed for Public Hearing, or on Matters Previously Considered by the Board, or Matters that are Pending Before the Board." Ms. McKeel **seconded** the motion.

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

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

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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. Price said the meeting was held in the public, which was different than a public meeting or

public forum. She said the time was open for members of the public to comment on County business. She said topics included any item on the agenda that was not already scheduled for a public hearing, or it could be an item that had been previously considered by the Board or was pending before the Board. She said comments had to relate to County business. She said it was not a public forum to simply speak about any desired topic; it had to be related to the business of the County.

Ms. Annette Osso said she lived in the Rivanna District. She said she was a citizen of the County and Director of Resilient Virginia. She said she would speak about the development of the Climate Vulnerability and Risk Assessment study as an important first step in the plan to address climate adaptation needs in the face of increased storms, heat impact, and weather instability they were experiencing at that time.

Ms. Osso said it was important to work on both mitigation strategies; reducing greenhouse gas emissions, which the County pledged to do, and to look forward toward the horizons when climate change would dictate modification to development patterns. She said there was the need to protect or restore the tree cover and other natural resources to support adaptive agricultural practices as they examined carbon sequestration opportunities.

Ms. Osso said otherwise, the economic and community health would be adversely affected in the community. She said the community had a significant opportunity to include priority aspects of climate adaptation language in the revision of the comprehensive plans, currently ongoing. She encouraged the Board to support the direction, and for the planning staff to review the vulnerability and risk assessment report with the purpose of adding clear climate adaptation goals in the updated plan. She said the County had a great opportunity to be a leader in central Virginia as it constructed a more sustainable and resilient future for the mechanism of the revised Comprehensive Plan.

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Mr. John Hall, John E. Hall Technologies LLC, said he was interested in car transportation, transit, and electric car, bus, and rail into the County and the City. He said he was also interested in the underground burial of aerial lines in roads. He said he wished to inform the Board of a street called Stribling Avenue in the City to Stribling Avenue Extended in the Jack Jouett District of the County.

Mr. Hall said he wished to apply his design and engineering skills, along with other engineers from the City, County, and Dominion Energy to create a new invention of conduit burial of electric and media cables alongside water and sewer lines in order to eliminate aerial lines, fire hydrants, and poles in sidewalks. He said street and walk-scape design was part of his design engineering. He hoped the state legislature would help them implement the resulting new design innovations in street and walk-scape and help fund development with money from the billions of dollars not spent on the failed southwest Virginia pipeline by Dominion Energy.

Mr. Hall said he understood that regular County staff positions were hired through the directors of the respective departments operating under the authority of the County Executive, Jeff Richardson. He said he hoped to be hired by Mr. Michael Culp, Director of Broadband Accessibility and Affordability Office, to work with their department and engineers, and Ms. Pam Johnson of Dominion Energy could be informed by County letterhead with Dominion Energy engineers and their strategic underground program expertise to accomplish the directives. He said he hoped to be hired by public works in the City to implement his designs in the City.

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Mr. Tom Olivier said he lived in the Samuel Miller District. He said he came to speak on an item on the Consent Agenda: The Climate Vulnerability and Risk Assessment. He said the County Climate Action Plan included actions aimed at reducing new greenhouse gas emissions and sequestration of greenhouse gases already in the atmosphere. He said a third front existed in effective climate action: resilience planning, where steps were taken to preserve community functions in the face of climate disruptions. He noted different aspects of the community; schools, farms, health care, construction, and impacts of climate change on that aspect were likely on the way.

Mr. Olivier said the current 2015 Comprehensive Plan called for creating a County resilience plan, however an ingredient was lacking to develop such a plan, namely a scientific analysis of local vulnerabilities to and risks from arriving climate changes. He said that analysis had arrived today on the Consent Agenda thanks to Resilient Virginia and the Piedmont Environmental Council and others. He said the report focused on climate impacts in five areas: heat, drought, wildfires, floods, and pests.

Mr. Olivier continued that reading the analysis, especially the sections on heat and drought should scare the devil out of anyone. He said it was past time for the County to incorporate climate resilience planning into all of its planning efforts, including the now-updated Comprehensive Plan. He urged the Board to schedule an extended presentation of the report at one of the meetings later in the summer or early in the fall so that the Board, staff, and residents would have a chance to view and contemplate it. He said the Board must begin framing steps for the community to begin to become more resilient. He said climate change waited for no one, and its consequences had begun, and more were on the way. He said if they were wise, and if they read and heeded the report, the County could start taking the right actions.

Ms. Price requested to add to the Consent Agenda the Resolution of Appreciation for Richard “Jake” Washburn. She asked if there were other amendments to the Consent Agenda or if there was a motion.

Ms. Mallek **moved** to approve the consent agenda as amended. Ms. McKeel **seconded** the motion.

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

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

Item No. 8.1. Fiscal Year 2022 Appropriations.

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

The total change to the Fiscal Year 2022 (FY22) budget due to the appropriations itemized in Attachment A is \$1,553,878. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

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

**Appropriation #2022049**

<b>Sources:</b>	Albemarle Charlottesville Regional Jail	(\$9,425)
	Local	\$7,738
	Existing General Fund Parks & Rec Budget	\$17,262
	State	\$982,754
	Federal	\$149,783
	Special Revenue and Other Funds' fund balance	\$396,341
<b>Uses:</b>	Children Services Act Fund	\$1,374,095
	Housing Assistance Fund	\$149,783
	Darden Towe Fund	\$25,000
	Blue Ridge Juvenile Detention Center	\$9,425
	Computer Maintenance/Replacement Fund	\$5,000

**Net Change to Appropriated Budget:** **\$1,553,878**

**Description:** This request is to appropriate the following in order to reconcile the items in anticipation of the close of FY 22:

- This request is to appropriate \$982,754 in state revenue and \$391,341 in Children Services Act (CSA) fund balance to the CSA Fund. The purpose of CSA is to provide high quality, child-centered, family-focused, cost-effective, community-based services to high-risk youth and their families. The CSA Fund exists due to a 1993 Virginia Law that provides for the pooling of 8 specific funding streams used to purchase services for high-risk youth. These funds are returned to the localities with a required state/local match and are managed by local interagency teams. The state reimbursement rate depends on the service provided.

Because of the historical volatility in year-to-year CSA expenditures, a fund balance exists in this fund to provide a designated funding source if needed in order to mitigate additional General Fund or School Fund costs in the event that expenditures are projected to exceed the budget and/or are unable to be reimbursed as much as projected by state revenue. The FY 22 CSA projection is anticipated to exceed the budget by 13%, primarily due to increased vendor rates.

- This request is to appropriate \$149,783 in federal revenue to the Housing Assistance Fund. The Housing Assistance Fund is increasing expenses to two programs: Housing Choice Voucher (HCV) and Moderate Rehabilitation (MR). The HCV Program provides rental assistance to program participants in the form of a voucher. Clients pay approximately 30% of their income towards rent, and the voucher subsidizes the remaining cost of rent in the form of a Housing Assistance Payment (HAP) paid directly to the landlord. The Moderate Rehabilitation Program is a rental assistance program specifically for senior citizens at Scottsville School Apartments. This program is managed in partnership with Piedmont Housing Alliance.

The FY 22 budget for these programs was adopted prior to the final federal allocations for these programs being known. This appropriation is to update the budget for the anticipated federal revenue to be received and related program expenditures.

- This request is to appropriate \$25,000 to the Darden Towe Park Fund. Pursuant to the funding agreement, the County's share is \$17,262 and is recommended to be provided from savings in the General Fund Parks & Recreation Department budget, and the remaining \$7,738 will be provided by the City of Charlottesville's cost share. This funding will provide for increased maintenance costs in the fourth quarter of FY 22 that were incurred at Darden Towe Park due to inflation of material and fuel costs.
- This request is to appropriate \$9,425 from the Albemarle Charlottesville Regional Jail to the Blue Ridge Juvenile Detention Center for the County's share of FY 22 costs based on the approved agencies' budgets, which were finalized after the development of the County's FY 22 budget.
- This request is to appropriate \$5,000 from the Computer Maintenance/Replacement Fund's fund balance for anticipated software licensing expenses.
- This request is to appropriate \$4,858 from the fund balance of a discontinued project management internal services fund to the Capital Budget. There is a corresponding reduction in the planned use of the Capital Budget's fund balance in FY 22.

**Appropriation #2022050**

**Sources:** Economic Opportunity Fund (transfer of currently \$37,500 appropriated funding)

**Uses:** Economic Development Authority Fund \$37,500

**Net Change to Appropriated Budget:** **\$0**

**Description:** This request is to transfer \$37,500 from the Economic Opportunity Fund to the Economic Development Authority (EDA). The funds will serve as matching funds for a GO VA Grant to provide programs and services to serve the Central Virginia start-up community through Venture Central. A portion of Albemarle County's Economic Development strategic plan (Project ENABLE) is to collaborate with the University of Virginia, the City, and the nonprofit sector to develop the local innovation and entrepreneurship ecosystem.

The Economic Opportunity Fund was established by the Board of Supervisors in 2006 to match economic development grant programs at the state and federal levels that help create jobs and expand capital investment in the County. Upon approval of this transfer, the EDA will remit the funds in accordance with its resolution of support expected to be approved at a future EDA meeting. The City of Charlottesville EDA is anticipated to also contribute \$37,500.

**RESOLUTION TO APPROVE ADDITIONAL FY 2022 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2022049 and #2022050 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

\* \* \* \*

APP#	Account String	Description	Amount
2022049	4-7935-16100-412560-800718-9999	SA2022049 Supplement for Azure P1 licenses	\$5,000.00
2022049	3-7935-16100-352000-510100-9999	SA2022049 Supplement for Azure P1 licenses	\$5,000.00
2022049	3-1925-43100-352000-510100-9999	SA2022049 Close PMD ISF to capital	\$4,858.00
2022049	4-1925-43100-493000-939100-9999	SA2022049 Close PMD ISF to capital	\$4,858.00
2022049	3-9010-51000-351000-510109-9999	SA2022049 Close PMD ISF to capital	\$4,858.00

2022049	3-9010-99000-352000-510100-9999	SA2022049 Close PMD ISF to capital	-\$4,858.00
2022049	4-1000-39000-433000-710000-0001	SA2022049 BRJDC Budget Increase	\$9,425.00
2022049	4-1000-39000-433200-710000-0059	SA2022049 ACRJ Budget Decrease	-\$9,425.00
2022049	4-5804-71910-471000-600700-9999	SA2022049 Towe Maintenance	\$25,000.00
2022049	3-5804-71910-319000-190207-9999	SA2022049 Charlottesville cost recovery	\$7,738.00
2022049	3-5804-71910-351000-512004-9999	SA2022049 Transfer from P&R General Fund	\$17,262.00
2022049	4-1000-71910-471000-700007-9999	SA2022049 DT Transfer fund increase	\$17,262.00
2022049	4-1000-71400-471000-110000-9999	SA2022049 P&R decrease Athletics & Classes	-\$17,262.00
2022049	3-5320-51100-324000-240109-9999	SA2022049 CSA - State Pool Funds	\$982,754.00
2022049	3-5320-51100-352000-510100-9999	SA2022049 Use of Fund Balance	\$391,341.00
2022049	4-5320-51100-453400-581001-9999	SA2022049 CSA Mandated Services	\$1,462,727.00
2022049	4-5320-51100-453400-581002-9999	SA2022049 CSA Non-Mandated Services	-\$111,632.00
2022049	4-5320-51100-453400-581010-9999	SA2022049 Local Only	\$23,000.00
2022049	3-5130-51410-333000-330016-1564	SA2022049 Housing Choice Voucher (HCV)	\$121,353.00
2022049	3-5130-51410-333000-330016-1565	SA2022049 Mod Rehab (MR1)	\$62,223.00
2022049	3-5130-51410-333000-330016-1566	SA2022049 Main Stream (MS5)	-\$33,793.00
2022049	4-5130-51410-481000-591300-1564	SA2022049 Housing Choice Voucher (HCV)	\$140,149.00
2022049	4-5130-51420-481000-591300-1565	SA2022049 Mod Rehab (MR1)	\$53,542.00
2022049	4-5130-51410-481000-591300-1566	SA2022049 Main Stream (MS5)	-\$26,078.00
2022049	4-5130-51410-493000-931000-1564	SA2022049 HCV admin fees	-\$20,446.00
2022049	4-5130-51410-493000-931000-1565	SA2022049 MR1 admin fees	\$8,681.00
2022049	4-5130-51410-493000-931000-1566	SA2022049 MS5 admin fees	-\$6,065.00
2022050	4-5807-82100-499000-999987-9999	SA2022050 Econ Opp Fund to EDA - Venture Central	-\$37,500.00
2022050	4-5807-82100-493000-934001-9999	SA2022050 Econ Opp Fund to EDA - Venture Central	\$37,500.00
2022050	3-4700-91095-351000-512000-9999	SA2022050 Econ Opp Fund to EDA - Venture Central	\$37,500.00
2022050	4-4700-91095-491095-560000-9999	SA2022050 Econ Opp Fund to EDA - Venture Central	\$37,500.00

Item No. 8.2. ZTA 202200001 Resolution of Intent to Amend the Zoning Ordinance for an Affordable Dwelling Unit Program.

The Executive Summary forwarded to the Board states that on July 7, 2021, the Board of Supervisors approved Housing Albemarle, the County's new housing policy, with delayed implementation of:

- 1) the increased percentage of affordable housing units in residential developments subject to rezonings or special use permits;
- 2) the increase in compliance periods for affordable housing units; and
- 3) the new price levels for both affordable for-sale and affordable for-rent units, until a package of developer incentives to support the construction of affordable housing was approved and implemented.

On May 4, 2022, staff held a work session with the Board to discuss a proposal for an Affordable Dwelling Unit (ADU) Program to support developers' efforts to provide affordable housing units in new residential construction projects.

Albemarle County is authorized to adopt an ADU Program ordinance under Virginia Code § 15.2-2304. ADU Program ordinances are similar to the County's current approach to securing affordable units through voluntary housing proffers, except that an ADU Program may require the provision of affordable units. ADU Programs include specific incentives in exchange for achieving pre-determined affordable housing thresholds. If the Board adopts the Resolution of Intent (Attachment A), staff would draft a proposed ordinance, with public hearings scheduled before the Planning Commission and the Board in September or October 2022.

Adoption and implementation of an ADU Program ordinance may impact the County's budget if financial incentives are included in the ordinance. The amount of the impact would depend on the number of developers seeking financial support, and the number of affordable units for which they were seeking funding. Additionally, funds received from developers choosing to make a cash contribution to the County in lieu of providing affordable units would positively impact the County's Housing Fund Reserve.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A) to amend the Zoning Ordinance for an Affordable Dwelling Unit Program.

**By the above-recorded vote, the Board adopted the attached resolution as presented in Attachment A to Amend the Zoning Ordinance for an Affordable Dwelling Unit Program:**

**RESOLUTION OF INTENT AFFORDABLE DWELLING UNIT PROGRAM**

**WHEREAS**, on July 7, 2021, the Board of Supervisors adopted *Housing Albemarle* as the new housing policy for Albemarle County; and

**WHEREAS**, the Board delayed full implementation of *Housing Albemarle* until a package of incentives supporting developer efforts to construct affordable housing units was adopted; and

**WHEREAS**, Albemarle County desires to provide housing that is safe, decent, and sanitary; and available to all income and age levels; and

**WHEREAS**, pursuant to Virginia Code §15.2-2304, Albemarle County may, by amendment of its zoning ordinance, implement an affordable dwelling unit program to promote a full range of housing choices, and encourage the construction and continued existence of affordable housing; and

**WHEREAS**, it is desired to review and amend Albemarle County Code Chapter 18 to include an affordable dwelling unit program with developer incentives.

**NOW, THEREFORE, BE IT RESOLVED THAT** for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code Chapter 18, Zoning, and any sections of the Albemarle County Code deemed to be appropriate to achieve the purposes described herein.

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Item No. 8.3. SE202200021 Galaxie Farm Special Exception.

The Executive Summary forwarded to the Board states that the applicant requests three variations to the Galaxie Farm Application Plan approved with ZMA201800012. (Attachments A and B) Specifics of each request are summarized below:

1. Shifting of Block 8 (Open Space) and Block 3
2. Modification of Residential Unit Counts across Blocks 1-6 and Minimal Changes to Block Acreages
3. Modification of Street Locations and Design

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the requested variations.

**By the above-recorded vote, the Board adopted the attached resolution as presented in Attachment F to approve the requested variations:**

**RESOLUTION TO APPROVE SE 2022-00021 GALAXIE FARM VARIATIONS TO CODE OF DEVELOPMENT (ZMA201800012)**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00021 Galaxie Farm – Three Variations to Code of Development application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the variations in Albemarle County Code §§ 18-8.5.5.3 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed variations:

- (1) would be consistent with the goals and objectives of the Comprehensive Plan,
- (2) would not increase the approved development density or intensity of development,
- (3) would not adversely affect the timing and phasing of development of any other development in the zoning district,
- (4) would not require a special use permit, and
- (5) would be in general accord with the purpose and intent of the approved application.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves Variations #1-#3 to the Galaxie Farm Code of Development, on the condition that development be in general accord with the "Galaxie Farm Road Plan," prepared by Collins Engineering, dated March 8, 2022.

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Item No. 8.4 SE202200032 Cedar Bluff Wireless Facility Special Exception (297 Panorama Lane).

The Executive Summary forwarded to the Board states that County Code § 18-5.1.40(a)(12) allows special exceptions to waive or modify the requirements of County Code § 18-5.1.40 for personal wireless service facilities. This request is 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.

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the special exception with the following condition:

1. 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.

**By the above-recorded vote, the Board adopted the resolution as presented in Attachment E, approving the special exception with one condition:**

**RESOLUTION TO APPROVE SE 2022-00032 CEDAR BLUFF WIRELESS FACILITY**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00032 Cedar Bluff Wireless Facility 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 the proposed special exception would not increase the facility's visibility from nearby properties or roads.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the special exception requests to modify the requirements of County Code § 18-5.1.40(b)(2)(c), subject to the condition attached hereto.

\* \* \* \*

**SE202200032 – Cedar Bluff Wireless Facility Special Exception Condition**

1. 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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Item No. 8.4.1. Resolution of Appreciation for Richard Washburne.

**By the above-recorded vote, the Board adopted the Resolution of Appreciation for Richard J. "Jake" Washburne:**

**Resolution of Appreciation for Richard J. "Jake" Washburne**

**WHEREAS** Richard J. "Jake" Washburne has served with distinction as General Registrar and Director of Elections for the County of Albemarle, Virginia since 2006; and

**WHEREAS**, Jake has presided over 42 elections and primaries in the County over the last 16 years, involving more than 821,000 individual votes cast; and

**WHEREAS**, during his time in office, Jake's job has become far more complex, due to the one-third increase in the number of County voters, the implementation of significant election law changes including no-excuse absentee voting and in-person early voting, ensuring both voters' and election workers' safety through the COVID pandemic; and increased security and technology requirements, all of which he has successfully implemented; and

**WHEREAS**, Jake has consistently served with grace and integrity under intense time pressure and public scrutiny and maintained his cool demeanor even while under fire from the occasional angry voter who was under the misimpression that they had registered to vote; and

**WHEREAS**, Jake's fidelity to the law and deep personal integrity have won the trust and admiration of both political parties in Albemarle County and maintained the public trust in the integrity and security of Albemarle County elections.

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Albemarle County Board of Supervisors, do hereby honor and commend Jake Washburne for his many years of exceptional service to the County of Albemarle, County residents, the Elections Office, and the Commonwealth of Virginia. Jake's dedicated service to the most fundamental right of citizenship – the right to vote – has advanced the very cause of democracy.

**BE IT FURTHER RESOLVED**, that this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting and visible testament to the esteem in which Jake is held by this Board and previous Boards for his lasting legacy of government service and the tangible result of his work to ensure fair and free elections in Albemarle County.

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Item No. 8.5. Albemarle County 2022 1st Quarter Building Permit Report, **was received for information.**

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Item No. 8.6. Albemarle County 2022 1st Quarter Certificate of Occupancy Report, **was received for information.**

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Item No. 8.7. Climate Vulnerability Assessment Reports, **was received for information.**

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Item No. 8.8. VDOT Monthly Report (June) 2022, **was received for information.**

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Agenda Item No. 9. Work Session: Review of 2022 Legislative Priorities and Initial Discussion of 2023 Legislative Priorities.

The Executive Summary forwarded to the Board stated that each year, the Board considers and approves a set of its legislative priorities to pursue in the upcoming General Assembly session. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). This will be the first meeting to discuss potential legislative priorities for the 2023 General Assembly session. Staff will also review the County's legislative priorities from the 2022 General Assembly session, found in Attachment A.

No potential legislative priorities have yet been identified by Supervisors or staff.

There are no specific, identifiable budget impacts.

Staff recommends that the Board suggest and discuss potential legislative priorities, identify those that have preliminary Board support, and recommend next steps.

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Ms. Cynthia Hudson, County Attorney, said the title, "2023 General Assembly Legislative Priorities" was somewhat misleading because the bulk of the presentation involved a review of the Board's 2022 legislative priorities and the outcomes from the 2022 General Assembly session. She said there was the possibility the 2023 priorities would build on the 2022 priorities. She said she was following the approach of Mr. Greg Kamptner, former County Attorney, for the initial onset of the legislative priority setting process.

Ms. Hudson said at this time of year, the Board typically reviewed the status of the 2022 or current year legislative priorities and initiate the discussion as to what would be included in the legislative package for the upcoming session. She said the next phase of the process would include the Board further refining the list of priorities over the next several months. She said around October, the Board would vote to set the 2023 legislative priorities, the positions on legislative initiatives, and any policy statements the Board wanted to make as a body. She said the Board would next choose a date to meet with the local General Assembly delegation. She said that component was managed by Mr. David Blount, the Legislative Liaison, who was present at the meeting.

Ms. Hudson said this Board approved three 2022 legislative priorities. She said the first one was to enable civil penalties in lieu of criminal punishment for violations of local ordinances. She said the second one was to expand authority to use photo speed monitoring devices. She said the third was to require agricultural buildings used by the public for events to be subject to certain minimum safety standards.

Ms. Hudson explained the first priority enabled civil penalties in lieu of criminal punishment for violations of local ordinances. She said HB 627, carried by Delegate Hudson, failed in that respect. She said there was a reference to attachment A that did not make it to the presentation. She said the essential elements described on the slide recounted what the Board had in mind when it sought the legislative change and the rationale. She said it would amend existing law to allow localities, generally, to adopt an ordinance to pursue civil penalties rather than the only option be a criminal penalty, and to be pursued by issuance of civil summons and civil fines that could be prepaid. She said it had not been enacted as requested.

Ms. Hudson said the rationale was the same; the initiative would enable localities to decriminalize a number of activities regulated by local ordinances. She said it would decrease the interactions of the public with law enforcement, and perhaps address a number of issues the Board was concerned about. She said since the measure did not pass, there was the opportunity to attempt the same the following year.

Ms. Hudson noted the measure to expand authority to use photo speed monitoring devices. She said both Delegate Hudson and Senator Bell attempted to carry the measure, and it did not pass. She said there may be a different fate during the next session of the General Assembly if the Board wanted to carryover the priority to the 2023 legislative package. She said it would be the type of measure that would lighten the load on law enforcement with respect to the mode of monitoring speeding on secondary roads.

Ms. Hudson noted the next priority would impose certain safety standards on agricultural buildings that the public had increasingly begun to use in recent years for events. She said as initially proposed, the Board discussed requiring the buildings that were open for public use to have well-defined exit signs at doors, installed panic-bars, and other measures to facilitate escape during a catastrophe such as a fire. She said the public uses were after-the-fact uses for the structures; they were not designed for public gatherings and events, so the law needed to catch up with the more recent uses. She

said in the General Assembly, Senator Hanger carried SB 400. She said it did pass with a reenactment clause required.

Ms. Hudson said essentially, the bill would amend the state code to require the Community and Housing Development Board to promulgate regulations pertaining to the construction and rehabilitation of agri-tourism event buildings. She said the statute defined an agri-tourism event building as a building or structure located on property where farming operations or agri-tourism took place, which was primarily used for holding events and entertainment gatherings open to the public of 300 persons or less.

Ms. Hudson said the regulations would be limited to requirements for outward swinging doors with panic hardware, emergency lights, exit signs, emergency vehicle access requirements, at least one restroom with hand washing facilities, portable fire extinguishers, a manual, unmonitored fire alarm system with pull stations, and a fire evacuation plan.

Ms. Hudson said the statute would set up a particular advisory committee called the Agri-tourism Event Structure Technical Advisory Committee, and it would consist of nine members from the various areas of agri-tourism where the events most often took place, and would include representatives from the Virginia Farm Bureau Federation, the Agri-Business Council, the Wineries Association, the Craft Brewers Guild, at least one craft beverage manufacturer, as well as VACo and the Virginia Fire Prevention Association and Fire Services Board, and the Virginia Building and Code Officials Association. She said the provisions were a qualified success; it required reenactment in the 2023 General Assembly to become effective. She said during that time, the Department of Housing and Community Development (DHCD) Board was expected to study in more detail a regulatory scheme.

Ms. Hudson said there were a couple of legislative positions and policy statements that were adopted by the Board. She said the impact fees position was a longstanding position, where the Board supported legislation to enable localities to impose impact fees on residential development and eliminate cash proffers. She said erosion and sediment control standards for agricultural and forestry operations was added to the approved legislative positions the previous year. She said the position was inspired by the Chesapeake Bay Preservation Act with respect to erosion and sediment control and to tie in to existing law regarding total maximum daily load regulations designed to preserve the quality of the Chesapeake Bay.

Ms. Hudson said there was a legislative support item in particular: in October 2021, the Board adopted a resolution that was triggered primarily by concerns regarding the number of technology issues that contributed to the problems people had getting unemployment compensation during the pandemic. She said the General Assembly had responded with Budget Item 370 #3c which directed the Virginia Employment Commission (VEC) to fully transform its agency IT systems and servers to the state central IT structure as soon as possible rather than have them independently managed. She said the funding was presumed with the mandate. She said the Board's statement was broader and did not focus solely on the VEC, it addressed support for the state updating and modernizing all of its technology systems to better serve the public, especially to the extent they affected quality of life.

Ms. Hudson said the Board endorsed, through the TJPDC (Thomas Jefferson Planning District Commission), some of their ongoing legislative priorities. She said there were a few; support for recovering communities, which essentially continued support at all levels of government to protect communities and ensure their viability during recovery from the pandemic. She said under budgets and funding, the Governor and legislature were encouraged to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options. She said in the area of broadband access, urging and supporting state and federal efforts in financial incentives that assisted localities in deploying affordable access to broadband technology and underserved areas. She said the County was making its own inroads on broadband access.

Ms. Hudson said the discussion was intended to start the conversation on the Board's legislative package for 2023.

Ms. LaPisto-Kirtley said the wording used for the photo speed camera priority item was good. She asked Mr. Blount whether the County should also include language that the devices were for the protection and safety of the officers. She said performing traffic stops on two lane roads put the police officers at risk. She noted police officers were down 30% nationwide.

Ms. LaPisto-Kirtley said the legislature needed to realize the future. She said across the nation, people were not becoming police or fire fighters, so they needed to use technology to help the officers keep the citizens safe. She said photo speed cameras were an effective measure against speeding on rural roads. She said it was successful in Europe. She said there were third party vendors, and the technology was used in D.C. and Maryland.

Ms. Price said she provided Ms. LaPisto-Kirtley with the 30% figure, but she had been updated and the figure was closer to 20% in the County. She said she provided Ms. LaPisto-Kirtley with incorrect information.

Ms. LaPisto-Kirtley said she supported the other items that did not pass. She said the Board should continue with those items.

Mr. Gallaway said he may request Mr. Blount to provide summary remarks on the item he had added to the agenda regarding HB 444 after the other Supervisors had made their remarks. He said it

would help inform the item.

Mr. Andrews said he still supported all of the items remaining on the legislative agenda. He said he would love to hear if there were tweaks that could improve the chances.

Ms. McKeel said she was always interested in the pushback and the reasons a bill did not pass. She asked if Mr. Blount could provide information about the reasons for failure. She noted there was someone from the police department present. She said she was interested in knowing if Colonel Reeves had a position on how to strengthen the photo speed monitoring device priority. She said for the priorities they had discussed, she supported them moving forward. She said there could be specifics they could change to make the priorities stronger.

Ms. Price said they may call speakers up after the Board completed its round.

Ms. Mallek said she supported continuing the efforts with the previous year's priorities. She said regarding HB 747 and the photo speed monitoring devices, it was reported at the VACo Board meeting that the GSA (General Services Administration) of Virginia had clarified the authorization of systems. She said there was a memo issued in January that prohibited automatic systems, and now there was pushback from VACo. She said the GSA had authorized the latest LiDAR (Light Detection and Ranging) systems to be used.

Ms. Mallek said a poison pill was placed in the bill last session that stated it could only be hand delivered, defeating the purpose of the photo monitoring. She said it was the local delegate who put the poison pill measure in. She added that on the last day of school, a speeding vehicle killed a cat and almost crashed into a group of children waiting for the bus. She said she discussed the issue previously, other than the 35 MPH speed limit, she would prefer to have streets that met the criteria but were not only limited to rural roads.

Ms. Mallek said there were many urban roads that were frightening. She said the Board should consider that there were many opportunities to locate the devices. She said about 25 states already used the devices, so it was not rare. She said it was on the VACo list, and it would be discussed during the August meeting.

Ms. Mallek said regarding SB 400, the fact it was sent to study was the exact same as requiring reenactment. She said as typical, the advisory committee had 16 members that did not want the regulation and one party that did. She said there were many communities around the state which were interested and tracking the progress on the bill. She said it was frustrating to testify; the chair of the committee adjourned the item before she was able to comment after waiting for four hours. She said the erosion sediment control bill was important because of the stormwater and other environmental issues that could be prevented with better rules.

Ms. Mallek said the state standards were last amended in 1986, and they did not take into consideration the new mechanical processes which did not leave any protected slash on the ground, no old leaves, branches, or others. She said it was all pelletized and removed from the site leaving acres of bare dirt. She said they could not wait for natural generation to protect the land when rainfall happened quickly and in large volumes. She said there was a tremendous need for the item.

Ms. Mallek said she was discouraged about the IT bill because it was State's IT system that had been a major failure all along, and for those who worked in small state agencies, they had abandoned their state emails because they were unable to receive them.

Ms. Price said she concurred her support for the legislative priority items. She said she testified on behalf of the civil penalties in lieu of criminal punishment for violations of local ordinances as part of the criminal justice reform. She said she remained opposed to the over criminalization of minor misconduct. She said she concurred in her continued support of photo speed monitoring devices. She said she was one of the most vocal advocates for the agricultural building safety minimums.

Ms. Price said she supported the impact fees. She said she was the loudest voice raising questions about the erosion and sediment control standards for agricultural and forestry operations. She said she revised her viewpoint after driving through 2,500 acres of the Woodbridge Solar Proposal. She said Ms. Mallek had described exactly what she saw. She said she was beyond dismayed at the state of the 2,500-acre property.

Ms. Price said there were insufficient stream buffers, no ground cover, siltification, and erosion. She noted that once plants began to grow, it was sprayed and everything died, which added to more erosion and siltification. She said they must move forward with the protections to the environment because of the destruction of agricultural surfaces and the deterioration of the water quality. She said she was beyond dismayed by what she saw. She said it was criminal the way the land was left. She said she stood with the rest on the Board in support.

Ms. Mallek said she was trying to remember the other items on the tickler list.

Ms. McKeel said Mr. Kamptner had maintained a tickler list. She said she did not know if he shared the list.

Ms. Price said they could look into the matter.

Ms. Hudson said she only worked from the adopted legislative priorities.

Ms. Price said she would like the Board to schedule a time to meet with the legislators. She said it became a quick process for sponsorship and carrying of bills. She said she felt the Board was behind the curve the previous year.

Ms. McKeel noted there was often pushback from the legislators, and that was usually the problem.

Ms. Price said from the Board's standpoint, it needed to do what it could to set the meetings.

Ms. McKeel asked if Mr. Blount would be able to present to the Board.

Ms. Price said that was allowed.

Mr. David Blount, Thomas Jefferson Planning District, said he heard a couple of requests; to address Mr. Gallaway's issue and to respond to Ms. McKeel's request. He said he would speak first to the discussion about meeting with the legislators. He said they usually said the earlier the better because there were a number of individuals and groups coming to them with legislation as well as their own agendas.

Mr. Blount said the legislators typically had a deadline for draft requests at the end of November or the first part of December. He said they were heading into an odd-numbered session which was shorter, so there was likely to be some limitation on the number of bills that could be introduced by each legislator, particularly in the House, if they followed past practice. He said once the Board had an idea of the initiatives they wanted to move forward and request sponsorship, then they would look to schedule meetings.

Mr. Blount said Mr. Gallaway referred to HB 444. He said a freshman delegate from northern Virginia pushed to provide, in the wake of the pandemic, more flexibility for public bodies to hold meetings virtually or in a hybrid manner. He said the delegate worked with the Coalition for Open Government, the Press Association, and local government groups that had wide consensus. He said ultimately, the bill was diluted, and ultimately it removed boards of supervisors, city councils, school boards, planning commissions, architectural review boards, and licensing boards out of the public bodies that would be allowed to hold all-virtual meetings outside of the declaration of a state of emergency.

Mr. Blount said the bill left other public bodies, which were not specifically mentioned, the option to meet virtually with some limitations. He said there was a list of about 10 items in the code primarily centered on public access and how public accessibility had to be provided for at those virtual meetings. He said there were limitations on the number of times a public meeting could be held virtually, limited to two times per year or 25% of the regularly scheduled meetings, whichever was greater and rounded up.

Mr. Blount said the TJPDC could hold such virtual meetings. He said they typically scheduled 10 meetings a year, and 25% would be 2.5 meetings, rounded up to three. He said three out of the 10 could be held virtually. He said the new provisions of the law would take place on September 1. He said the other provision was an enactment clause that setup a workgroup within the Freedom of Information Advisory Council to examine and focus on the use of technology by members of public bodies and best practices, and best practices for providing access to the public.

Mr. Blount said the workgroup met and included local government groups and the other pertinent stakeholders. He said the group came out with recommendations for guidelines and best practices. He said the group may meet again if there were other issues to discuss. He said there was no formal reporting process for that work. He said there was a report at the most recent Freedom of Information Advisory Council meeting, but it did not have to be approved by the Council.

Mr. Blount said at some point, the draft recommendations would become final. He said they were posted for public review on the FOIA website. He said depending on how the new provisions went, the delegate who sponsored the measure would remain connected to what was happening around the state, and if there was a desire to return and try to have additional flexibility afforded to other public bodies.

Ms. Mallek asked if Mr. Blount had information about the SB 400 advisory committee.

Mr. Blount said he had not, but he was going to address the item with a rundown of the three pieces of legislation from the Board. He noted Ms. LaPisto-Kirtley's advocacy for the photo speed monitoring devices bill. He said there were two bills; Delegate Hudson's bill, endorsed by the Board, and Delegate Bell's bill which had more requirements in place for the bill to go into effect. He said both bills were denied.

Mr. Blount said the stance of the subcommittee was that they did not need to expand the use of photo speed monitoring devices. He said the use of devices in construction zones and school zones, adopted in 2020, was a hard-fought battle. He said the County had considered enacting such measures around the Albemarle High School building. He said he did not know if the outcome would change if the bill were resubmitted. He said there would be elections in 2023, and that maybe the best time to move forward with the measure. He said that the roadmap could change, but those were his thoughts on the matter.

Mr. Blount said regarding the civil penalties' legislation, Ms. Price along with representatives from other localities, such as from the Virginia Beach area, where they encountered similar situations with the boardwalk and how they wanted to enforce similar situations there. He said he believed the bill was voted on along party lines, and he did not recall if there was any in-depth discussion on the merits of the bill.

Mr. Blount said regarding SB 400, he had not heard information about the convening of the group, but the idea was the group would be to inform and advise any move to what a regulatory process would look like. He said the reenactment clause was put on the bill in order to allow that time to take place. He said he had not heard whether that group had been called together. He said with the special session, the budget would hopefully arrive sooner rather than later. He said it had delayed some of the things, but as the fiscal year ended, some of the things directed to be started in the interim will begin.

Ms. Mallek asked who would convene the group. She asked if it would be Secretary Lohr or someone else.

Mr. Blount said as Ms. Hudson noted, it was the Department of Housing and Community Development (DHCD).

Ms. Hudson said the DHCD was charged with assembling the group. She said it may be that because the bill which created the group did not pass, there was an obstacle to its convening. She said it was not created or authorized until the bill was passed, and the bill had a reenactment clause.

Mr. Blount said he would offer some clarification. He said he believed there were three sections to the bill, and the reenactment clause was on the first and third sections. He said the second section established the workgroup, so it would be allowed to move forward. He said there was a building codes division within DHCD. He said there were staff specifically focused on those types of issues. He said it would likely grow out of that division of DHCD.

Ms. Mallek said that was the same group that indicated it did not want to implement the code.

Mr. Blount said they had been involved before. He said he would make a note to check into that to see if there were any discussions on how that may be proceeding.

Ms. Mallek noted VACo had one seat at the table, but there were 12 industry representatives.

Mr. Blount said the fire service interests and the building codes stakeholders were concerned about being added to the group.

Ms. Price asked Ms. Hudson had the necessary information from the Board.

Ms. Hudson said regarding HB 444 and the changes in FOIA with respect to virtual meetings and remote participation, there was a workgroup in her office of herself, Andy Herrick, and attorney Richie DeLoria who, were crafting amendments to the Board's own rules with respect to the effects of the bill amendments. She said the rules were self-executing. She said rules for other public bodies of the County that had more flexibility or enabling authority to meet in an all-electronic fashion to align with the law, would be on an agenda to be effective by September 1.

Ms. McKeel said no tweaks or changes to the current priorities list were suggested, and the items they were discussing were most likely to move forward.

Mr. Blount said Ms. LaPisto-Kirtley had mentioned emphasizing safety and protection of law enforcement officers. He said he was not clear whether Ms. LaPisto-Kirtley wanted to add special language to the bill or language to the Board's position statement and advocacy focus. He said he was not familiar with that section of code. He said he wanted to see if something that showed intent would be appropriate to add to the code in that section.

Ms. McKeel asked if there were changes that could be made to some of the bills. She said, for example, with erosion and sediment, there was a direct connection to climate change.

Mr. Blount said that was a position, and they did not get to the point of drafting legislation. He noted that in the past, the County Attorney's office had helped in putting language before the legislators which helped them.

Ms. McKeel said given what they were seeing with climate change, she was really interested in that one too.

Ms. LaPisto-Kirtley said she was referencing, from the packet on legislative priorities, the section for the rationale for the photo speed monitoring devices, the last sentence read, "using these devices would promote public safety by providing broader enforcement of speed limits, use technology where human intervention is unnecessary." She said she would propose to change the language to read, "where human intervention is not practical or safe" instead of unnecessary. She said it would allow law enforcement officers to perform other critical police duties. She said it was the reality; it was not practical or safe for the officers.

Ms. LaPisto-Kirtley said they could discuss a pilot program geared toward the County. She said

the pilot program could run for a year to convince the legislator to change what initially ended the bill, which was not being able to use a third-party vendor, and proceeds would go to the state.

Ms. Mallek said she wanted to hear feedback from other communities. She said if they could broaden the approach to bring in support from more urban communities, that would multiply the delegates supporting the measure. She said there were many different ways to tweak the bill and have success.

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Agenda Item No. 10. Work Session: Homelessness, Panhandling, and the System of Care.

The Executive Summary forwarded to the Board states that the Board of Supervisors previously supported the Thomas Jefferson Planning District Commission's (TJPD) application for technical assistance funding for a Regional Transit Vision Plan. This application was awarded funding by the Department of Rail and Public Transit (DRPT), and work is ongoing through August 2022.

The purpose of this Plan is to develop a long-term vision for transit service in the Charlottesville-Albemarle region. The consulting team utilized meetings with the Regional Transit Partnership, a technical advisory committee, and the public, as well as an online public survey, to determine the community's priorities and make recommendations for how to achieve that vision.

While the vision plan document has not yet been finalized, the consulting team for the study has started to identify community priorities and sketch out broad goals and recommendations. Consultant staff will provide an update on the progress of the Regional Transit Vision Plan and a preview of the draft vision and goals; network assumptions and scenarios; and performance metrics and analysis before they are distributed for public comment.

This information will also be shared with Charlottesville City Council and the Boards of Supervisors for Greene, Louisa, Fluvanna, and Nelson counties. The presented project materials will be shared with the public for input during the next engagement period between June and July 2022.

No additional funding from Albemarle County is requested at this time.

Staff recommends the Board receive the update and provide feedback to the presentation team.

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Ms. Kaki Dimock, Director of the Department of Social Services (DSS), said she would present on the homelessness continuum of care, who was in the system of care, and where homelessness created tension in the community, including panhandling. She said she was joined by Mr. Anthony Haro, Executive Director of the Blue Ridge Area Coalition for the Homeless, and Colonel Reeves who was present in case there were questions around panhandling, homelessness, and police involvement.

Ms. Dimock said she would provide a definition of homelessness and a description of existing services in the County's system of care. She said Mr. Haro would discuss the annual point in time count data from 2022, and they would talk about pinch points in the continuum of care along with solutions, concerns, and potential responses to panhandling.

Ms. Dimock said they would discuss the location of homelessness along Dr. Pethia's affordable housing continuum. She said it was on the end where the most vulnerable community members experiencing literal homelessness were living outside or in an emergency shelter. She said the definition of homelessness was different for every funding source that provided dollars around homelessness, primarily as a way of clarifying who was eligible for services and who was not.

Ms. Dimock said at some point, the U.S. Department of Housing and Urban Development (HUD), primarily responsible for policy setting around homelessness, attempted to consolidate the definitions into one, and that resulted in a 3.5-page definition of homeless that did not meet the bill. She said for their purposes at the meeting, homelessness would be someone in an immediate housing crisis with no way of solving it, someone who was living outside, or someone who was dependent on emergency shelter, someone who did not have access to safe and habitable space to spend the night.

Ms. Dimock said HUD was the primary policy setter on homelessness and identified best practices and funding priorities around people experiencing homelessness for local implementation. She said HUD estimated that the aggravated system of care costs about \$40k per year to support an individual experiencing homelessness. She said the statistic was 10 years old, and it was likely significantly higher. She said they did an informal study 9 years ago and identified that the local number was closer to \$28k per year.

Ms. Dimock said that was the cost of providing the aggregated emergency services cost to someone experiencing homelessness and not the cost of changing the status of homelessness. She explained HUD required every region to have a lead agency that coordinated policy and funding, and the agency for the County's region was the Blue Ridge Area Coalition for the Homeless. She said the continuum of care could be different for every community based on the kinds of homelessness they experienced. She said urban areas experienced significantly higher numbers of family homelessness for brief periods of time; two to four weeks.

Ms. Dimock said the community in the County experienced a significant amount of chronic homelessness. She said all continuums of care were intended to include the components listed on the

slide, at a minimum, outreach and coordinated entry, so direct outreach rather than waiting for people to request assistance and coordinated entry to show there was one right door to the system of care and no wrong door. She said it was a complicated thing to accomplish for the different service providers.

Ms. Dimock said there were opportunities to prevent homelessness and divert people from emergency shelters. She said there were emergency shelter beds, and rapid rehousing, a short-term rental assistance program designed to move people immediately into rental assistance and out of emergency shelters in hopes of stabilizing for them to take over rent themselves, and permanent supportive housing, a best-practice housing intervention for people experiencing chronic homelessness and who were at the highest medical risk.

Ms. Dimock said within the local system of care, there were services providers in almost all of the areas listed on the slide. She noted each service was under capacity and unable to meet the entire need of the service demand. She said for a community the size of the County, there was a robust continuum of care. She said the Legal Aid Justice Center, which had recently been supported by the Board using ARPA funding to provide additional eviction prevention services, and The Haven prevention services to people at the highest risk of losing housing. She said regarding street outreach, Region 10 had projects for the assistance of transitions from homelessness path. She said the Haven had limited street outreach, and the City was in the planning stages of building and designing some street outreach effort of its own.

Ms. Dimock said regarding emergency shelters, there were low-barrier shelters through PACEM (People and Congregations Engaged in Ministry), there was a domestic violence shelter, identified as homelessness intervention by HUD, through Shelter for Help in Emergency (SHE), there was a higher-barrier shelter through the Salvation Army, and there was a day-shelter through the Haven. She said there were two rapid rehousing programs, and one was through The Haven and one was through the Blue Ridge Health District, specifically for housing opportunities for people with AIDS. She said there were two transitional housing programs.

Ms. Dimock noted transitional housing was out-of-favor with HUD, and so it was no longer supported by HUD. She said there was some data that transitional housing could be useful intervention for people who were at significant risk of substance abuse or behavioral health concerns, however, neither of the transitional housing programs were used for that target population.

Ms. Dimock said permanent supportive housing was provided by Virginia Supportive Housing through The Crossings, and Region 10 had a limited permanent supportive housing program. She said the Blue Ridge Health District operated a longer-term, permanent supportive housing rental assistance program for the Housing Opportunities for People with AIDS program from HUD. She said Virginia Supportive Housing (VSH) was hopeful to construct Premier Circle which would provide additional permanent supportive housing beds.

Ms. Dimock said the programs and the continuum of care were informed by a philosophy defined by HUD. She said it was important to know that HUD would identify a philosophy and incentivize the adoption of that philosophy for several years and require the adoption of that philosophy for several years. She said they were between those two items with the present philosophy. She said the primary focus was that homelessness was a housing crisis and was not identified as a personal failing.

Ms. Dimock said it was a focus on housing first, and that was the primary intervention for people experiencing homelessness with a focus on providing immediate access to appropriate housing, a recovery orientation, connection to community, choice in housing selection, and engagement in services, meaning they did not require people engage in services in exchange for providing housing. She said there was also the availability of support services as requested by the clients. She said all resources were prioritized for the most vulnerable.

Ms. Dimock said housing first was an idealistic view for how they provided services, and it required they have a sufficient number of appropriate housing resources in each of the buckets described in the service system. She said it could be difficult in the community where affordable housing was as scarce as it was in the larger region. She said it meant a system of care was designed to move people through rapidly out of emergency services and into stabilized services.

Ms. Dimock said HUD would identify the focus was on making homelessness brief, rare, and non-recurring with a target being less than 30 days; that people were moved into a housing resource within 30 days of the event of homelessness. She said it required a fairly robust amount of affordable housing interventions along the continuum that the County did not have. She said it meant there was a backlog in each one of the steps along the continuum, and it meant people experiencing homelessness did not receive the appropriate intervention for their need, but they were receiving the available one. She said those were tensions in the system.

Mr. Anthony Haro, Director of the Blue Ridge Area Coalition for the Homeless. He said displayed on the slide was a record of the point-in-time counts of homelessness in the community on a given night during the last week in January. He said the County was charged by HUD to go into the community and identify or interview people experiencing homelessness. He said the numbers represented people living outside, under bridges, in cars, in tents, places not meant for human habitation, in emergency shelters, and transitional housing programs.

Mr. Haro said there was a significant jump in the point-in-time count from 2021 to 2022; the most significant jump the County had seen since it had been reliably covering the data in 2010. He said it was

primarily due to the pandemic and the effects of the pandemic on the housing system. He said it was also due to the County's ability to shelter people in this unique need from the pandemic using funding local government, state government, and local foundations to meet the need. He said the next slide showed the data broken into different categories.

Mr. Haro said the top line represented the emergency shelter count which was where the large increase came from. He said the red line was the transitional housing number. He noted the figure fell from 60 people in 2011 to 5 people in 2022 primarily driven by the Salvation Army significantly decreasing the transitional housing program. He said there currently was only the MACAA (Monticello Area Community Action Agency) Hope House which offered transitional housing programs to people and families with children.

Mr. Haro said the yellow line represented the number of people unsheltered or living outside in the communities that they were able to identify. He said it was an undercount, but he had an 85% to 95% confidence in the number. He said the methodology for the count had been largely unchanged, so it was fairly consistent how they identified people living in such situations. He said people would go into the community on the night of the count and early into the next day and interview people who slept outside on that night.

Mr. Haro said for the shelters, it was easier to document and get a more accurate count. He said the count of 228 was accurate and represented the number of people who slept in the shelters. He said the significant increase was caused by the pandemic. He noted there was Premier Circle, and an emergency shelter operated by PACEM, that was a new shelter program to keep people safe from COVID-19. He said there were about 95 to 100 people living there at any point in time. He said it was a significant increase in that count. He noted that because there was an increased need beyond Premier Circle, the County sheltered people in hotels in the local community, and that was represented in the data.

Mr. Haro said he would detail the demographics of the people identified on that night. He emphasized the data was only a point in time and did not represent homelessness over time. He said at that point in time, 98% were individuals, and only 2% represented people in families. He said that was not the case overtime; families with children made up a significant portion of the homeless population and it was growing. He said it was a trend they were tracking. He said 70% of the people counted were male and 30% were female, and 1% identified as having no single gender and 1% identified as transgender.

Mr. Haro said those were all likely undercounts because they did not have programs specifically catered to transgender or gender-non-conforming individuals, so they did not seek out programs or to seek out shelters. He said 12 veterans experienced homelessness on the night of the count. He said traditionally, the County averaged between 25 to 30 veterans at any point in time experiencing homelessness in the community. He said the numbers had reached as low as 6, and its at 12 currently.

Mr. Haro said 20% of adults reported experiencing domestic violence at some point in their past. He said 32% reported mental health conditions, and 57% reported a chronic health condition or physical disability. He said the last figure was in line with a trend the County had seen with an increase in complexity of health issues and people experiencing homelessness and an increasing elderly population experiencing homelessness as well. He said the largest age group was 55 and up, and 62 and up was the second largest age group during the point-in-time count.

Mr. Haro said the data represented points in time. He said over a year, during calendar year 2021, 528 people experienced homelessness in the system of care and accessed services at some point. He said the Premier Circle shelter was sunsetting earlier spring at the end of April 2023 when construction began for permanent supportive housing with Virginia Supportive Housing. He said it would be 80 units of permanent supportive housing, and it was the best-practice approach to ending homelessness supported by local and national data.

Mr. Haro said the sunsetting involved a large effort to develop a transition plan for the people currently living in the shelter. He said one of the important aspects was that the average length of stay in the shelter increased from 30 or 40 days before the pandemic to 136 days, which showed the lack of avenues moving out of shelter significantly increased the length of stays in the shelter and led to the increase to the number of people the County had to shelter because beds were not turning over to allow new people to come into them.

Mr. Haro said hotel availability was increasingly limited for shelter opportunities. He said the long-term economic impacts post COVID were hard to determine, and they had a significant impact on homelessness. He said the County had seen during the pandemic how the housing market could significantly impact homelessness. He noted the eviction moratorium ending would have an impact on the number of people who needed to access homeless services.

Ms. Dimock said they had previously discussed the lack of affordable housing in the community and how that impacted the ability to move people through the homelessness system of care. She said there was a limited availability of case management staff because case management had not been prioritized by HUD or other funders and because of workforce shortages experienced during the pandemic.

Ms. Dimock said it had impacted the capacity to help people stay focused and navigate through the system of care. She said there was a lack of mental health and substance abuse services that were

flexibly delivered to meet the expectations or needs of people experiencing homelessness. She said it was difficult for people experiencing homelessness to make appointments or to get on a bus and go across town on a regular basis because the system of care required people to be in a specific spot in order to get meals. She said the capacity to make choices throughout the day when someone was experiencing homelessness was limited. She said there was need for flexible mental health and substance abuse services to be able to stay connected to people.

Ms. Dimock said she had researched the topic of panhandling. She said there was not a lot of research about panhandling or about solutions. She said the Urban Institute made an attempt to perform a robust assessment of potential tools around responding to panhandling and partnered with the Safe City Initiative to make fairly mild recommendations. She said the primary concern for panhandling was that it was emblematic of some sort of social deterioration, so it made community members feel uneasy when they saw panhandling.

Ms. Dimock said in some cities, panhandling was associated with petty crimes, often poverty related; trespassing charges while sleeping outside. She said panhandling was more strongly associated with persistent poverty than with homelessness, and panhandlers were more likely to be the victims of crimes than they were to be the perpetrators of crimes across the board.

Ms. Dimock said panhandling often increased during times of economic stress, and the recommendation from the assessment was some combination of a public education approach to discourage donor behavior paired with improved access to and availability of social programs. She said the people panhandling did not necessarily know the services or available, or the service system did not know what their needs were. She said it was important to note that homelessness and panhandling, while they overlapped, not all people who panhandled were homeless and not all homeless people panhandled.

Ms. Dimock said the Criminal Justice Law Foundation was asked to create a sample best-practice ordinance, and the ordinance would allow permitting of panhandling at no cost to the panhandler. She said the focus was on frequent panhandlers, not occasional ones or people who were moving through the area. She said the permitting ordinance was only to facilitate law enforcement response so that there was a reason to call the police to respond to unpermitted panhandling while creating some minor administrative burden to localities.

Ms. Dimock said although the sample ordinance was believed to be unchallengeable, it was successfully challenged by the ACLU in 2016 in New Orleans. She said the conclusion to draw was that the area of law remained unsettled about whether ordinances were an appropriate response to panhandling.

Ms. Dimock displayed a slide with various “no panhandling” signs. She said many of the signs were used by Virginia localities. She said there were lots of signs being posted. She said some focused on what could be done rather than give money, and some focused on directing people to specific hotlines or other places to donate money.

Ms. Dimock said there was no good national data that discussed the effects or impacts of panhandling signs or anti-giving signs. She said there was some evidence there was a minor reduction in the amount of panhandling after the sign was posted, but it was a short-lived effect. She said the signs had limited impact on giving behavior or requesting behavior. She said there was a memo to the Board on July 27, 2019, that recommended support for expanded street outreach efforts in collaboration with Mr. Haro.

Ms. Dimock said the pandemic caused delays for the Blue Ridge Area Coalition for the Homeless to expand street outreach because the resources were dedicated to creating suitable emergency measures during the pandemic. She said during the past 8 months, the City of Charlottesville Department of Human Services hosted a number of community conversations around the need for improved street outreach. She said the City was prepared to partner with private industry to create targeted street outreach on the Downtown Mall. She said Mr. Haro had more information to provide.

Ms. Dimock said staff was looking for guidance. She asked if the Board wished for staff to propose a new effort specifically to address panhandling or not. She said if the Board desired, should the effort include street outreach, public signage, or other activities.

Ms. LaPisto-Kirtley said she examined the various signs. She said there was a sign in Richmond that provided a phone number to donate or provide help. She said she was not sure if the sign was still used. She said she would like to see action taken. She said the people she saw panhandling were regulars.

Ms. LaPisto-Kirtley said she was not so sure it was a homelessness issue. She said for some people it was homelessness or a mental health issue. She said for others, it was more of a way to make money for drugs because they were there all the time, and it was almost like a fulltime job. She said those were the people around Whole Foods and other areas. She said she would like to see action such as a sign. She said it might have a long-term impact, and it might discourage people.

Mr. Gallaway said the street outreach would be separate from the panhandling. He said it was for a whole other purpose and was not designed to stop panhandling. He said it may stop panhandling, or it could in some instances. He said when the same individuals panhandling were seen in similar spots, if they ever recovered from deep poverty, then the turf would be turned over to another individual because

the deep poverty still existed.

Mr. Gallaway said it was a tricky issue because the behavior had to be modified for the panhandlers and the people giving money. He said he saw signage as similar to the actions taken to address speeding. He said signs were erected that said drivers were going too fast, and overtime in became ineffective because they got used to seeing the sign. He said he was not opposed to signage, and he liked the idea of encouraging people to give donations to other sources or services.

Mr. Gallaway said there should also be a significant public announcement effort in tandem with the signage, and maybe it was something that could go up and come down, so they did not become part of the landscape. He said if the County were to pursue that route, he would want some consideration provided about whether the goal could be achieved.

Mr. Gallaway said at the end of the day, the goal was to deter the behavior of so many people moving through intersections. He said whether homeless or in deep poverty, the outreach provided services those individuals hopefully needed, but at some point, the freedom or ability to gain money and to then use that money for something would always exist. He said he did not know how to deter individuals from wanting that freedom, and he did not know how to deter folks from giving that freedom to people.

Mr. Gallaway said if there was an effort that could help gain more funds to get more street outreach for the purpose of solving the homelessness problem, he would be in favor. He said he did not want to be seen as thinking the outreach would solve the panhandling issue.

Mr. Andrews said he was open to attempts. He said he was not sure how the street outreach would address the panhandling issue, so he would like more information. He said he was curious about the spot studies and the effect of weather. He said with rising climate issues, there would be different effects. He asked what the data showed with respect to weather and the impact on the counts.

Mr. Haro said it was a good question, and it was one of the limitations of the point-in-time counts as a representation of the size and scope of homelessness. He said weather could significantly impact people's willingness to sleep outside. He said significant about the local community was weather had not played a significant factor in the change. He said the unsheltered count remained largely unchanged,

Mr. Haro said it was striking and informed the needs in the systems of care to better address unsheltered homelessness. He said it was largely addressed through street outreach and housing support. He said he worked in other communities with homelessness services, and weather played a significant factor in the counts, but it had not been for the County in regard to the unsheltered count.

Ms. Dimock said street outreach was ideally a solution for folks who were on the street but did not know what resources were available to them. She said it was an open question in the community. She said many of the people sleeping outside or panhandling were well known to the existing systems of care and service providers. She said because they had experienced a significant reduction in capacity or lack of case management in the community, it was worth making contact with the people again to make sure the information was up to date and because the services were designed to be given to people who were prioritized based on their vulnerability.

Ms. Dimock said if their vulnerability had changed since the last time they made contact, they may be eligible for a resource more immediately than they had been before. She said it was still no guarantee they would accept the available resources, or the renewed contact would yield additional vulnerability or information. She said the reservations about street outreach to affect panhandling behavior or homelessness were accurate. She said it was an effort they could make to double check the data and to be certain that the people who were without services knew what was available. She said there were many service providers who would say it would be exceptional that there would be someone they did not already have contact with.

Ms. McKeel said other than the complaints she received about the water project on Georgetown Road and Barracks Road, she did not receive more for a topic than about panhandling. She said she received complaints almost every week. She said much of what she heard regard concerns around safety. She said people were scared; they were sitting in their cars, and someone was standing beside them, or they were in the street. She said a woman had reported to her that a panhandler was holding a rock over their head.

Ms. McKeel said they could address the mental health issue and that could address the concerns she heard from her constituents regarding safety. She said she was supportive of using signage to solve the problem. She said signage was worth a try. She said the signs should be as easy to read as possible, and there should be a phone number.

Ms. McKeel said they were beginning to start a program where calls for mental health issues would be separated from other 911 calls. She said there would be a team with social services that would be responding to those calls. She said that the team should work with the efforts around the panhandlers. She said that could specifically help with some of the mental health issues. She mentioned Waynesboro had combined those programs, and they had seen an improvement. She asked Mr. Haro to provide more information.

Mr. Haro said that he could speak to whether they had seen an improvement, per se. He said he

did not know if Ms. Dimock had research on that, but he knew that about their approach that it was similar to the program Ms. McKeel had described, where it was a call to the system entry point that could alert them to say that a person might need help because they did not look well, and an outreach worker would go to that intersection. He said the street outreach portion was very compelling.

Ms. McKeel suggested that that sort of program should be married with their challenges of panhandlers, while recognizing that would not solve the complete problem. She said it should be in addition to the signage, because they worked together. She said she would like to see education in the community. She said she was concerned about children and dogs accompanying people on median strips and would like to know what the number of homeless children in Albemarle County Public Schools was, because when she served on the School Board, those numbers were shocking.

Ms. Dimock said that she did not know. She said the last time there was a discussion around the number of children experiencing homelessness and the children of concern in Charlottesville and Albemarle combined was a little more than 350. She said it was quite a few, and households with children under five years old were identified as the highest risk identified by HUD and service providers, so those would be families that had not touched school systems yet and did not necessarily have access to the services that school systems could provide.

Ms. McKeel said she was not sure what the answer was, but she was concerned. She said the school system worked hard to give support to the children who they knew were homeless and had created some projects and programs around that issue. She said it was a good point that there were children who had not entered the school system, so they did not even know. She said she did not know the new name for what used to be the Mental Health Association.

Mr. Haro said it was the Partners for Mental Health.

Ms. McKeel said they had said to her over the last year and a half that they were frustrated that Premier Circle did not or could not take anyone with mental health issues. She asked if Mr. Haro could speak to that.

Mr. Haro said that there were some cases where Premier Circle was not able to meet the accessibility needs of clients. He said rooms were not accessible except for one or two rooms on the site, so that made it difficult for them to meet certain needs, but Premier Circle did not deny people based on mental health needs at all.

Ms. McKeel said she heard that it did. She said Mr. Haro was telling her that was untrue.

Mr. Haro said that was not true.

Ms. McKeel said she was glad to hear that.

Mr. Haro said he would be happy to talk about specific concerns.

Ms. McKeel said they did not need to discuss specifics, but she was glad to know, because she understood that there were health concerns that had a wide array of seriousness, mental health issues were the same. She said she could understand in some cases why they might not be comfortable with someone with mental health issues at Premier Circle, and that meant it qualified them for a whole other level of services.

Mr. Haro said absolutely. He said he recalled that what might have been referenced was that in the beginning of the pandemic, they set up Premier Circle and other non-congregate hotel sheltering programs to keep people who were homeless and who also had health conditions that had them at an increased risk for COVID-19 to keep them safe, so they set up guidelines that mirrored the CDC's guidelines, and over time that guidance changed as research and understanding of the pandemic changed.

Mr. Haro said there was a time where the CDC updated the list to include certain mental health conditions, so he believed that was where the concern was. He said now, the health condition eligibility criteria were mirrored to the CDC conditions that put people at increased risk, which included mental health conditions. He said it might have been during a time when that change was happening, but mental health was never used as a way to deny someone.

Ms. McKeel said she was not accusing anyone, but it was a concern. She said that made perfect sense. She said she would not want to support Premier Circle and assume that people with mental health issues would not be allowed in that facility.

Mr. Haro said absolutely.

Ms. McKeel said she was very supportive of the signage. She said it had to be worded correctly, clear, and easy to read. She said she had some areas in the Jack Jouett District where she would like to see some signs go up, but she would like to marry it with the new program to utilize the mental health team to deal with some of this panhandling situation.

Ms. Mallek said they had discussed Premier Circle and the sunset of early April. She asked where all those people would go and if they were working on that on a regular basis. She said there had

been some filtering through the press, and she wanted to have an explanation.

Mr. Haro said that they were working on transition planning for all the guests at Premier Circle. He said it was a large and significant challenge, especially in the housing market they were in, but they were committed to transition planning for guests at that shelter when it did sunset in late April. He said housing options were the top priority for those that were available to and that they were able to support, and they were looking at different options for shelter should people not be able to transition into housing past the end of Premier Circle.

Ms. Mallek said it sounded like they were working on it but was still uncertain at the moment. She said perhaps Attorney Hudson should weigh in on this, but ten years ago their officers were allowed by law to have a conversation with people at stop signs and ask them if they needed a ride to services. She said her memory was that that became disallowed, and she hoped that whatever obstacles there were would not interfere with their multi-agency team to do the same thing to offer those kinds of services. She said in various webinars, she had heard at different levels that there was some federal emergency number that would be handled by a nationwide answering system that should then be able to refer people to local services. She asked if staff was aware of this number and program.

Ms. Dimock said she was referring to number 988, which was primarily focused on responding to mental health concerns, particularly in combination with the National Suicide Prevention Hotline. She said the focus was on connecting people to accessible mental health services, though as she suspected, the calls around general need would go there. She said she did not think they knew what the results of that would be with the diversion of those calls, and it would be interesting to meet with Mr. Saxton to ask how that was going, what number of calls were coming in, what the needs were, and if they were able to connect people to an available resource.

Ms. Mallek said if one of their gaps was providers, they needed to do that too.

Ms. Price said she was not interested in the permitting process as she did not want to pass an ordinance that was not supportable and then they had to spend taxpayer dollars to fight a losing battle. She said she agreed with street outreach and signs, along with the comments in terms of ease of reading. She said from the discussion and her own personal thoughts, one of the biggest issues she saw were the aggressive panhandling, particularly on the Downtown Mall in Charlottesville, which was not in the County, but that type of situation, which was typically on foot, but as Supervisor McKeel pointed out, could also be in a vehicle if there was an intimidating action.

Ms. Price said in addition, she was concerned about the safety of people panhandling on the medians, particularly those at intersections where the median appeared to be no more than 18 or 24 inches wide, which led back to her first comment. She said if it was possible to pass an ordinance that restricted, based upon safety considerations at intersections, if they had no parking areas for vehicles, there should be no panhandling where there was not a safe space to stand there, but only if that appeared to be a sustainable ordinance not subject to expenditure to fight a losing battle. She asked if there were any other comments.

Ms. McKeel asked if staff had everything they needed from the Board.

Mr. Walker said there seemed to be enough support from the Board to proceed with bringing back a specific recommendation related to signage and some examples of what that signage might look like, as well as information and perhaps recommendations on the street outreach program. He said they needed to help the Board and themselves to understand better Ms. McKeel's specific comments about the mental health response team as it evolved and how it could be used in this effort.

Mr. Walker said he was unsure of what that looked like, but he had taken it down as other activities in this list of questions he had so they could engage with the Board with some recommendations and thoughts around what that might look like. He said his understanding from the Board was that they should proceed with signage and street outreach, as well as other activities such as how this may work with the new program for mental health response.

Ms. McKeel said she and Mr. Haro had discussed a few months ago how the Waynesboro program had been successful but not a magic bullet, and she understood that. She said she would be very interested for Mr. Haro and Ms. Dimock to help with that, because they had a sense of the language and Mr. Haro was very familiar with the program in Waynesboro. She said she understood the new response team had not been deployed yet.

Ms. Dimock said they had not been hired yet either.

Ms. McKeel said she did not expect it soon.

Mr. Walker said they appreciated that. He said Chief Reeves and Dan Eggleston were present tonight, and these agencies such as ACFR, ACPD, and DSS were all involved in that program.

Mr. Andrews said about the signs that they obviously wanted all their stop signs to look alike, because people recognized that they needed to do something. He said in this case, he thought the exact opposite applied, and there should be different kinds of signs at different intersections so that people would not get used to ignoring the sign.

Non-Agenda Item. Recess.

The Board recessed its meeting at 3:49 p.m. and reconvened at 3:57 p.m.

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Agenda Item No. 11. Presentation: Acquisition of Conservation Easements (ACE) Program Review Update.

The Executive Summary forwarded to the Board states that on September 15, 2021, Community Development staff presented an overview of the County's easement programs to the Board of Supervisors (Attachment A). As part of the overview, staff noted that although the ACE program has been updated occasionally over the last two decades, the overall program design has not been altered since 2001. Current County initiatives to update the Comprehensive Plan and implement goals of the Stream Health Initiative, as well as the Climate Action Plan, provide an ideal time to review and assess the ACE program. Reviewing the ACE program in coordination with these other efforts will provide an opportunity to better align priorities and establish new goals for the future of the program. In March of 2022, following several references to the ACE program in budget discussions, the Program Review Timeline (Attachment B) was shared with the Board.

On September 15, 2021, Community Development staff presented preliminary appraisal information on the Campbell and Henley properties from the 2020 class of ACE easements. The Board directed staff to obtain final appraisals for both properties. Those appraisals were received in December 2021 and are valid through December 2022. They match the preliminary estimates reported to the Board in September: \$722,000 for the Campbell easement and \$133,500 for the Henley easement.

Conservation Programs Review: The ACE Program Review Timeline outlines a plan for evaluating the County's overall conservation programs, including ACE. Easement monitoring and enforcement will continue throughout the evaluation period. The status assessment phase of the evaluation has been completed, and the findings resulting from an analysis of the ACE program to-date are being presented. The next phase of the Program Review would be undertaken in concert with the Comprehensive Plan update that is currently underway, with the goal of including updated programs in the final draft of the Comp Plan by mid-2024.

ACE Easement Acquisition: The Campbell and Henley properties are the only easement purchases currently under consideration. Appraisals are \$722,000 and \$133,500, respectively. There is currently \$75,619.00 available in the ACE program budget. A partial reimbursement grant is available for easement purchases from the Virginia Department of Agriculture and Consumer Services (VDACS), a source the County has used numerous times over the past several years. With the County Executive's signature on the Inter-Governmental Agreement (IGA), up to \$75,619.00 would be available as a 50% reimbursement on County easement expenditures. (VDACS earmarks an amount equal to the total funding the County has set aside for purchase.) The County would need to spend at least \$151,238 in reimbursable costs to receive the entire grant. If the Board is interested in purchasing either easement, it would need to identify a funding source for the additional \$75,619.00 and refer the appraisal(s) to the Appraisal Review Committee. After the Appraisal Review Committee's review, the Board may invite offers on and authorize purchase of one, both, or neither easement. The Board's invitation to offer can be at full easement value or a lower amount.

ACE Easement Acquisition: Easement acquisition would require the appropriation of County funds. Appropriating \$75,619 (making a total of \$151,238 available for easement purchase, when added to the available ACE funding of \$75,619) would allow the County to take full advantage of the VDACS grant, which would reimburse a portion of the funds.

Conservation Programs Review: Staff requests Board input and feedback on staff's approach for evaluating the County's easement programs.

ACE Easement Acquisition: Staff requests Board direction on the acquisition of the Campbell and Henley easements.

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Ms. Maliszewski greeted the Board of Supervisors and introduced herself as Margaret Maliszewski, Planning Manager in the Community Development Department. She said she was joined by Scott Clark, Senior Planner II in the Planning Division, as well as the go-to rural areas planner. She said they were there to discuss two separate but related topics. She said first was an overview of the Acquisition of Conservation Easements (ACE) Program review, and the second topic would be a quick overview of the two ACE easements that were under consideration.

Ms. Maliszewski said that in September of last year, Mr. Clark presented an overview of the County's conservation programs, and Ches Goodall, the ACE Program Coordinator at the time, presented to them on the status of those two ACE easements at that time. She said the slides that were presented in those September presentations were included as an attachment to today's executive summary just for reference.

Ms. Maliszewski said more recently, in March of this year, the Board received a proposed

schedule for evaluating all of the conservation programs, including ACE, and they were currently at the end of the status assessment phase of that evaluation. She said after she shared a brief overview of the ACE program's history and goals, Mr. Clark would present some of the analysis he had done on the performance of the program, and they would finish by addressing some of the work that was yet to be done.

Ms. Maliszewski said there was a lot of good information that was presented in September, and there were a couple of points that were worth emphasizing. She said a conservation easement was defined as a voluntary form of land conservation, with a permanent agreement to protect the land and its associated natural and cultural resources, and it was an agreement between a landowner and an easement-holding organization. She said both the landowner and the organization had rights and responsibilities.

Ms. Maliszewski said the landowner continued to own the land and all the rights that were not limited by the easement, but the landowner must comply with all of the easement requirements. She said the easement organization had the right to limit certain land uses and impacts but was responsible for permanently watching over the activities on the land and ensuring restrictions were held to. She said a second point she would emphasize from the September presentations was that the ACE program was one of three voluntary County conservation programs created to address specific challenges. She said ACE differed from the others in that it involved purchase of development rights so that the property owner could continue to farm the land. She said it targeted lower-income owners by using an income grid and targeted important land by using a scoring system to establish easement value.

Ms. Maliszewski said the County's Comprehensive Plan clearly stated that the goal of the rural areas was to have thriving farms and forest lands, protected scenic areas and historic sites, and preserved natural areas. She said objectives in the plan called for support and protection of each of those resource types. She said it was interesting to note that formal recognition of the importance of the resources and need to protect them could be traced back to 1971 with the adoption of Albemarle's first Comprehensive Plan.

Ms. Maliszewski said after 1971, the Comprehensive Plan was updated several times, in 1977, 1982, and 1989, and the recognition of the need to preserve and protect the rural resources was maintained through each of those updates. She said in 1992, the "Open Space and Critical Resources Plan" identified purchase of development rights (PDR) programs as a possible land conservation tool in the rural areas, and in 1997, the Board of Supervisors appointed a PDR committee to begin developing such a program. She said that work culminated in 2000 in the adoption of the ACE Ordinance.

Ms. Maliszewski said the introduction of the ACE Ordinance as it was written in 2000 and as it stood today very clearly outlined the purposes of the program. She said it noted that the Board of Supervisors acknowledged that there had been significant loss of farm and forest land in the County, and that land use planning tools that were in place prior to 2000 were not successful in stemming the conversion of these lands to other uses. She said it stated that farm and forest land, clean water- and air-sheds, biological diversity, scenic vistas, and rural character all had both private and public value.

Ms. Maliszewski said consequently, the ACE program was created to protect those resources. She said the ordinance also outlined the process by which the ACE program operated. She said applications were received by the end of October, and those received by that time were evaluated that year. She said each property in that class of applications was ranked, which was done using criteria listed in the ordinance. She said those criteria were based specifically on the ACE program goals, and the properties were scored based on the important resources that they contained.

Ms. Maliszewski said the number of points that could be rewarded was also outlined in the ordinance. She said the ranked list of properties was forwarded to the ACE Committee, who then ranked the properties in the order to be purchased. She said that ranked list was then forwarded to the Board as a recommendation, and the Board would then decide which of those properties for which it would like to purchase easements.

Ms. Maliszewski said the purchase price was calculated as a percentage of the appraised value, and offers were prorated by landowner income. She said that process had been in place since 2000, and they had said no comprehensive review of the ACE program had been done since it was begun in 2000, but the ACE Ordinance had been revised seven times over the years, with the most recent amendment adopted in 2019. She said changes over the years had addressed committee membership, ranking criteria, points awarded, income range, definitions, and terms of deeds of easement.

Ms. Maliszewski said in 2000, \$1M was appropriated for the ACE program, and subsequently, the program was funded one year at a time through the Capital Improvements Plan process. She said prior to the recession, the program also received funding from the Transient Lodging Tax. She said this funding was important, because having County dollars in place allowed them to apply for matching grants. She said they had been successful in obtaining those matching grants as early as 2002 and consistently since 2010, with the primary grant being the Farmland Preservation Fund under the Virginia Department of Agriculture and Consumer Services.

Ms. Maliszewski said in 2020, ACE was not recommended for funding in the fiscal year 2022 budget, however, in June of 2021, the Board discussed the possibility of reinstating ACE funding, and in January of 2022, the ACE program was paused. She said with ACE paused, staff began an assessment of the program. She said Mr. Clark had researched easement purchases beginning in 2001 and

throughout the life of the program, researching each of the program goal categories to characterize the performance of the program over the years. She said now was the time for questions before Mr. Clark began his presentation.

Ms. Price asked if there were any questions. Hearing none, she asked for the presentation to resume.

Mr. Clark said their next section of the presentation would go through an analysis done of the program over time and how the program met its goals. He showed a map of the ACE easement properties, which were notated in red. He said since the program began in 2001, it had protected 52 properties, including over 9,600 acres, and had purchased the potential for 585 development lots in the rural areas. He said that another key point that Ms. Maliszewski mentioned was that the program was aimed at giving prorated payments to landowners based on their income, so they were sure that the money was going to people who had lower incomes and likely had the need to sell their land, which increased the threat of development.

Mr. Clark said in the course of the 20 years of the program, of the 52 properties, 42 ACE landowners were paid at least 94% of the easement value, which indicated they were meeting the goal of spending the money on the properties most at risk. He said also that the County funding they had on hand over the years had allowed them to secure over \$3M in matching grants, which had magnified the power of County funding to protect additional land.

Mr. Clark said he would discuss some of the individual resources that were identified in the purposes of the ACE Ordinance. He said these included farm and forest lands, water resources, and scenic resources. He said that out of the 9,600 acres in the program, over 4,700 were important or prime farm and forest land, they had buffered 23.7 miles of streams, and protected scenic frontage on nearly five miles of scenic highways and entrance corridors.

Mr. Clark said the blue areas shown on the map were registered historic districts, and 15 of the ACE properties, totaling over 2,340 acres, were given ranking points for being located in National Register Historic Districts and helping to point to protect the historic character of the County. He continued that the areas shown on the current map in blue were water supply protection areas, which were the river basins that drained to their public water supplies. He said 18 of the ACE properties overlapped with these water supply protection areas, helping to protect not only water quality in the rural areas but also water quality for customers in the development areas and in the City.

Mr. Clark said that the areas shown in pink on the current map were the mountain protection areas established in the Comprehensive Plan. He said these indicated higher altitude areas that were important for scenic resources, steep slopes, erodibility, and their impacts on water resources. He said 1,100 acres of mountain protection area was protected in 21 ACE properties in various areas of the County.

Mr. Clark said in 2019, the Board of Supervisors adopted an amendment to the Comprehensive Plan that included some recommendations from the Biodiversity Action Plan, which included three conservation focus areas, shown in green on the map. He said those were the Rivanna River corridor, the Heard Mountain area and surrounding areas to the southwest, and the northwest portion of the County, including the headwaters of the Rivanna River basin. He said 20 ACE properties totaling 4,408 acres were located within those conservation focus areas and were helping to protect the resources that were found there.

Mr. Clark said he would now go over the overall results of the program. He said on the graph shown of the annual acre amounts protected, ACE had been highly variable in its results and had not been a steady or smooth program over the years. He showed a graph of their funding along with the cumulative acres protected. He said it could be seen that there was a direct tie in funding and how much success they were able to have with the program. He said in the early part of the program up to Fiscal Year 10, they had a steady rise in land protected, and it had been much more irregular since then. He said there were basically two funding periods, one up to the point of the Great Recession where they made steady progress, and at that point when funding became irregular, progress also became irregular, and they had several years in a row in the early teens, where they made no progress at all.

Mr. Clark said a lesser factor was the variability of the applicants or the applicant properties. He said between each class, there was a great variability of score, which meant that between this scoring, particularly in years when there were very high scoring and high conservation value of properties, and when they had properties with high easement values in terms of dollars, that affected the total number of acres they would be able to protect. He said overall, the County could affect some variables involved in the program and others not so much. He said funding could be directly controlled. He said the applicant pools and outside funding could be affected but not directly controlled, and there were matters like the appraised property values of the properties that happened to apply that they could not control at all.

Mr. Clark said he would now discuss some opportunities for the program. He said first, they researched whether there was still a need for a program like ACE in the County. He said when looking at large properties that were the type of property the easement wanted to protect in the County, it could be seen that there were more properties of 50 acres or more that were not protected by easements in the County than there were in all of these other programs, not only ACE, added up to 109,000 acres, and they were looking at close to 180,000 acres of those larger properties that were not protected by easement. He said ACE could not protect all of those, but it was a valuable tool for that subset of those

properties that were owned by people with lesser means who might feel the need to sell the properties for development.

Mr. Clark said another aspect was the desire to achieve more consistent results. He said there were three factors identified that they could attempt to affect. He said they could first direct County funding by replacing the highly variable year-to-year funding with a stable funding source to make the program more effective. He said they could affect applicant pools by conducting more active outreach rather than passively waiting for applicants, and they could potentially dedicate more staff resources and grants to get more of that outside funding that magnified the effect of their own funding to protect the land. He noted that the policy direction to look for that stable funding source had been in the Comprehensive Plan since 2015.

Mr. Clark said they also looked for new opportunities for easement programs, whether ACE or similar purchase programs could help the County with several of its new and upcoming policy priorities. He said the Climate Action Plan talked a lot about carbon sequestration, which was something that could be done on easement land. He said the Biodiversity Action Plan talked about habitat protection in terms of easements, which could be addressed. He said cultural resources could be protected with easements, and riparian buffer easements could help them to achieve their goals with the stream health program.

Mr. Clark said the conclusions of the program were that the program had been an effective tool for protecting important resources, that the ACE program served landowners who lacked resources to do easement donations and helped them to protect their land, the consistent success of the program depended on consistent funding, having consistent funding reliably could help secure outside funding, and finally that ACE or similar purchased easement programs could help the County address new and existing resource protection needs. He said those options could be explored in the overall conservation program review they would be carrying out with the Board's guidance during the Comprehensive Plan review.

Mr. Gallaway said he wanted to bring up some questions that had not been addressed in the presentation but were important to note. He said some of the slides referenced forestry and farming together, but he would like to know if they had a breakdown of how much forestry land and how much farmland they had.

Mr. Clark asked if he meant current land management on the ground in the easement.

Mr. Gallaway said he was referring to in the easement, the separate forestry properties and separate farming properties by percentage.

Mr. Clark said he did not think they had that in any systematic way, but they could pull it together from easement monitoring reports and things like that, but there was not a simply and consistent way to pull that off of satellite data or anything like that yet.

Mr. Gallaway said he asked because when he saw things that said how they measured the success of the program and saw that they had stopped a certain number of development rights, which he knew was a stated objective and one way to measure, but he also wanted to understand the state of the properties that were in the program, and he did not have any real sense of that. He said he saw there was an easement and what their acreage sizes were, but he did not see what those properties were doing.

Mr. Gallaway said it was stated that the program helped low-income people keep their land to farm it, but he would like to know how it had worked for them, and he did not have the answer to that. He said he did not know to ask that question until after seeing this analysis, but if they were measuring the success of the program, it seemed they were measuring from their standpoint a success for the County, but the County was saying this was supposed to help someone who was having problems protecting their land so they could keep it. He asked if the easement money that went to them helped to achieve what they tried to achieve when they first signed up.

Mr. Clark said not in terms of the current land management, for example if someone was in fact doing forestry management or running cattle on the farm. He said the easements were intended to be flexible over time because landowners changed, and management regimes changed.

Mr. Gallaway said some were leasing and some were doing it themselves and he understood that.

Mr. Clark said generally, they allowed all of those things to happen within appropriate limits.

Mr. Gallaway said he was looking for something that said when they stated as a goal somewhere that they were helping families to keep land that they could not otherwise protect from development, and they were giving them something to keep them from developing, which they want, he was interested in knowing if that worked for them. He said his first question he wrote down was "what is the state of their local agricultural economy?" He said he was looking at this from a standpoint from looking at economic development projects and this Board considered if it made sense to invest money in it, they looked at the return and when it made money.

Mr. Gallaway said this was not a direct comparison because they were doing some subjective things that could not necessarily be put into a monetary piece, but there was an economic piece in here that was being suggested that they were giving to their citizens in the program, so that should lend itself

to some sort of analysis to say that if the agricultural economy was doing well, it would be a good rationale to put further funding into it. He said without that information, he was still questioning the nature of the program other than to say if they were stopping development rights to protect rural countryside, those were worthwhile and valuable programs they had set up, but the understanding of this had to be more than that.

Mr. Gallaway said he had questions about the specific nature of the farms, such as if they were working farms, how many were worked by the people who owned the property, how many of the properties were leased and being worked by the lessees, and if that made sense for the people who held it. He said having a field of grass turned to hay was different than a working farm with cattle, but perhaps it was not seen as different from an agricultural economic perspective. He said he did not have any way to judge or weigh that.

Mr. Clark said it was also difficult to judge that at any given time, because the point was protection in perpetuity, so that land was there if someone went there 50 years from now, it was there. He said it might not be grazing right now or in trees right now, but it could be in grazing later if that was needed.

Mr. Gallaway said he understood they could change, but they could at least record the current uses of the properties.

Mr. Clark said it was a good question.

Mr. Gallaway said he had other similar questions that also may not have simple answers that he believed would be worthwhile information to have in order to determine the value of this program and the investment into it. He said he would like the opportunity to list out some other questions along these lines, so he would defer them until that point.

Mr. Andrews said a \$3M matching number was mentioned, but he could not find a number for what money other than that had been spent on the program.

Mr. Clark said that was a good question, and he was unsure if he had the total number available.

Mr. Andrews said also in the materials they received was a discussion of the differences between land use and the conservation easement in terms of school funding formulas and the effect of that, and whether it was able to be quantified over the course of the program when comparing the two. He said lastly, he would return to Supervisor Gallaway's point and ask the question a different way, because he recognized that when they began to protect these lands, a lot of times they were protecting what they talked about in these criteria, potentially climate action, biodiversity, and stream health.

Mr. Andrews said he thought those things needed to be included in the analysis as well rather than looking at the economics of if the farm was still viable, such as if the forests were still standing and how much forest land did they protect, and how much carbon sequestered, biodiversity protected, and stream health protected. He said in many cases, someone had land and it was just a forest, and if they sold it for development, that was one thing, but if they were able to get an easement and keep it in a forest, that provided tremendous advantages to them.

Ms. McKeel said it appeared to her that what was in their Board packet had the date of September 15, 2021, which was the presentation he gave to the Board that month.

Mr. Clark said yes, that was right.

Ms. McKeel said he was just sharing that with them.

Mr. Clark said he believed someone emailed it to the Board.

Ms. McKeel said it was in their Board packet. She said it was the presentation they saw in September. She said she mentioned this because that report put in the packet discussed the composite index, and unless the composite index had changed, that statement and verbiage in that report was incorrect and they needed to stop using it. She said when she used to be a School Board member, they went down to the General Assembly almost every year and argue that they needed a change in the composite index formula for school funding, and it got to what Mr. Andrews was asking, which was that they were not going to find that this program helped their school funding at all, and actually hurt it.

Ms. McKeel said this was because the composite index used a formula that only looked at the fair market value of properties in the calculations, so when the state looked at the composite index, Albemarle appeared wealthier than they actually were. She said they had to change their mindset around using the composite index as a positive for the ACE program, because it actually hurt the County. She said the General Assembly said to them that they were one of the few localities that had decided to use land use through ACE and others, and they were not going to address that and not going to change that composite index. She asked if she was confusing Mr. Andrews.

Mr. Andrews said he believed there was a huge difference between land use and a conservation easement, and a conservation easement would impact the fair market value of the property.

Ms. McKeel said Greg Kamptner sent an email dated September 15 that was the correction to the

statement that conservation easement reduced land values, lower land use values reduced the County's composite index and a lower composite index led to a larger share of funding. She said actually, any County lands eligible for land use valuation, which included lands under conservation easement, were contrary to the County receiving state education funds commiserate with real estate taxes the County received. She said she was not saying she did not support this program, but she thought they should make sure when they touted the composite index, they made sure they were giving accurate information.

Mr. Clark said that was definitely something that they could clear up during the review.

Ms. McKeel said having that in the packet led the public to believe something that was not accurate. She said it also stated in the email that the Board would also recall that change in a composite index formula had been a legislative position of the Board for years. She said she was happy to share Mr. Kamptner's email.

Mr. Clark said that would be helpful.

Ms. McKeel said she understood that was what was presented in September, and Mr. Kamptner sent that out to apprise them of the accuracy of that statement. She said it was very concerning to her. She said the program cost was given as \$3M.

Ms. Mallek said that was the matching amount.

Mr. Clark said that was the matching funds.

Ms. McKeel said she was trying to get a sense of how much they were paying per acre, or if it varied.

Mr. Clark said it varied a lot. He said he had planned to show them things like dollars per acre and dollars per development right, but they were so variable that there was not something to be learned from it. He said he would be happy to share those figures, but it was not all that informative when they pulled it out of the database.

Ms. McKeel asked if that was related to the low-income criteria of how they were actually paying for the property.

Mr. Clark said he thought it was related to the very variable assessed values of the properties, because their actual payment was based on the easement value, which was the difference in total value and value under the easement, and that difference was what they were paying for. He said depending on the location and character of the property, that could be largely variable, so the price per acre or price per development right ended up having a lot more to do with the character and cash value of the property than it did with the scoring system. He said the scoring system ranked the properties for consideration, but the price came from the appraised value.

Ms. McKeel said she might have a lack of understanding of this program. She said Mr. Clark said they were trying to save farmers, and they had eligibility criteria for low income. She asked how they verified low income.

Mr. Clark said there was a table in the ACE Ordinance that gave income brackets, and for those brackets, it would tell them how much of the easement value a person would be paid, so somebody who had a value at the low end of the table would be paid for 95% or 100% of the value of the easement, which helped them a lot, whereas someone with a very high income at the other end of the table, would only be offered a few percent, which disincentivized them from even participating.

Ms. McKeel said she appreciated Mr. Clark's helpful explanation. She said that people told her this was a program for wealthy people.

Mr. Clark said that was not accurate.

Ms. McKeel said that was good for the public to understand. She said they were not asking 99% of their citizens to pay money to 1% of the population so they could maintain a property.

Mr. Clark said no. He said the program had been designed from the very beginning to discourage people who had the income to be able to donate an easement and take advantage of income tax benefits from even participating in the program, because they received very little for it.

Ms. McKeel said she was looking at the \$3M, thinking it was an average of \$300 an acre, but that formula must be completely wrong.

Mr. Clark said that was their matching.

Ms. McKeel said that was the matching from the coffers. She said putting forestry aside, she wanted to focus on their agriculture. She said they knew that 4% of Albemarle County acreage was in agriculture. She said staff members had said that agriculture was mostly haying, so if 95% of the agriculture in Albemarle County was used as hay, pasture for cow, or horse grazing, they needed better breakdowns of all of the information. She asked what crops they were actually supporting, and whether they were supporting haying, horse grazing, and knowing the future of cattle and methane gas concerns.

Mr. Clark said he could not answer specifically about whose farms were doing any certain activity.

Ms. McKeel said she had been told by staff that 4% of Albemarle County acreage was in agriculture, and they needed to talk about the majority of their agriculture being haying, which she did not view as agriculture, because it was not a crop. She said perhaps they did not have many crops besides vineyards.

Mr. Clark said there was a difference between what was happening across the entire County and what was happening specifically in the ACE easements or easement properties in general.

Ms. McKeel said that she was trying to figure out the connection.

Mr. Clark said for the ACE program, a lot of the answer came down to that it was intentionally left to the discretion of the landowners so that the County was not telling them they could do a certain product, because markets changed. He said that was so they could protect the land and resources and landowners had the choice. He said it was unusual for a conservation easement to get down to the level of what crops to grow.

Ms. McKeel said she understood that. She said she was interested in seeing what was actually the reality and the history.

Mr. Clark said it would be interesting to know.

Ms. McKeel said it was related to what Ms. Price said earlier, which was that crops could change. She said with climate change, they would see much more of crops not being grown out on large parcels of land due to drought, flooding, and heat. She continued that ACE paid a finite amount of money.

Mr. Clark said that was right.

Ms. McKeel asked what happened in the years after those payments for low-income farmers. She said her question was if an owner or farmer faced years of ownership with no way to generate additional income if their farming was not successful or profitable. She asked if they were creating an issue with the easement if their land value was reduced. She said she was interested in what Mr. Gallaway had mentioned regarding outcomes for certain parcels and the history of that.

Mr. Clark said okay.

Ms. McKeel said they did not really know if a property would be developed due to the cost of development at the current time. She asked how they were assuring that the farm they were protecting would actually be developed based on the cost of development in the County.

Mr. Clark said generally speaking, they could not, but there was a scoring factor in the ACE ordinance for properties that were known to be at the point of a forced sale, for example, so they could demonstrate that they were, in the short term, at risk of development instead of the general idea of protecting the rural areas in the long-term. He said if they could demonstrate that immediate threat of development, they could actually get more ranking points on the application.

Ms. McKeel asked how they produced that.

Mr. Clark said it was left fairly open in the ordinance and there were so many possibilities, and he was not the ACE coordinator, so he had not handled those. He said roughly one dozen of the 52 properties in the history of the program had used that factor to increase that score, but he was afraid he could not answer specifically how it was done.

Ms. McKeel said she could say she had an offer for the land because a developer wanted to do something.

Mr. Clark said no, it was phrased in the ordinance more as a forced sale or debt resolution or things like that that were not a simple choice.

Ms. McKeel asked if there were more specifics.

Mr. Clark said yes.

Ms. McKeel asked if they had ever assessed the impact on their budget and bottom line.

Mr. Clark asked if Supervisor McKeel was referring to ACE or easements in general.

Ms. McKeel said yes.

Mr. Clark said he was not aware that they had.

Ms. McKeel said she thought that information was interesting to have.

Mr. Clark said they had all the expenditures, but the difficult part to get at was in these efforts to

reduce potential future costs for infrastructure and public facility demands, because as she said, they did not know to what degree these properties would be developed. He said they knew they would not have as many, and perhaps a large property would have two or three houses instead of 30, so they knew in general that the public facility demands had been reduced, but he was unsure that they could reliably quantify exactly how much.

Ms. McKeel said it was interesting that it was a program that they all supported but was difficult to quantify.

Mr. Clark said it was more difficult to quantify.

Ms. McKeel said she was interested in looking at the program more closely.

Mr. Clark said they would look at what had happened on these properties since they purchased the easements.

Ms. McKeel said she had heard concerns from the community, and they had seen a lot of questions, and the more they knew and understood about the implications of the program, especially the agriculture and farming piece, the better they could support it or at least talk to the community about supporting it.

Ms. Mallek said since she was in agriculture, she would provide some clarification about crops. She said there was a lot of commodity crop land down in the Scottsville and James River Basin where they were growing things for outside sale, such as soybean and corn. She said all the land on Route 795, between Ash Lawn and Carter's Bridge was where soybeans were grown every year, and there was a lot of that. She said for the hilly terrain west of 29, the soil was hilly and silty and could be managed to have beautiful pasture on it.

Ms. Mallek said beef was food, and she did not have the land or soil types to grow hay for her 20 cattle. She said the calves were born on the farm and she sold the packaged meat directly to families, which to her was agriculture with fewer middlemen and people knew where their food came from as they chose to do. She said she could not have her operation without being able to buy the hay she needed from Caroline McConnell. She said she put 80,000 pounds of hay in the barns on Memorial Day weekend. She said she did not want anyone to think that just because they were growing beef that it was not important food for people, because it was all staying locally. She said agriculture was one of those multipliers where if one spent a dollar, 20 dollars later it was rolling around in the community.

Ms. Mallek said while there were many crops that were grown, and from what the Governor said yesterday, \$1.7B in production in vineyards in Virginia in the past year was a ton of money in agriculture, and agriculture was still the number one industry. She said the returns were not like Wall Street for individual workers. She said the farm manager occupation had grown tremendously in the past 40 years here, where people professionally managed farms and vineyards with great success in the community. She said she wanted to make sure it was known that just because commodity crops were not being grown, that did not mean they were not growing meaningful food for them. She said the benefit that could not be economically measured but was a life-or-death issue was water protection.

Ms. Mallek said the Clayton Easement in Crozet was an example; it protected all the land to the north of the Beaver Creek Reservoir and was the most expensive easement they ever had because of its immediate developability and the fact that it could be having hundreds or thousands of houses on it. She said the State gave them \$500,000 towards the easement purchase this year, and the Governor came and landed in a helicopter at Beaver Creek Dam to hand over the check. She said the benefits to everyone who drank water from RWSA for the properties that were protected, which was one of many cosmic levels.

Ms. Mallek said she agreed that the program needed to be strengthened, and it took 18 years to get buffers to be mandatory. She said she would love to see more recognition of biodiversity and those other kinds of elements that may be hard to recognize and put them in a place of having to deal with outside state agencies and other things. She said strengthening it was a great thing, but she thought there were great benefits much beyond the dollar value that they were able to measure. She said she would be happy to survey people and find out how they were doing. She said she would love to write down everyone's questions, including Mr. Gallaway's. She said she had no further questions for Mr. Clark.

Ms. Price said she appreciated the comments of the other Supervisors, most especially Supervisor Gallaway's. She said there was an inherent value in conservation easements, and they all knew this. She said to her, that value was whether it was forestry, agriculture, which could be hay, grapes, or field crops. She said it did not matter because there was an inherent value in conservation easements that would help protect their County from overdevelopment and sprawl as well as protect the environment.

Ms. Price said on slide 20, she saw that their ACE program for the County was relatively small in comparison with all of the other conservation easements that had been utilized in the County, so she simply saw it as a tool available to their landowners in the County to protect their environment. She said she was curious as to why on slide 25, it showed the biodiversity protections around the Rivanna River but nothing along the James River to the southern point, and she would like to see an explanation of why or at least an expansion to biodiversity along the James River.

Ms. Price said she supported conservation easements, there were many different value metrics that could be applied to the different programs, so what she was looking at was the taxpayer cost for the value of their Acquisition of Conservation Easement programs in the County, and how they could compare and contrast that with the other conservation easement programs that were available before they asked their taxpayers to pay for these particular ones.

Mr. Clark said those three areas on the map were not an indication of areas where they would protect biodiversity but were some priority areas that the Natural Heritage Committee designated as part of their Comprehensive Plan update process. He said while biodiversity protections hopefully would happen across the rural areas, those were just three areas of particularly high value that they were trying to pay attention to.

Ms. Mallek asked what high value meant.

Mr. Clark said that it depended on the area. He said the Heard Mountain area was an area of large blocks of forest, which had value for area sensitive species, and the Rivanna was mostly about aquatics. He said the northwestern area was both about aquatics with the headwater streams and also a lot of the migration routes and forest habitat areas on the ridges in that part of the County. He said they each had their own different characteristics.

Ms. LaPisto-Kirtley said that she agreed with what Supervisor Gallaway said. She said the Board had two things to do, one was that they had to vote on the two parcels they were discussing, and the other was the ACE program as a whole and to get more information, which she thought they were starting to get. She said she liked what Chair Price said about what else was available, and she wanted to ask if that included a state conservation easement program they could also tap into, or if they already did that.

Mr. Clark said there were about ten or 11 different easement programs operating in the County. He said some of them were statewide, some of them were regional, and their programs were of course local. He said that they had tapped into the state funding sources for the matching grants, and there may be other grants that could be found. He said they did their best to cooperate with all of the other easement holders who perhaps served different customers, with donated easements going to those holders, and the ACE program was different because it was a purchase program. He said there was a menu of options for people who lived in the rural areas and who were considering doing land conservation.

Ms. LaPisto-Kirtley said she was in favor of conserving the land and ensuring they used monies the best way possible to help them in these ways.

Ms. Price asked Mr. Walker if the discussion was helpful.

Mr. Walker said yes. He said to Supervisor Gallaway that if he had other questions and if there was anything they could ideally get to inform the next conversation they would be having with the Board would be very useful. He said this was a work session, so they were asking for guidance, but to the extent that that guidance led to future action, they would be coming back to the Board.

Ms. Price thanked Mr. Walker. She asked Ms. Maliszewski to proceed.

Ms. Maliszewski said that Mr. Clark noted some overlap of the conservation goals with new and ongoing County priorities. She said right now, the timing was great to take the next step in review of their conservation programs with the Comprehensive Plan update that was underway. She said they would be able to study the effectiveness of all the County conservation programs, they could consider the County's conservation goals and recent focus areas, and they could propose programs whose goals aligned with those priorities.

Ms. Maliszewski said that work was what was outlined in the next phases of the review timeline that they shared with the Board. She said the timeline would be adjusted with the Comprehensive Plan update as it progressed as necessary, and they could fill in the details of the steps in these phases as the next phase of the Comprehensive Plan update was scoped towards the end of the summer or early fall. She asked if there were any questions or input or feedback on the staff's approach for reviewing the County's overall conservation program as part of the Comprehensive Plan update.

Ms. Price asked if there were any questions.

Ms. Mallek said her heart sank when she saw 2024. She asked if this was the tail end rather than sooner.

Ms. Maliszewski said they would be working all this time to get to those final program proposals.

Ms. Maliszewski said the second part of the presentation was a more focused discussion on the two pending ACE proposals. She said the first ACE property was the Campbell property. She said at the September meeting, the ACE Committee recommended purchase of this easement, and the final appraisal for this property was \$722,000. She said the final figure was received in December and was the same as the preliminary figure they reported in September. She said if the Board wanted to pursue purchase of the Campbell easement, two things must be done, which were that a funding source must be identified, and the proposal must be forwarded to the ACE Appraisal Review Committee.

Ms. Maliszewski said the second property was the Henley easement. She said the ACE Committee did not recommend this property for purchase, but in September, the Board noted that its location was in a water supply protection area and directed staff to obtain the final appraisal figure, which was \$133,500, the same as the preliminary figure reported. She said the next steps for the Henley proposal would be similar to those for the Campbell easement.

Ms. Maliszewski said there was a possibility of receiving a VDACS grant for the Campbell and Henley properties. She said as a reminder, the grant was a reimbursement and could reimburse half of eligible County easement expenditures, and this year its limit was \$75,619. She said they were asking for direction on those two easements today.

Ms. LaPisto-Kirtley asked for clarification regarding the Henley property. She said they recommended deferral, but the Board brought it back up because of the water issue.

Ms. Maliszewski said the ACE Committee did not recommend it for purchase, but the discussion in September among the Board members was that it was important because of its location near the water supply protection area, and the Board requested that the final appraisal be obtained.

Ms. LaPisto-Kirtley asked if that was the opinion of staff also.

Ms. Price asked if Ms. Maliszewski heard the question.

Ms. Maliszewski said she did.

Mr. Walker said at this point staff was relying on the opinion that was provided by the ACE Committee and the direction provided by the Board.

Mr. Gallaway asked to see the slide showing the questions. He asked if the Board typically sent it to the review committee and then it came back before the Board.

Ms. Maliszewski said yes.

Mr. Gallaway asked if it would come back for eventual action.

Ms. Maliszewski said the next step was for the ACE Appraisal Review Committee, which was different than the ACE Committee.

Ms. McKeel said she did not know it was a different committee.

Ms. Mallek said that was the backup of the overseers of the contracted appraiser person.

Mr. Gallaway said he was fine with that.

Mr. Andrews said they mentioned the \$75,619 maximum. He asked if that were the most they could get and match even if they wanted to go for the Campbell property, they could not get anything additional towards that.

Ms. Maliszewski said that was correct.

Mr. Andrews said his understanding about what was said of the Henley property was an important point that the ultimate decision was when they were going to pursue a property under the ACE program was the Board's decision and not subject to some score but was the Board's decision to pursue.

Ms. Maliszewski said when and if, it was up to the Board.

Mr. Andrews said that was an important point. He said he was supportive of these being considered further.

Ms. McKeel said she was supportive of these. She said the question was to take them to the next step, which was the appraisal review committee to come back to them at a later date.

Ms. Maliszewski said that was fine.

Ms. McKeel said she was happy to do that.

Ms. Mallek said she did not recall the Board overturning the ACE Committee and recommending the Henley property to go forward, because she recalled there were concerns about its size and other things. She said she was not as strong in favor of that one, but she was happy to support the Campbell property, and to see whatever the will of the Board was for the second item. She said about the state matching money that they had no program for two years, so they fell out of the queue, whereas when they had the program, whenever there was leftover money from other communities not taking what they should have had, that was how they got the state to match up to \$500,000. She said that was one of the painful consequences.

Mr. Walker said he wanted to acknowledge that as the Board gave direction to move these two

appraisals forward as was indicated that the combination of the state reimbursement plus the current money available of local ACE funding was enough to acquire the Henley property as it was currently understood. He said there was no identified source of funding for the Campbell property at this time.

Ms. Price said she hoped the Board understood they would have sufficient funds for the Henley property, and they would have to find a funding source for the Campbell property.

Mr. Walker said yes.

Ms. Price asked if the Board supported forwarding the Campbell easement to the ACE Appraisal Review Committee. She asked for the Clerk to call the roll.

Ms. McKeel said she did not think they needed a vote in a work session.

Mr. Walker said they were expecting the Board to give them direction, and he was fine with general direction if the County Attorney agreed with that.

Ms. Hudson said they could certainly give direction by consensus.

Mr. Walker said that was okay.

Ms. Price said they would not call the roll. She said she supported both of these going forward. She asked if any Supervisor did not have the opportunity to state their opinion on the first two questions. Hearing no further remarks, she said the consensus had been provided. She said she was unsure of what the third question entailed other than scheduling a time.

Mr. Gallaway said that was the normal process. He said if they did not pause this and it went to review, it would come back to the Board, and then they would deal with the funding. He said they were not committing to the funding or shortage.

Mr. Walker said staff would bring back to the Board its consideration of where the money was coming from for the properties.

Ms. Price said in other words, an affirmative answer to the first two led to an affirmative answer to the third.

Ms. McKeel said her question at that time would be what they were not doing to pay for this.

Ms. Price said that was exactly what they would deal with.

Ms. Mallek said when it came back, if they could also be resupplied with the comparisons and the data for each of the applications, she would appreciate it, due to the very different characteristics of the two properties.

Ms. Maliszewski thanked the Board.

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#### Agenda Item No. 12. Presentation: Smart Scale Applications.

The Executive Summary as forwarded to the Board states that the Thomas Jefferson Planning District Commission (TJPDC) is responsible for maintaining the regional Hazard Mitigation Plan and updates the plan on a 5-year cycle through a public process, culminating in adoption by all jurisdictions served. The plan was last adopted by the Board of Supervisors in 2018 and is currently in the later stages of its 2023 review process. The plan contains specific mitigation strategies each jurisdiction within TJPDC has committed to undertake towards reducing identified risks within the district.

Attachment A presents detailed information regarding hazard mitigation goals, objectives, and mitigation action items developed for the 2023 update to the Regional Hazard Mitigation Plan. The "Mitigation Strategy" is five broad categories with corresponding goals and objectives. The mitigation strategy was developed through a cooperative effort of the TJPDC Hazard Mitigation Working Group, consisting primarily of planners and emergency operations coordinators. The overarching goals of the hazard mitigation plan were reviewed and revised from the previous plan update. Those goals and objectives were then reviewed by the public in the Hazard Mitigation Public Workshop held by the TJPDC, which further modified the goals and objectives detailed in the Mitigation Strategy. Following that effort, each jurisdiction developed actionable directives or "mitigation action items" to further the Mitigation Strategy before the next Hazard Mitigation Plan update.

This draft plan is available at <<https://tjpd.org/our-work/hazard-mitigation/>> for public comment through June 30, 2022. The final draft plan will be sent to VDEM and FEMA for approval. The State and Federal approval process is expected to take approximately 6 - 8 months. Once approved, the final 2023 TJPDC Hazard Mitigation Plan will be presented to the Board for adoption. Board approval is expected to be sought during late spring of 2023.

There are no direct costs associated with the Regional Hazard Mitigation Plan at this time. Future implementation efforts will be incorporated into work plans.

Staff recommends that the Board receive the TJPDC presentation and provide feedback, as desired.

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Chief Dan Eggleston greeted Chair Price and the members of the Board. He introduced himself as Dan Eggleston, Chief of Fire and Rescue. He said he was present in place of Chief John Oprandy to introduce Ian Baxter with the Thomas Jefferson Planning District on the Hazard Identification and Risk Assessment (HIRA) Plan that was recently completed with lots of collaboration with staff from Albemarle County.

Chief Eggleston said before Mr. Baxter came up, he wanted to say the significance of this was pretty vast in informing particularly emergency management response, mitigation, and resiliency work, but it was widespread in terms of environmental services, such as Mr. Greg Harper's shop and many of the community development projects through their mitigation efforts, so it was a very valuable product. He noted that there was a lot of crossover from what they would hear from Mr. Baxter and what was in their packet from the Climate Vulnerability and Risk Assessment, and there was a lot of alignment there.

Mr. Baxter greeted Chair Price and the Board and introduced himself as Ian Baxter, Regional Planner at TJPDC. He said he would briefly highlight what the Natural Hazard Mitigation Plan was and how the County's staff was integrated into it, and how it could complement a lot of other work that was being done during or from the County.

Mr. Baxter said the main purpose of the Natural Hazard Mitigation Plan was to essentially prepare for natural disasters before they occurred, thus reducing loss of life, property damage, and disruption of commerce. He said there was definitely an incentive for localities to have one of these adopted, and that was that FEMA required a Natural Hazard Mitigation Plan as a condition for eligibility to receive certain mitigation program funds. He said VDEM (Virginia Department of Emergency Management) maintained a statewide mitigation plan program, and most localities had one of these adopted in order to access those funds if necessary.

Mr. Baxter said there were six sections of the plan, and he would discuss the ones that were most important. He said there would be documentation of public participation as well as the construction and composition of the working group, which had been the guiding advisory committee that they put together in 2021, composed of members from all six of the planning district localities and included staff members, emergency management personnel, planners, and some state stakeholders and experts to help guide not only the high road, which he would speak about briefly, but also some of the recommendations in the plan.

Mr. Baxter said as a community profile, which was general information about the communities in the planning district, including economic, housing, and transportation data, topographic and geographic characteristics, and things that were relevant to natural disasters.

Mr. Baxter said the HIRA was a ranking of the relative risk that certain hazards posed to the region. He said the way this was constructed was by using an historical record of hazard events, information about hazard severity and probability of future events to get to that assessment. He said they would notice in their packet there were samples of some of the data that the working group used to make that hazard identification and use that data to make that determination.

Mr. Baxter said there was a vulnerability assessment that analyzed the severity of each hazard as well as estimating potential losses from each, using a variety of hazard scenarios. He said a capability assessment, which was a survey of each locality's capacity to mitigate natural hazards, and finally, mitigation strategy, where in this case, Albemarle County staff was able to generate new mitigation action items, which were essentially aspirations of the County over the next five years to prepare for and react to natural hazards.

Mr. Baxter showed a slide with an overview of the timeline. He said shown was that in June 2022, they were in their draft comment period, so this plan was actually available for public comment on the TJPDC website. He said it would be up there until June 30, after which he would incorporate the public comment and send it to the Virginia Department of Emergency Management for review. He said it could be noticed on the slide that it was a pretty extensive amount of not only public engagement with local staff and LAPCs across the region, as well as a considerable amount of research done by TJPDC staff.

Mr. Baxter said the current slide showed information about the HIRA. He said this section of the plan was a general description of the plan, such as if discussing a tornado, a lot of it was elementary information about what exactly they were referring to. He said however, the frequency, duration, and severity were informed by a variety of different data sources, and that was specific to the planning district, so that was not going to be for example, generally about tornados, it would be about tornados in the region and how deadly they had been. He said they were then presented this order of relative risk that was put together by the working group. He said they used a risk matrix that was developed by Kaiser Permanente.

Mr. Baxter showed the 2023 HIRA and said the process for this was that the working group, which met monthly over the last year, would send out a matrix to each locality in the planning district as well as some of the data they had access to in their packet to make determinations and rank them themselves, so each locality returned a completed one. He said he put them together and found the average score for the region. He said in the appendix of the draft plan, there was each locality's

determination, and there were topographic and geographic differences that made some natural hazards more dangerous or deadly in some parts of the planning district than in others.

Mr. Baxter said generally speaking, the rankings from 2018, the last time the plan was adopted, to now did not change with the exception of the inclusion of the communicable disease and pandemic section, which after the COVID-19 pandemic, FEMA was advising that that be part of the plan. He said the top three hazards for the region according to HIRA were hurricanes and high windstorms, flooding, and winter storms and winter weather. He said those were still the top three hazards that were present from the 2018 HIRA matrix, so they were not looking a considerable amount of change in the terms of relative risk.

Mr. Baxter said the current slide was difficult to read but could be found in the packet. He said its purpose was to give a brief overview of the type of data they used. He explained that a lot of what they relied on was information from NOAA and the National Weather Service. He said a lot of tables were in the plans; they were able to provide a lot of information about frequency, property loss and crop damage associated with different natural hazards. He said staff also worked hard to make attractive and easy-to-read maps in the plan, which were used to illustrate the number of dams, dam safety, and dam risk level. He said he wanted to include samplings of the data they used to give the Board a better view of how the HIRA determination was made.

Mr. Baxter said he could briefly speak to the new communicable diseases and pandemic section. He said they worked very closely with the Blue Ridge Health Department as well as the Virginia Department of Health to ensure they had an accurate depiction and description of what the COVID-19 pandemic was during 2020 and 2021 to include in this plan, as well as information about communicable diseases, excluding COVID-19 and chronic hepatitis, in the planning district.

Mr. Baxter showed a list of the type of data sources that they were using, including six or seven Virginia departments that they relied on data for, most notably the Department of Energy, the Department of Conservation and Recreation, and the Department of Forestry. He said they had extensive databases, whether it be for wildfire risk and frequency, dam safety and flooding, or landslides in the cases of Department of Energy. He said they also relied on national and federal data sources like the Center for Disease Control, American Society for Civil Engineers, and as he mentioned earlier, the National Weather Service.

Mr. Baxter said the vulnerability assessment used scenarios that imagined if these specific types of scenarios were to happen, they would have a variety of different tools to present information about expected losses. He emphasized that the main piece of software they used to generate these estimates was FEMA's HAZUS software, which was a proprietary piece of software that they required localities, planning districts, or whoever was conducting the plan update used to generate these estimates.

Mr. Baxter showed an example of a map the HAZUS software created after using it at TJPDC. He said it was a model for a hurricane event based on Hurricane Fran, which came near the region in 1996, but did not pass directly through the planning district. He said this was an easy way to determine economic losses from the storm. He said for example, for the equivalent of a 200-year event, the east and southeastern parts of the planning district suffered a lot higher losses than the northwestern.

Mr. Baxter said this could also be used for flood damage. He showed two maps of the town of Scottsville in southern Albemarle County on the screen. He said for a 100-year flood event, on the left map was estimated indirect economic losses for a 100-year flood event, and on the right, in addition to economic losses, it could also estimate flood depth from the basin of the river to the crest of the flood.

Mr. Baxter said the map shown looked better in the report, but there were tools other than HAZUS they could use to determine vulnerability. He said this was provided by the southern group of state foresters, and it was essentially a burn probability estimate that they were able to generate for all localities in the country, and each of these for each locality was in the plan separately. He said finally, the mitigation action item section, each locality was required not only to update what was presented in the 2018 plan by cataloguing the process of each mitigation action item, but by generating new ones, so each action item that was submitted to him from locality staff included all this information, whether it be what hazard it was primarily intended to mitigate, the estimated cost, funding method, implementation schedule, and then priority in terms of how important or urgent staff considered this action item to be.

Mr. Baxter said the next steps were the June public comment period, and he had already received a few clarifications for people around the planning district who knew better than he about specific areas or events. He said after that, they would be submitting to VDEM and FEMA, both of which had month-long review periods and depending on if they had any comments. He said they were leaving the latter half of 2022 open to make sure they would get approval from both of those agencies, and then they would work towards formal adoption by all localities.

Mr. Baxter said this tour he was having with the boards of supervisors, town councils, and city councils to alert them of what was being done and have staff present to discuss any questions about the action items, and alert them that in six to nine months they would be asking the Board for a formal adoption of this plan in order to be compliant with FEMA and VDEM. He said he would answer any questions and had Greg Harper and Dan Eggleston present to answer questions as well.

Mr. Gallaway said he did not see in his review the HIRA, and his understanding of high, moderate, and low was completely different in review. He asked if each category, whether it was

moderate, low, or high, meant that likelihood of that event happening.

Mr. Baxter asked if Mr. Gallaway was talking about the action items.

Mr. Gallaway said yes.

Mr. Baxter said that was a ranking of how urgent the action was considered to be. He said he supposed in some cases that would be the same thing.

Mr. Gallaway said he interpreted it that an action item was a high, medium, or low priority to enact.

Mr. Baxter said that was correct. He apologized for misunderstanding Mr. Gallaway's question.

Mr. Gallaway asked if it was low, moderate, or high based on the event occurring on the score card, or if it meant that to do a backup plan when the power was out, there was a high priority.

Mr. Gallaway said coordination on page 2, the topic was infrastructure and buildings, and objective 4 was elevate, retrofit, and relocate existing structures and facilities in vulnerable locations. He said they had a public speaker whose particular item was undergrounding utility lines. He said this Board would often say that if the power company was doing something, then CenturyLink should do something. He said that coordination may be coming from the whole region and putting that pressure on for multiple boards of supervisors and councils would probably be a more effective approach than just one County suggesting that.

Mr. Baxter said sure.

Mr. Gallaway said it was not just cost reduction, but it was also helping keep the lines of communication open because they would be protected underground. He said on page 10 and 17, it was AME3, AME4, and ALC5 that were all mitigation capacity and communication strategy. He said one of those was when power and internet was down, establish backup plans, and this was marked as a low priority. He said if it was implementing that plan, which said it was ongoing in effort, it should be a high priority, because this County just experienced that this past January where multiple people did not have access to information through electronic or technological means.

Mr. Gallaway said, as a Supervisor, that the priority was wrong on that one. He said on page 13, sheltering plans, which was AMC2 and AMC3, led him to question what their plan was for cooling shelters in the County. He said he supposed that some of the sheltering places would be intact in general, both for heat and cold in this plan, but that was something that led him to a local question. He said there were several of the action items that were called out for Comprehensive Plan work. He asked who was tracking that and making sure that was getting into the Comprehensive Plan work they were going to do so they did not forget this specific plan.

Mr. Walker said Deputy Chief Oprandy would be responsible for connecting to the work of the Comprehensive Plan and CDD.

Mr. Gallaway said that was great. He said the other items he left as feedback, and there were probably others that he might question the priority on, but that one he thought should be in a different category than low.

Mr. Andrews said on their Consent Agenda was Climate Vulnerability and Risk Assessment, and there was a lot that overlapped directly with this, so he hoped they would get together at some point and work through the details. He said people had suggested, and he strongly believed that this should be part of their work sessions coming up. He said his only other aside on putting different things in the same trench was that there were limits to that, not only in terms of cooperation between utilities but they could not put data and power next to each other, they had to separate these things. He said that was something experts knew but was a question of cooperation.

Ms. McKeel said she thought of Mr. Baxter's role as not being confined to Albemarle but a more regional role.

Mr. Baxter said that was correct.

Ms. McKeel said that may change the dynamics, but she was unsure. She said she already pulled out the Preparing for the Resilience item on the agenda, and in looking at this, and looking at Mr. Baxter's plan, there were some differences, which she supposed was to be expected.

Mr. Baxter affirmed this.

Ms. McKeel said she would like someone to look at what the differences were as well as if and how they should address those. She said drought and extreme heat risk was listed as low, but that was contrary to what was being experienced, and was not predicted in the other report. She said as she was reading it, she thought of how they needed to be prepared for cooling shelters in the summer as well as the wintertime warming shelters. She worried that the two documents were sending different messages.

Mr. Baxter said he understood her question. He said with theirs, it was all about relative risk. He

said he agreed with Ms. McKeel that extreme heat was definitely an issue, and he thought that perhaps one of the limitations of the HIRA matrix itself was the bottom hazards, where someone might think something was not a problem, but that was not what it was saying. He said it was saying the relative risk of those three top hazards was higher than those others. He said again, it perhaps did not reflect the opinion of Albemarle staff just because it was a composite of the emergency management personnel across the region. He said they could be different, but not necessarily contradictory.

Ms. McKeel said it might just be that they were both contained in the packet today.

Mr. Baxter said staff could speak to this if they desired, but he understood they worked hard to reconcile that both of these were priorities for the County.

Mr. Harper introduced himself as Greg Harper, Chief of Environmental Services. He said there was a lot of overlap between these two plans, but the Climate Action Plan was certainly a longer-term plan, looking at the year 2050 and 2070. He said heat might be a minor risk today, but it would be increasing to be a probably more relative risk in the future. He said some of the differences might be today's weather versus weather in 2070.

Ms. McKeel said she was looking at 2050.

Mr. Harper said it was still a way's off.

Ms. McKeel said tornados were listed at 22%. She said in 15 years of meetings in that same building, she had only been called downstairs to the main hallway once for a tornado, and in the last month she had been in the basement of her house three or four times because of a tornado alert.

Mr. Baxter said with a long-term, five-year plan update, it was not necessarily always current, and he agreed with her remarks about the tornados. He said this was something like Mr. Harper said, where they were focusing on the recent past and were not necessarily projecting out, as well as a document like the vulnerability study could and did.

Ms. McKeel said she was glad that the County and TJPDC were looking at these issues and what they needed to do to face them.

Ms. Mallek said she was concerned at the data about there being five times more days over 90 degrees. She said she understood they needed to use outside data, but on page 22 of the document, when talking about floods, it did not even mention the 2018 flood where two of her constituents were killed and they got 11 inches of rain in six hours. She said it was not mentioned, and the property loss was stated to be \$50,000, but they had \$150,000 in her neighborhood alone in the northwest part of the County. She said she did not know if the National Climate Data Center at NOAA did not get any input from Albemarle County and that was why they were not on the list, but she knew they did not get any USDA money, which shocked her, because they easily passed the \$300,000 threshold, but nothing was forthcoming.

Ms. Mallek said it worried her when she saw information that was supposed to be taken as fact and she knew it was incorrect. She said if she were supposed to step back and think about it overall, and it got them to think about improving the fire stations, providing showers that people could use, power sources to stay cool, and things like that, it was all worth it. She said she understood they were required to do this by law, which complicated things.

Ms. Price said she was told earlier this week it costs \$1M per mile to put underground powerlines, and as was mentioned, they could not really combine multiple utilities in the same trench because of the risk of fire or explosion. She said she hoped they were correct about tornados and wildfires, because she thought those were going to be major issues coming up. She thanked Mr. Baxter for his presentation.

Mr. Baxter thanked the Board.

Ms. Price said the Board had under half an hour. She asked if they should try to do a closed session now or if they should do so after eating dinner.

Mr. Walker said if the Board would like, they could accomplish one of the items that involved the majority of staff in the time they had.

Ms. Price said she appreciated that.

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

At 5:32 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 the compensation of members of various boards and commissions;

- Under Subsection (3), to discuss and consider the acquisition of an interest in real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
- Under Subsection (7), to consult with legal counsel regarding actual litigation where such consultation in open meeting would adversely affect the litigating posture of the County. discuss and consider the acquisition of an interest in real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and

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

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

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Agenda Item No. 14. **Certify Closed Meeting.**

At 6:04 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. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Mr. Andrews, and Ms. Price  
NAYS: None.

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

Mr. Walker reminded the Board and the public that County offices would be closed on Monday, the 19th of June, in recognition of Juneteenth. He said Juneteenth celebrated the 1865 arrival of the Union Army in Texas where they emancipated slaved laborers at that point. He said they looked forward to any opportunity to commemorate that, which became a federal holiday in 2021, after the County made it a holiday.

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Agenda Item No. 16. 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. 17. **Public Hearing:** ZMA202100014 Albemarle Business Campus.

PROJECT: ZMA202100014 Albemarle Business Campus – Digital

MAGISTERIAL DISTRICT(S): Samuel Miller, Scottsville

TAX MAP/PARCEL(S): 076000000046AB, 07600000005400

LOCATION: Property on the northwest side of 5th Street, across from the Albemarle County Office Building – 5th Street, from Wahoo Way to Old Lynchburg Road, and on the east side of Old Lynchburg Road from 5th Street to Country Green Road.

PROPOSAL: Amend the Code of Development and the application plan for Albemarle Business Campus to change the permitted uses, the square footage, the lot and building regulations, and the green space and amenities in Blocks 2-5.

PETITION: Request to amend the Code of Development and the application plan associated with ZMA201900003 Albemarle Business Campus to change the permitted uses and regulations in Blocks 2-5, which are located on two parcels that total 8.55 acres, to include the following: allow parking structures as a permitted use; permit an additional 25,000-square feet of non-residential square footage for a total of 125,000 square feet; increase the minimum non-residential square footage from zero square feet to 20,000 square feet; permit an additional 15-feet of building height to a maximum of 75 feet; reduce the primary front setbacks from five feet to zero feet; reduce the maximum single building footprint from 40,000 to 30,000 square feet; remove the stepback requirement; remove a note limiting the building footprints of R&D/Flex and Light Industrial buildings; and reorganize the layout of the green space and amenity areas. No change in the density, number, or location of dwelling units is proposed. Sections 20A and 8.5.5.3(e) of the Zoning Ordinance.

ZONING: NMD Neighborhood Model District - residential (minimum of two housing types) mixed with commercial, service, and industrial uses; in accordance with ZMA201900003.

OVERLAY DISTRICT(S): EC – Entrance Corridor, Steep Slopes – Managed, AIA – Airport Impact Area

PROFFERS: Yes

COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses; in

Neighborhood 5; in the Southern and Western Urban Neighborhoods Master Plan area.

The Executive Summary forwarded to the Board states that at its meeting on Tuesday, April 12, 2022, the Planning Commission (PC) conducted a public hearing and voted 5:0 to recommend approval of ZMA202100014. The PC's staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

At the PC meeting, staff recommended approval of the proposed Zoning Map Amendment application. The proposal is consistent with the future land use and density recommendations identified in the Southern and Western Urban Neighborhoods Master Plan.

No members of the public commented at the public hearing.

Since the PC meeting, the applicant has provided revised versions of the project narrative, code of development, and application plan (Attachments D, E, and F) to fix some minor discrepancies that had been identified in the project materials and to provide more clarification about the proposal. These revisions include the following:

Project Narrative

- ☐ Removed a reference to permitting parking structures in Block 3, which had remained from an earlier submittal of the application and is no longer part of the request.

Code of Development

- ☐ Provided more detail (on sheet 11) on the planting requirements for the 20-ft. planting strip along the northern property boundary of Block 2.

Application Plan

- ☐ Changed the word "measurements" to "dimensions" in the note at the bottom of sheets 17-19 in order to provide more clarity and for more consistency throughout the application plan.

Staff recommends that the Board adopt the attached Ordinance (Attachment G) to approve ZMA202100014 Albemarle Business Campus.

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Mr. Reitelbach greeted the Board of Supervisors and introduced himself as Andy Reitelbach, Senior Planner with the Albemarle Planning Division. He said tonight they were present for a public hearing for ZMA202100014, the Albemarle Business Campus amendment. He said to provide some context for the location of the site for this application, he provided an aerial view, shown on the slide. He said the parcel was one of three parcels included in the Albemarle Business Campus neighborhood model district. He said it was located on 5th Street on the corner of Old Lynchburg Road, south of Interstate 64, and was across 5th Street from the County Office Building.

Mr. Reitelbach said that as he mentioned the parcel was part of a Neighborhood Model District, approved on October 7, 2020, which was ZMA2019-00003. He said this amendment applied to only one of the three parcels, which was TMP76-54, which was about seven acres in size. He said as a part of this rezoning application, the zoning district was not being proposed to be changed, and the only changes would be to the code of development and to the application plan. He said as part of the by-right development, it was a mixed-use commercial, service, and retail area that also allowed a maximum of 128 residential units. He said the overlay zoning districts on this property were the entrance corridor, the airport impact area, and the managed steep slopes.

Mr. Reitelbach said looking at the Comprehensive Plan, the subject parcel was part of the community mixed-use land use designation, which allowed a wide range of commercial service, retail, and residential uses. He said as he mentioned, it was across from the 5th Street County Office Building, which was a designated center in the Southern and Western Urban Neighborhoods Master Plan.

Mr. Reitelbach said he would discuss the specifics of the zoning proposal. He said as he mentioned, the proposed changes were to the code of development and the application plan only, and it was only for blocks 2 through 4. He said Block 1 was across Old Lynchburg Road and was not a part of this proposed amendment. He said in Block 2, the applicant was proposing to change several lot building regulations, the most significant of which was requesting to add parking structures as a permitted by-right use along with certain regulations to relegate it from the 5th Street right-of-way frontage. He continued that they were proposing to increase the maximum non-residential square footage by up to 25,000 square feet to allow for a maximum of 125,000 square feet of commercial non-residential use on Block 2.

Mr. Reitelbach said another proposed change was to increase the maximum height of the structure by 15 feet from 60 feet to 75 feet, however the number of stories would remain at the maximum of four. He said this was to allow for each individual story to be taller for up to about 16 or more feet in height. He said the applicant was requesting to remove the stepback requirements to allow a four-story building with no stepback from the road frontage and to reduce the primary front setback from the internal road, known as Vision Lane, from five feet to zero feet. He said another proposed change was to reduce the maximum single building footprint from 40,000 square feet to 30,000 square feet and also removing the note limiting R&D, flex, and light industrial uses to a building of no greater than 20,000 square feet.

He said this change would allow a building that housed those uses to go up to as much as 30,000 square feet.

Mr. Reitelbach said the applicant was also proposing to provide a 20-foot landscaping buffer and sidewalk along the northern property boundary of Block 2, and that common property boundary was with the Cavalier Crossing apartment development. He said also that the applicant was proposing changes to blocks 2 through 4 related to green space and amenities, in which the main change was to increase the size of what was known as the "ABC Park" along 5th Street between blocks 3 and 4, and decreasing the size of what was now called "Pocket Park" on the interior street of Vision Lane. He said that park was in the center of the development and that the overall green space area in the NMD was not changing and remained at 20% of the overall development. He said the green space and amenities were only being reorganized throughout the blocks.

Mr. Reitelbach showed a graphic of the four blocks in this area and how this proposed amendment applied only to blocks 2, 3, and 4, which, as he mentioned earlier, encompassed about 7 acres. He showed next the proposed revised application plan, showing the internal circulation, pedestrian paths, green space and amenities, and street sections. He said this was a small amount of the overall application plan and the full plan was included in the staff report packages to the Board.

Mr. Reitelbach said there were proffers approved with ZMA2019-00003 and those proffers were not proposed to be changed with the rezoning application. He said they were provided on the slide as a reference, and that they included infrastructure improvements such as a cash contribution to the County's CIP fund and dedication to land for a roundabout, limiting trip generation of the uses on the site, following a performance agreement that was developed with the Economic Development Office.

Mr. Reitelbach said staff recognized four factors favorable for this rezoning. He said they included being consistent with the uses and density recommended in the Southern and Western Urban Neighborhoods Master Plan, the request was consistent with the applicable neighborhood model principles, the request continued to include office space in the commercial areas, which was a goal of the County in furthering the objectives of the Economic Development Department's Project Enable.

Mr. Reitelbach said the request also provided pedestrian connections and multi-modal infrastructure along Old Lynchburg Road and 5th Street. He said no unfavorable factors were found for this proposed amendment. He said a public hearing with the Planning Commission was held for this application on April 12 of this year, and the Planning Commission voted 5-0 to recommend approval.

Mr. Reitelbach said there were several minor changes made to the application after the Planning Commission meeting, so he provided a brief summary of those changes on the slide. He said they were meant to fix minor discrepancies that were identified in the project materials and to provide more clarification throughout the application plan and the code of development. He showed a slide with the suggested motions from staff when it was time for the Board to vote. He said he was available for any questions.

Mr. Gallaway said it looked like they were just adding a commercial office. He said he thought that part of this was reducing residential and replacing it with commercial, which he was not necessarily opposed to, but it appeared that it was already there, and they were not subtracting anything else.

Mr. Reitelbach said that was correct.

Ms. Mallek asked if there would be a 20-foot landscape buffer against Old Lynchburg Road and then the four-story building had a zero setback, but the 20-foot buffer took the place of the setback.

Mr. Reitelbach said the 20-foot buffer was on the common property line with Cavalier Crossing, so it provided an additional setback as well as buffering opportunities from that existing apartment development, and the zero-lot line would be along Vision Lane, the internal road of the development.

Ms. Mallek said she had been mistaken. She thanked Mr. Reitelbach.

Ms. Price said they would now move onto the public hearing for this item. She asked for the representative of the applicant to step forward.

Mr. Kyle Redinger introduced himself as the developer behind this project. He said he was a resident of almost 40 years in Albemarle County and was happy to be there tonight. He thanked Mr. Reitelbach for his time on this project. He said he would give some history on this and why they were asking for this.

Ms. Price apologized and said she forgot to have the Vice Chair read the protocol for public speakers. She asked the Clerk if there were any speakers signed up.

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

Ms. Price asked Mr. Reddinger to continue.

Mr. Redinger said there had been a lot of change since they began the project. He said they were all familiar with the impacts of COVID-19, and in particular to this project was what COVID-19 did to office space. He said they started doing research both external to Albemarle County and within, and they

decided that the best and highest use of this parcel was to do a biotechnology manufacturing facility. He said on the screen was a rendering that architect Bruce Wardell, architect, did for this project, and what they hoped to build was an iconic biotechnology manufacturing facility to attract a big company or to grow from within Albemarle and be something meaningful to people's lives.

Mr. Redinger said there was some good that came out of COVID-19, which was that there was a lot of investment into biotechnology. He said one of those technologies that many of them were familiar with was called "biologics" and that meant things made from cells. He said the Moderna COVID-19 vaccine was a biologic, but there were a lot of other therapeutics being developed from similar biologics technologies, and so much in fact that there had been a massive amount of investment in this space in the last couple of years. He said major biotechnology hubs like Boston and Charlotte on the east coast were booming with this product type. He said they frequently compared themselves to Boulder, and they had over 2 million square feet of life sciences space, and a lot of that was becoming biologics and biotech manufacturing. He said it was an emerging industry.

Mr. Redinger said another factor that was important was that the UVA Board of Visitors just applied for a \$300M biotechnology institute grant from the state. He said this was happening in their area whether they liked it or not, and he thought it would be interesting to be on the cutting edge in the Albemarle Business Campus.

Mr. Redinger said biotechnology manufacturing was a process located in a specially designed and FDA-approved facility that manufactured the development of clinical trial drugs, devices, and other related products. He said these facilities were unique in that it was not just a shell where a tenant came in and put a bunch of vats, lines, and things, but they had to build all this stuff, the FDA would look at it and approve the drug within that building for that specific process. He said unlike Ibuprofen, which was a chemical compound likely made in India or China, a biological drug had to be made domestically and within a single facility, so it provided a very long-term secure lease, and a lot of R&D and science around that.

Mr. Redinger said there were lots of benefits to Albemarle County. He said one was that office space demand was probably not what it once was before Covid-19, but more importantly it was a strong fit to what they had in their community because the UVA Health System was massive and the largest employer in the area. He said the BioHub had also done a study that there were 2,000 non-UVA-affiliated biotech employees in their region, and another 67 biotech companies. He said just this week, two biotech companies reached out to him about space in Albemarle Business Campus. He said it was a target industry of Albemarle and Economic Development and also provided strong career ladder jobs, because it was not only scientists and PhD holders, but specialty lab techs, and those jobs were long-lasting because of how the training was and how long it took to get a drug approved.

Mr. Redinger said from a tax dollar perspective, these buildings provided a lot more tax benefits to the County because they were much more expensive to build, so there was a stronger tax base with five to ten times the tax dollars of comparably sized Class A buildings. He said important to him was that they could be a bit more creative on their design and build something cool and unique. He said they started doing the research for how they were going to achieve this in Albemarle Business Campus, and they found that what they wanted to market and offer to potential tenants unfortunately looked a lot different than the one block they already approved. He said he would go over the specifications of the factors they were looking at.

Mr. Redinger said that it would be a 50,000 to 150,000 square foot building, usually at the smaller end of that, but some did get larger, especially ones that could be multi-tenant. He said they cost up to \$2,000 per square foot to develop, so they were very expensive. He said these buildings had three types of operations. He said they had the manufacturing component, which looked like a clean room and a brewery mixed together, and a third of it would be office for compliance, reporting, and research purposes, and the other third was related to their warehouse, cold storage, and minimal distribution. He said this type of product was built all the time in major cities, so when hearing the word manufacturing, it did not include smokestacks or anything dirty, and that it was a clean, highly regulated process.

Mr. Redinger said these buildings were typically occupied by single tenants, although there was some ability to have multiple tenants in the building, usually the complexities of the build meant it was a single tenant with 50 to 200 staff. He said to be clear, these things were mainly in major cities for a reason, because they had a critical mass of talent, and bringing that type of tenant or growing that tenant in Albemarle County was not going to be easy. He said it was a long shot of a project for himself, but it was probably the most exciting because it was one of the more meaningful opportunities he had been involved with.

Mr. Redinger showed pictures of the site on the screen and said they tried to keep the site identical to the original site that the Board approved about two years ago. He said the footprint size of that top right building and block had expanded. He said in order to keep their green space the same, they had to shrink that park and added additional parking space in the front center. He said it was not easy to do this, but it did require they built a parking deck in the back. He said they tried to screen that deck with the building structure itself. He said they also needed to accommodate logistics and outdoor utility locations in the back of the building to screen those from the entrance corridor.

Mr. Redinger said as Mr. Reitelbach explained, they had no setback on the sidewalk, but that was an internal street, so when seeing a render of behind the already ARB approved office building, the scale and massing of that building complied with entrance corridor requirements and was still an attractive

design. He said increasing the scale of the building, as Mr. Reitelbach mentioned, when there were a lot of hood vents, mechanical, electrical, and plumbing, a fair amount of additional space was needed above where people worked, so the four floor heights got stretched, and that was why they wanted to go up another 15 feet and to accommodate any screening they would need for HVAC, cooling, or any other things like that.

Mr. Redinger showed another view of the scale of the building from 5th Street. He said it was a larger building, but again the setback prevented that from being too massive along the entrance corridor. He said driving by the site, the building actually sat against the Region 10 hill, so Region 10 would sit high on the hill above it, so it did not feel like a massive building in the context of the site.

Ms. LaPisto-Kirtley said she liked what was proposed. She said biotechnology was the future of their County and she welcomed it because of its high-paying jobs and would put them on the map in Virginia and perhaps the nation.

Ms. Price said Mr. Redinger had five minutes for rebuttal if he wanted to take it.

Mr. Reddinger said he would pass on that opportunity.

Ms. Price said there was no one signed up for public comment, so she closed the public hearing, and the matter was now before the Board for any additional comments or questions.

Mr. Gallaway said to his earlier question about the residential turning into increased square footage for the commercial, there had been some decisions made where they reduced commercial space and allowed residential into it, so each time those applications came before the Board, they asked if they were tracking it to see what they were losing, but this could be a gain in that calculation, which he was pleased to see. He said he was excited for the vision and idea, so he was happy to support the project.

Ms. McKeel said it was exciting and hopefully would support some great work in the community.

Ms. Mallek said she began as a dishwasher and research assistant in her first post-college job, she knew how these things could get people trained to have a good career.

Ms. Price **moved** that the Board adopt the ordinance as presented in Attachment G to approve ZMA202100014 Albemarle Business Campus. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**ORDINANCE NO. 22-A(8)**  
**ZMA 2021-00014 ALBEMARLE BUSINESS CAMPUS**

**AN ORDINANCE TO AMEND THE ZONING MAP**  
**FOR PARCEL ID 07600-00-00-05400**

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00014 and their attachments, including the application plan last revised on May 17, 2022 and the Code of Development last revised on May 17, 2022, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-20A and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2021-00014 with the application plan last revised on May 17, 2022 and the Code of Development last revised on May 17, 2022.

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Non-Agenda Discussion.

Ms. Price said to Mr. Walker and Mr. Rapp that a follow-up to her comment this evening when she talked about the 3,500-acre mega-industrial site down in Danville, the last two trips she had made with the Sorensen Institute had been to Roanoke, where they saw the Fralin Biomedical Research Institute and the Carilion Clinic Center for Simulation, and in Danville, the Institute for Advanced Learning. She said in Danville they had the 3,500-acre mega-industrial site. She said this application they just approved was exactly what they needed more of in Albemarle County, and she hoped that as part of their Comprehensive Plan, as they looked forward to the future, that this was the type of facility they would be able to support and encourage to come here.

Mr. Gallaway said he understood the state budget was finalized, and the grants from the VEDP (Virginia Economic Development Partnership) did not change between the governors, but those were grants to be able to move sites from one tier level to a higher tier level. He said now that it was set in stone, he would like to know if that was being discussed and if there were any opportunities there for the County.

Ms. Price said her comments equally went to the Economic Development Office.

Mr. Newberry said unfortunately, there was not quite as much money included in the state budget

as was originally proposed. He said at one point in time, there was a discussion of \$150M for the Virginia Business Ready Sites Program. He said this fiscal year, at a conference last week, they learned it would be \$35M.

Mr. Gallaway asked if it went from \$150M to \$35M.

Mr. Newberry said they were excited to explore what opportunities would best leverage the opportunities the County had.

Mr. Gallaway said it was said this state would be made better for businesses.

Ms. McKeel said they were already one of the best.

Mr. Gallaway thanked Mr. Newberry for the update.

Ms. Mallek said asked if there would be funding available to support renovation of brownfields and outdated shopping centers of which they had hundreds of thousands of square feet available.

Mr. Newberry said the brownfield grant would continue. He said he did not believe there had been any increase in that budget from previous years.

Ms. Mallek said those were all competitive things.

Mr. Newberry said this offered another opportunity for them.

Mr. Gallaway said while the amount was smaller, he hoped they were still pursuing to see if the lower tiers they had could be elevated. He said perhaps that could come up at another time.

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Agenda Item No. 18. Closed Meeting (if needed).

Ms. Price said they did not have time to complete everything in their closed meeting due to their late schedule, and because of the scheduling issues of the people presenting, they would not be going into a second closed session this evening, but they would be adding a closed session tomorrow to their agenda.

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Agenda Item No. 19. Certify Closed Meeting.

Not needed.

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

Ms. Price said Mr. Gallaway had earlier mentioned HB44, which had been mentioned earlier but she was unsure if that was covered.

Mr. Gallaway said it was covered. He said the reason he wanted to highlight it was that the public meetings were in May, so this came to his attention at the TJPDC meeting at the beginning of June that they had occurred. He said the report out date was August 1. He said if there was an opportunity or if people had an interest, he could send the link to the meetings. He said he thought that if they needed to send something to that work group or committee, if they wanted to suggest some best practices or make some comments on how they changed the bill, that could be a good opportunity to do that.

Mr. Gallaway said if there were six of them sending different words from the Board, it was a matter of if they wanted to comment on allowing some of these other groups or groups they decided to exclude, this would be a good place to put it on the record and lead to a conversation in the fall in their legislative packet to help support whether Ms. Bennett-Parker continued to push forward with it. He said he wanted to bring it to the attention of the Board, and if there was a letter or something, they could do that, but he was not necessarily thinking they would decide all that tonight, they would have to get the writing and all of that.

Mr. Andrews said the TJPDC met after their last meeting, and in addition to resolutions furthering the Smart Scale and body processes, they elected a new Chair, Ned Gallaway.

Ms. Price thanked Mr. Andrews for letting the Board know.

Ms. McKeel asked if Ms. Price would take them on the tour she had described during the meetings. She said she was very interested in visiting those places.

Ms. Price said she would forward the schedule to the Board.

Ms. McKeel said it sounded like a fascinating group of facilities to tour.

She said the only other thing she wanted to mention, which may be preliminary, was that the Preparing for Resilience that was on their Consent Agenda was a very powerful document. She said she thought it was referenced today and that she hoped she would have the opportunity to talk about this as a Board, perhaps combining it with their Climate Action Plan. She asked if there was a way they could be creative about getting this information out to their community. She said she thought it was great information, although a little scary.

Ms. McKeel said she knew they did not often take out ads in the paper, because they were expensive, but going forward, she would like to share at least some of this information with the public in a different way in addition to talking about it in the meeting, because she knew many people in the community did not listen to their meetings. She said to Ms. Kilroy that she would like to share this information with a sense of urgency.

Ms. Kilroy introduced herself as Emily Kilroy, Director of Communications and Public Engagement. She said the team that was done in partnership with the Piedmont Environmental Council and the team that worked on that wanted to have an event to share it with the community and have some of the people who did a lot of the content, the several hundred page document that was put into a shorter document, to have some of that data analysis and walk through that to make it more accessible and respond to some deep content questions they expected so many of the very knowledgeable people in their community would have.

Ms. Kilroy said the team could not assemble because of scheduling conflicts until late summer or early fall. She said there was an intention to do that, but they did not want to wait to give the report to the Board and getting it out to the community initially because the work was completed. She said they wanted to do some events in the late summer and fall to tie it into that second phase of the climate action work. She said the Board adopted the plan a couple of years ago, and the next phase is what implementation looked like and taking small steps along the way while planning for some bigger strides. She said all of that should be coming in the fall.

Ms. McKeel said that was great. She said she would like for them to put separate articles in the paper to show important information each week, although it was expensive, it was a way to reach people. She said the timing could be the same, but they should think of doing something a little different to grab the attention of the community.

Ms. Kilroy said they could certainly look at that with a project team.

Ms. McKeel said they could choose what they shared. She asked if Ms. Kilroy understood what she was saying.

Ms. Kilroy said yes, they could work with a project team to see what would work.

Ms. McKeel said it would be interesting.

Ms. Kilroy said they could sort of build breadcrumbs to a larger discussion.

Ms. McKeel said yes. She said she knew once or twice over the past two decades, they had created an insert that went into the paper. She said she was not the expert on that, but she thought sharing this in an additional way was something to think about.

Ms. Kilroy thanked Ms. McKeel for the feedback.

Ms. Mallek asked if they had any additional information from the glossy booklet they had here. She said she was hoping to make a poster she could have at parades for people to see, even just by taking the pages and putting them out there so people could stop and look. She said it would be a great way to reach people.

Ms. Kilroy said certainly. She said they could look at different ways to do that.

Ms. Mallek said the libraries would be a great place to have a panel.

Ms. Price asked if Ms. McKeel had any further comments.

Ms. McKeel said no.

Ms. Mallek said she would reiterate that there were steering committees at VACo that did not have any Albemarle County representatives, so she asked if they would please think about if they would be willing to take one on. She said she was involved with energy and agriculture committees, but there was transportation, general government, and budget. She said they often had executive staff do some of those, and one of their executives was usually on general government for a long time.

Ms. McKeel asked Ms. Mallek to send a list of ones that were open.

Ms. Mallek said she would do so. She said also, at the VACo Board meeting, one of the directors from southwest Virginia said they had to stop referring to the utility-scale solar facilities as solar farms, because that was an insult to farms. She said they were industrial sites, so she was trying to change her language around it and was giving them the opportunity to change as well. She said they clearly were not

farms in any sense.

Ms. Price said it was a great benefit to their community to have Supervisor Gallaway taking over as the chair of the TJPDC. She said with his leadership on the School Board, serving as Chair on the Board of Supervisors, and she was fortunate enough to serve with Supervisor Gallaway last year on TJPDC. She said Mr. Gallaway would bring a level of maturity and leadership there that would benefit their entire region. She said she was excited about what would happen now at TJPDC with Mr. Gallaway as Chair.

Ms. Price said the second thing she wanted to say was that when she applied for the Sorensen Institute PLP program last fall, one of the questions they asked was “does your employer provide financial assistance for education?” She said that there was nothing in their budget that provided for Supervisor education or training, other than participation at VACo. She said she did not raise anything because it would clearly appear as self-serving at that point, but she offered to this Board to consider including in the budget, a budget line for Supervisor training and education beyond VACo. She said her thought could be it could be the Sorensen Institute’s PLP program or some other comparable program that they looked at each year to have an opportunity for a Supervisor to take advantage of that.

Ms. Price said these four trips to Williamsburg, Richmond, Roanoke, Danville, and Martinsville had exposed her to so many different opportunities around this Commonwealth, which was allowing her to bring things back to the Board. She said it would be to the benefit of this Board to have a budget item for just a few thousand dollars each year to help provide to the Supervisors the exposure around the Commonwealth, because it helped her see things they could do here to do things better and make their economy and quality of life better.

Ms. McKeel said that was a great idea. She said a few years ago, she looked at the cost of the Sorensen Institute and could not afford it.

Ms. Price said it was not cheap.

Ms. Price said they were going to have to read the rules of procedure but Ms. Hudson, the County Attorney had helped them take care of that earlier today, so she had nothing further. She asked Mr. Walker if he had anything.

Mr. Walker said he had nothing further.

Agenda Item No. 21. Adjourn to June 16, 2022, 11:00 a.m., Room 235.

At 6:46 p.m., the Board adjourned its meeting to June 16, 2022, 11:00 a.m. Room 235, Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

Chair

Approved by Board
Date: 04/03/2024
Initials: CKB