

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 2, 2023 at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

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

ABSENT: None.

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

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

Ms. Price said Albemarle County Police Officers Andy Muncy and Kate Kane were present at the meeting to provide their services.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price noted that Item 8.5a, a resolution to change the start time for the August 16 meeting to 2:30 p.m., was added to the Consent Agenda. She stated that Item 9, SUB202300034 Colonnade Drive Petition for Abandonment, had been withdrawn at the petitioner's request and was removed from the agenda. She stated that additionally, immediately before the meeting commenced, she was advised that one of the consent agenda items for appropriation required an amendment. She asked the County Attorney if he had received that modification.

Mr. Steve Rosenberg, County Attorney, said yes, it was a minor correction to delete the letter "a" in Item 8.3.

Mr. Ryan Davidson, Deputy Chief of Budget, stated that there was an FY 2024 appropriation for the Piedmont Housing Association Southwood Apartments, and they had found that the "a" designation was not correct for this particular project. He stated they just recently signed an agreement related to this that did not include that letter "a." so for clarity's sake they wanted to ensure the appropriation and the agreement were matching.

Ms. Price asked the County Attorney if that was sufficient to be proposed as an amendment.

Mr. Rosenberg asked for clarification that the item in question was Item 8.3a FY 2024 Appropriations and official intent to reimburse expenditures with proceeds of borrowing.

Mr. Davidson said yes.

Mr. Rosenberg clarified that the description of Attachment A did not appear in either the two attached resolutions B or C.

Mr. Davidson stated that was correct.

Mr. Rosenberg stated that from an action standpoint for the Board, there was nothing to modify, and the Board was adopting Attachments B and C, which were the resolutions.

Ms. Price asked if it was simply the description in the staff report.

Mr. Rosenberg stated that was correct.

Ms. Price clarified that there was no modification or amendment required for Consent Agenda Item 8.3, but there was clarification of a scrivener's error in the staff report.

Mr. Rosenberg stated that was correct.

Ms. Price stated that there were two amendments, Item 8.5a, and removal of Item 9. She said the floor was open for a motion.

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

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

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

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

Mr. Andrews announced that there was a Riparian Buffer Overlay District survey that was open until August 13, and VDOT had opened a couple of surveys for road projects including Ivy Road, Route 250, and Barracks Road. He said there was also a streetsweeper survey that was still open. He encouraged the public to take advantage of those surveys through the [vaprojectpipeline.org](http://vaprojectpipeline.org) webpage, look under the Culpeper District, and the others are available through [engage.albemarle.org](http://engage.albemarle.org).

Ms. Mallek stated that the Agricultural and Forestal land use property tax program free reapplications were due September 1. She stated that anyone who had participated in the program or applied to join the program should have already received forms, so if one had not received them, they should call and get them from the Finance Department. She asked that people please expeditiously get them filled out so they could be received on time and processed.

Ms. Mallek stated that Service Dogs of Virginia was offering a demonstration of puppies in training this Sunday, August 6, at the Center at 1:30 p.m. She said it was a great way to see how the program worked and what went into creating a companion animal for someone in need.

Ms. Mallek stated that Living Free Together was a nonprofit organization supporting veterans and military families of the greater area, and they were hosting their second annual Ruck the Ridge event on November 11 at the Blue Ridge School in Saint George, in the northwest corner of the County. She stated that proceeds would go to support the programs for their local military and first responder families.

Ms. Mallek said that it was a unique adventure in which participants chose from multiple routes perfect for trail running, walking, or hiking, and children were welcome. She said that people could participate individually or as a team, would choose the length of course and whether to wear a ruck or weighted backpack, as well as which obstacle course to tackle. She encouraged the public to participate and get more details from Living Free Together.

Ms. Mallek stated that she very much enjoyed reading the LUPEC (Land Use Planning Environmental Committee) report in the packet and was amused by the cartoons.

Mr. Gallaway stated that CAMPO's (Charlottesville-Albemarle Metropolitan Planning Organization) "Moving Toward 2050" was their long-range transportation plan. He stated that by searching online for CAMPO, citizens could locate the webpage that housed an online survey asking for thoughts on the regional transportation system. He stated that it was a clever system they had, and he would like to see greater participation in the surveys in order to achieve more accurate results. He stated that other events would be held for the TJPDC (Thomas Jefferson Planning District Commission) and CAMPO as well.

Ms. McKeel clarified that the surveys for Ivy Road and Barracks Road areas would be open through August 18.

Ms. LaPisto-Kirtley stated that last night was the National Night Out for the Police Department and they were in several locations around the County. She stated that it was a wonderful event, and the event for the Avemore area would be happening tonight from 5:30 p.m. to 7:30 p.m.

Ms. Price stated that she attended the first two National Night Out events in the County and wanted to give the Chief of Police credit for working on different and innovative ways for the event to happen. She stated that last year the event was in one location, but this year there were four locations. She said that it was nice to have the opportunity to talk to the leasing manager or operational manager of several of the apartment complexes where they did meet.

Ms. Price stated that the average occupancy in those complexes was around 95%, so it was another indication, as well as the average price of one-, two-, and three-bedroom apartments, of the cost of housing in the area. She stated that she appreciated how many of the local residents came out, because it was good for them to see and interact with law enforcement in a non-emergency situation, and the ice cream truck was key.

Ms. Price stated that Saturday, beginning at 10:30 a.m., was a dedication at Southwood that several of the Supervisors would attend. She stated that the staff and the Board had been working on this incredible, first-in-the-nation redevelopment product, and they hoped that many people would be able to attend. She stated that there would be a blood drive at the 5th COB (County Office Building) next Tuesday between 9:30 a.m. and 3 p.m. She stated that blood was critical and always in demand and encouraged people to donate.

Ms. Price stated that the Albemarle County Public Schools would have their annual convocation on the morning of the 15th of August at Ting Pavilion, and Supervisor McKeel would be a key speaker at the event. She stated that on the 18th of August, Albemarle County would host a meeting of the Virginia Council on Women, a Board of Gubernatorial Appointees who were focused on issues that affected women.

Ms. Mallek stated that VDOT was holding design hearings for six items, two being SMART SCALE projects. She stated that the two dates for the hearings were September 19 at PVCC (Piedmont

Virginia Community College) and September 21 at the Center at Belvedere from 5 p.m. to 7 p.m. She said that it was an important time for people living near or interested in those projects including the work at Belvedere and John Warner Parkway, the trestle roundabout in the western part of the County on Route 250, a project on Pantops, and a project on Avon Street. She stated that details were on the VDOT website, and she asked the public to attend.

Ms. LaPisto-Kirtley clarified that the address for the National Night Out this evening was 1540 Avemore Avenue in Pantops, and the ice pop truck would be there.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Mr. Doug Earl stated that at the last Board meeting, there was a question asked about where they stood with Ranked Choice Voting (RCV), and he would like to comment on that question. He stated that in November, the Board conducted two work sessions and concluded that RCV was not ready for primetime. He stated that that was the correct assessment at that time, however by January the Virginia Department of Elections had issued guidance that cleared up all major questions relating to certifications, costs, acquisitions, and the like.

Mr. Earl stated that by February, it was too late to implement in 2023, because they assessed correctly that RCV should first be used in a primary before being tried in a general election. He stated that in April and May, they responsibly and proactively allocated \$65,000 in the budget to RCV, but in May it was prudent on their part to wait to see how RCV fared in the Arlington primary elections, and even though Arlington ultimately decided not to carry RCV forward to the general elections, the conduct of their RCV election was exceedingly smooth and without incident. He stated that post-election surveys showed that 70% of voters were happy with their RCV experience.

Mr. Earl said that the Arlington decision to pause RCV was the right decision for them because post-election surveys also showed that while 49% favored going forward, 51% did not or were unsure about going forward, based on a poor understanding of how RCV tabulation worked in a multi-winner election. He stated that that issue did not impact Albemarle County.

Mr. Earl stated that it was now post-Arlington, and nothing stood in Albemarle County's way, and every month they hesitated action on RCV was one less month the County Registrar had to plan for implementation and education of RCV. He stated that RCV was a process, and the Board must first pass a resolution that was nonbinding and wait at least 30 days after that to address the ordinance. He stated that furthermore, advocates for RCV recommended they initiate public comment at least 45 days before the resolution in order to hear from the public.

Mr. Earl stated that when he went to farmer's markets to give out RCV information, the question he heard was, "is this a real thing?" He stated that citizens had no knowledge because their leaders were not talking about it, and it was now time to talk to County residents to find out how they felt about this simple change to their ballot. He stated that if they did not want it, then they should not implement it.

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Mr. John Hall stated that he was a resident of the Frye Spring neighborhood in the City of Charlottesville. He stated that he would like to tell the Board that he was picking up good traction on one of his inventions, which was a solar-powered bus shelter. He indicated the image of the bus shelter on the poster provided. He stated that he was told that he should try to meet with Garland Williams, the Director of Charlottesville Area Transit, so he had an appointment with him for the 14th of this month.

Mr. Hall stated that the shelter should be viewed as government assets, because they would continue to pay back to the grid, while providing ports to charge cell phones, laptops, and palm-tops. He stated that they featured comfortable stadium seating, bike and scooter racks beside them, dome lighting at night, 911 call boxes, and arrival/departure screens to upgrade bus service. He stated that he had thought of 260-volt socket receptacles for charging electric buses and cars in the future if the need arises.

Mr. Hall asked to please note the attachment poster he brought to the meeting. He stated the need to work with Dominion Energy to give them a free street easement and \$5,000 per mile for engineers and planning strategic undergrounding of cable services. He stated that it was important to consider hiring himself as a consultant to Ms. Jessica Hersh-Ballering when she presented the transportation study update. He stated that they could work together to bring the solar-powered bus shelters into the County, and when he talked to Mr. Garland Williams, he could potentially meet with the new City Manager, Sam Sanders.

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Agenda Item No. 8. Consent Agenda.

Ms. Price noted the addition of Item 8.5a, the Resolution to change the start time for the August 16 meeting to 2:30 p.m.

Mr. Andrews **moved** to adopt the consent agenda as amended.

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

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

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Item No. 8.1. Approval of Minutes: September 15, November 17, and November 29, 2021.

Ms. Mallek had read the minutes of September 15, 2021 and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of November 17, 2021 and found them to be in order.

Ms. McKeel had read the minutes of September 15, 2021 and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of September 15, November 17, and November 29, 2021.**

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Item No. 8.2. Fiscal Year 2023 Appropriations.

The Executive Summary as 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 2023 (FY 23) budget due to the appropriations itemized in Attachment A is \$486,347. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for County government and Public School 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 County government projects and public school projects described in Attachment A:**

**Appropriation #2023057**

|   |                        |                  |
|---|------------------------|------------------|
| <b>Sources:</b>                           | Local Revenue          | \$402,211        |
| <b>Uses:</b>                              | Fire Rescue Department | \$402,211        |
| <b>Net Change to Appropriated Budget:</b> |                        | <b>\$402,211</b> |

**Description:**

This request is to appropriate:  
\$102,211 in insurance reimbursement funds to cover the costs of repairs made throughout the fiscal year to multiple fire rescue vehicles and pieces of equipment.  
\$300,000 in Emergency Medical Services (EMS) cost recovery revenue collected above the amount budgeted, to fund the administrative and operational costs associated with running the additional EMS calls.

**Appropriation #2023058**

|   |  |                 |
|---|--|-----------------|
| <b>Sources:</b>                           | State Revenue  | \$46,067        |
| <b>Uses:</b>                              | Library of Virginia Circuit Court Records Preservation Program Grant | \$46,067        |
| <b>Net Change to Appropriated Budget:</b> |  | <b>\$46,067</b> |

**Description:**

This request is to appropriate \$46,067 in grant funding from state revenue for the Library of Virginia

Circuit Court Records Preservation Program Grant Fund, with the County acting as fiscal agent, to the Clerk of the Circuit Court for the restoration of books and documents.

**Appropriation #2023059**

|   |                                     |                 |
|---|-------------------------------------|-----------------|
| <b>Sources:</b>                           | Local Tax Revenue                   | \$38,069        |
| <b>Uses:</b>                              | Economic Development Authority Fund | \$38,069        |
| <b>Net Change to Appropriated Budget:</b> |                                     | <b>\$38,069</b> |

**Description:**  
This request is to appropriate \$38,069 from local tax revenue to be transferred to the Economic Development Authority Fund pursuant to the Habitat Southwood Performance Agreement dated July 1, 2019. After Board of Supervisor approval, the EDA will transfer the rebate to Habitat for Humanity. This is the first payment pursuant to the performance agreement based on the progress of the project.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2023 APPROPRIATIONS**

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

- 1) That Appropriations #2023057; #2023058; and #2023059 are approved;
- 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, 2023.

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| APP#    | Account String                  | Description   | Amount       |
|---------|---------------------------------|---|--------------|
| 2023057 | 3-1000-33001-341000-410800-9999 | SA2023057 Insurance Recovery Revenue from Claims  | \$102,211.00 |
| 2023057 | 3-1000-33001-316000-160402-9999 | SA2023057 EMS Revenue Update  | \$300,000.00 |
| 2023057 | 4-1000-33400-432000-331500-9999 | SA2023057 Repair Expenses Related to Insurance Claims                                     | \$102,211.00 |
| 2023057 | 4-1000-33500-432000-120000-9999 | SA2023057 EMS Revenue Update - OT Expenses  | \$300,000.00 |
| 2023058 | 3-5463-22100-324000-240500-9999 | SA2023058 APP2023058 Library of Virginia Circuit Court Records Preservation Program Grant | \$46,067.00  |
| 2023058 | 4-5463-22100-421700-345700-9999 | SA2023058 APP2023058 Library of Virginia Circuit Court Records Preservation Program Grant | \$46,067.00  |
| 2023059 | 4-1000-99000-493000-934001-9999 | SA2023059 SA2023059 Transfer out of GF to EDA   | \$38,069.00  |
| 2023059 | 3-1000-11000-311000-110155-1000 | SA2023059 SA2023059 Local Tax Revenue to EDA - Southwood Rebate                           | \$38,069.00  |
| 2023059 | 3-4700-91095-351000-512000-9999 | SA2023059 SA2023059 Transfer into EDA Fund from GF  | \$38,069.00  |
| 2023059 | 4-4700-91095-491095-950031-9999 | SA2023059 SA2023059 EDA Use of Funds from GF  | \$38,069.00  |

Item No. 8.3. Fiscal Year 2024 Appropriations and Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

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

The total change to the Fiscal Year 2024 (FY 24) budget due to the appropriations itemized in Attachment A is \$4,192,000. 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.

This request is also for the Board’s approval of a Resolution of Intent to Reimburse Expenditures Related to Capital Projects with Proceeds of a Borrowing for these projects and is contingent on the Board’s approval of Appropriation #2024004. The Resolution would allow the County to use up to \$970,000 in borrowed proceeds to reimburse the capital budget for expenditures incurred prior to the programmed borrowing of funds for these projects.

- Staff recommends the Board:
- 1. Adopt the attached resolution (Attachment B) to approve the appropriations for County government.

2. Adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

By the above-recorded vote, the Board adopted a resolution (Attachment B) to approve the appropriations for County government, and a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C):

**Appropriation #2024004**

|   |   |                  |
|---|---|------------------|
| <b>Sources:</b>                           | Borrowed Proceeds   | \$921,500        |
|   | Capital Fund's Fund Balance   | \$48,500         |
| <b>Uses:</b>                              | Capital Improvement Program (CIP) - Fire Rescue Apparatus Replacement | \$970,000        |
| <b>Net Change to Appropriated Budget:</b> |   | <b>\$970,000</b> |

**Description:**  
This request is to accelerate from FY 25 to FY 24 a total of \$970,000 for a ladder truck. The apparatus manufacturer is quoting build times of approximately 2 to 3 years for this type of apparatus, which is about one year longer than expected when the Fire Rescue apparatus replacement budget was developed. Accelerating the funding to FY 24 will allow a purchase order to be issued in time to receive the ladder truck as initially planned in the Fire Rescue apparatus replacement plan.

The ladder truck is planned to be funded by \$921,500 in borrowed proceeds and \$48,500 in planned use of the Capital Fund's fund balance. This acceleration is not anticipated to have a long-term budget impact because the cash outlay and related debt service on the borrowed proceeds for the ladder truck are still anticipated to happen as originally planned, this change is only accelerating the procurement of the ladder truck.

**Appropriation #2024005**

|   |  |                  |
|---|--|------------------|
| <b>Sources:</b>                           | Federal Revenue  | \$222,000        |
|   |  |                  |
| <b>Uses:</b>                              | Department of Criminal Justice Services (DCJS) American Rescue Plan Act (ARPA) Law Enforcement Equipment Grant | \$222,000        |
| <b>Net Change to Appropriated Budget:</b> |  | <b>\$222,000</b> |

**Description:**  
This request is to appropriate \$222,000 in federal revenue for the Department of Criminal Justice Services (DCJS) American Rescue Plan Act (ARPA) Law Enforcement Equipment Grant. These funds will be used to purchase grant approved equipment by the Police Department such as, drones, ballistic shields and thermal imaging, which will aid in officer safety, further reduce violent situations and reduce gun violence within the community.

**Appropriation #2024006**

|   |                             |                    |
|---|-----------------------------|--------------------|
| <b>Sources:</b>                           | Housing Fund's fund balance | \$3,000,000        |
|   |                             |                    |
| <b>Uses:</b>                              | Housing Fund                | \$3,000,000        |
| <b>Net Change to Appropriated Budget:</b> |                             | <b>\$3,000,000</b> |

**Description:** This request is to re-appropriate \$3,000,000 in Housing Fund's fund balance for Piedmont Housing Alliance's (PHA) Southwood Apartments A, which is a project previously approved by the Board on April 20, 2022.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2024 APPROPRIATIONS**

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

- 1) That Appropriations #2024004; #2024005; and #2024006 are approved;
- 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, 2024.

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| APP#    | Account String                  | Description   | Amount         |
|---------|---------------------------------|---|----------------|
| 2024004 | 4-9010-33001-432000-800510-9630 | SA2024004 Purchase of Ladder Truck                      | \$970,000.00   |
| 2024004 | 3-9010-99000-341000-410530-9630 | SA2024004 Borrowed Proceeds for Ladder Truck            | \$921,500.00   |
| 2024004 | 3-9010-99000-351000-512004-9630 | SA2024004 Fund Balance for Ladder Truck                 | \$48,500.00    |
| 2024005 | 3-5125-31100-333000-330055-9999 | SA2024005 5125-Arpa Law Enforcement Grant               | \$222,000.00   |
| 2024005 | 4-5125-31100-431000-601000-9999 | SA2024005 5125-Arpa Law Enforcement Grant               | \$178,736.00   |
| 2024005 | 4-5125-31100-431000-800125-9999 | SA2024005 5125-Arpa Law Enforcement Grant               | \$43,264.00    |
| 2024006 | 3-5801-99000-352000-510100-9999 | SA2024006 FY23 Housing Fund PHA funding reappropriation | \$3,000,000.00 |
| 2024006 | 4-5801-59100-481000-560000-0058 | SA2024006 FY23 PHA Southwood Agreement                  | \$3,000,000.00 |

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**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF A BORROWING**

**WHEREAS**, the Board of Supervisors of Albemarle County, Virginia (the “Borrower”) has or intends to acquire, construct and equip various capital improvement projects described in the Borrower’s Capital Improvement Program (as it may be amended from time to time), including but not limited to projects undertaken for the following governmental and public purpose categories: (a) County administration, (b) judicial, (c) parks, recreation and cultural, (d) community development, (e) public safety, (f) public works, (g) schools, (h) transportation, (i) water resources and (j) solid waste (collectively, the “Project”); and

**WHEREAS**, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

**NOW, THEREFORE, BE IT RESOLVED** by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$970,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

Item No. 8.4. Resolution Reorganizing Social Services and Human Services and Appointing the Chief Human Services Officer and Resolution Appointing the Director of Social Services.

**By the above-recorded vote, the Board adopted The Resolution Reorganizing Social Services and Human Services and Appointing the Chief Human Services Officer (Attachment A), and the Resolution Appointing The Director Of Social Services (Attachment B):**

**RESOLUTION REORGANIZING SOCIAL SERVICES AND HUMAN SERVICES  
AND APPOINTING THE CHIEF HUMAN SERVICES OFFICER**

**WHEREAS**, upon the recommendation of the County Executive, pursuant to the authority granted to the Board of Supervisors of the County of Albemarle, Virginia (the "Board") by Virginia Code § 15.2-518, the Board desires to reassign, transfer, rename, and combine county functions, activities, and departments with respect to the delivery of social and human services in Albemarle County, Virginia (the "County"); and

**WHEREAS**, upon the recommendation of the County Executive, pursuant to the authority granted to the Board by Virginia Code §§ 15.2-512 and 15.2-518, the Board desires to create the position of Chief Human Services Officer to supervise the delivery of social and human services in the County;

**WHEREAS**, upon the recommendation of the County Executive, pursuant to the authority granted to the Board by Virginia Code § 63.2-302, the Board desires to appoint the Chief Human Services Officer to serve as the local Board of Social Services for the County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that a Chief Human Services Officer position is created pursuant to Virginia Code §§ 15.2-512 and 15.2-518; and

**BE IT FURTHER RESOLVED** that the Board appoints the Chief Human Services Officer to serve as the local Board of Social Services for the County for purposes of Virginia Code §§ 63.2-300, 63.2-302, and 63.2-303, superseding that certain resolution adopted by the Board on November 5, 1997, appointing the Director of Social Services to serve as the local Board of Social Services; and

**BE IT FURTHER RESOLVED** that the Chief Human Services Officer in such individual's role as the local Board of Social Services shall directly or indirectly supervise (i) all mandated benefits and services required to be provided by the local Board of Social Services or the local Department of Social Services, as such benefits and services are set forth in Title 63.2 of the Code of Virginia, and (ii) all other, non-mandated benefits and services determined locally to be provided by the local Department of Social Services, with direct supervisory responsibility of all of such benefits and services to be allocated from time to time between the Chief Human Services Officer and a Director of Social Services, as determined by the County Executive in consultation with the Chief Human Services Officer;

**BE IT FURTHER RESOLVED** that the Chief Human Services Officer shall also directly supervise the County's Office of Human Services, Office of Housing, Office of Equity and Inclusion, and Broadband Accessibility and Affordability Office, previously or now established, and such other units of County government assigned by the County Executive from time to time to the Chief Human Services Officer's portfolio; provided, the County Executive, in the exercise of the County Executive's discretion, may reassign all or any of such offices to the portfolio of another member of the County Executive's executive leadership team; and

**BE IT FURTHER RESOLVED** that, upon the recommendation of the County Executive, Kathleen A. Dimock ("Dimock") is hereby appointed to the position of Chief Human Services Officer for the County pursuant to Virginia Code §§ 15.2-512 and 15.2-518; and

**BE IT FURTHER RESOLVED** that this appointment shall be effective on and after August 2, 2023; and

**BE IT FURTHER RESOLVED** that Dimock will serve as the Chief Human Services Officer at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

**BE IT FURTHER RESOLVED** that Dimock will act in the role as Chief Human Services Officer under the supervision of the County Executive; and

**BE IT FURTHER RESOLVED** that the Board does hereby direct and authorize the County Executive to take all necessary steps to implement the Board's restructuring of the delivery of social and human services in the County, consistent with this Resolution.

\* \* \* \* \*

#### **RESOLUTION APPOINTING THE DIRECTOR OF SOCIAL SERVICES**

**WHEREAS**, by adoption on August 2, 2023, of that certain resolution entitled *Resolution Reorganizing Social Services and Human Services and Appointing the Chief Human Services Officer* (the "Restructuring Resolution"), the Board of Supervisors of the County of Albemarle, Virginia (the "Board") reassigned, transferred, renamed, and combined county functions, activities and departments with respect to the delivery of social and human services in Albemarle County, Virginia (the "County"); and

**WHEREAS**, the Board's action in the Restructuring Resolution included the appointment of the then current Director of Social Services to the position of Chief Human Services Officer, newly established by the Board upon the recommendation of the County Executive; and

**WHEREAS**, to fill the vacancy resulting from the appointment of the Chief Human Services Officer, the Board desires to appoint a new Director of Social Services;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle,



Virginia that, upon the recommendation of the County Executive, Mary Stebbins ("Stebbins") is hereby appointed to the position of Director of Social Services for the County pursuant to Virginia Code § 15.2-512; and

**BE IT FURTHER RESOLVED** that this appointment shall be effective on and after August 2, 2023; and

**BE IT FURTHER RESOLVED** that Stebbins will serve as Director of Social Services at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

**BE IT FURTHER RESOLVED** that Stebbins will serve as the head of the County's Department of Social Services and have the powers and duties stated in Virginia Code § 15.2527, except for (i) such powers and duties as are allocated from time to time to the Chief Human Services Officer, as determined by the County Executive in consultation with the Chief Human Services Officer in accordance with the Restructuring Resolution, and (ii) charge of parks and playgrounds; and

**BE IT FURTHER RESOLVED** that Stebbins will act under the supervision of the Chief Human Services Officer in the Chief Human Services Office's capacity as the local Board of Social Services.

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Item No. 8.5. Albemarle County Housing Assistance Program Loan Interest Forgiveness Request.

The Executive Summary as forwarded to the Board states that since 2005, the Albemarle County Housing Assistance Program (ACHAP) has and continues to provide down payment assistance and closing cost assistance to low- and moderate-income households to assist with the purchase of a home in the County. The assistance is provided at a 6% simple interest rate, deferred payment loans of up to \$19,100, with the balance of the loans due at the time a home is sold or when an ACHAP loan recipient refinances their mortgage. The program was funded through allocations of Board-approved appropriations of county revenue to the ACHAP fund, with the final appropriation of program funds in Fiscal Year 2010 (FY 10). As loans are repaid, the funds are used to replenish the ACHAP fund, which currently has a balance of approximately \$900,000. The ACHAP is administered by the Piedmont Housing Alliance (Attachment A).

Staff has received a request to waive the interest due on an ACHAP loan. In January 2010, Piedmont Housing Alliance (PHA) awarded Ms. D. Hackley an ACHAP loan in the amount of \$13,645 to assist with the purchase of a townhome located on Parcel ID 061B0-01-0C-00400 (see Attachment B - Deed of Trust and Attachment C - Promissory Note). In April 2019, Ms. Hackley passed away and her home transferred ownership to the family estate currently being managed by Ms. Hackley's mother. Ms. Hackley's mother, the surviving family member, would like to retain ownership of the home. To do so, the family will need to repay the balance of the ACHAP loan as required under current program guidelines (Attachment D). However, after satisfying the balance of the primary home mortgage and covering funeral expenses, the estate does not have enough remaining funds to cover the full balance of the ACHAP loan. The amount of interest the family is asking to be forgiven is \$11,036.37 (Attachment E). Without forgiveness of the outstanding interest amount, Ms. Hackley's mother, who is retired and receives a fixed monthly income, will struggle to pay off the full loan amount.

As is typical of other down payment assistance programs such as the federal Housing Opportunities Made Equal (HOME) program, ACHAP allows for the forgiveness of all or a portion of the loan when the loan recipient has insufficient funds to repay the full loan amount. The County has taken this step several times since 2005, with the most recent action taken in June 2019, when the then-Chief of Housing agreed to waive the interest on an outstanding ACHAP loan (Attachment F) in which staff evaluated this request and supported loan interest forgiveness.

Additionally, staff is working on updating the program guidelines, which will include a recommendation to provide ACHAP loans with zero interest. Staff is scheduled to present the recommended changes for Board approval during the October 4, 2023, meeting.

There is no direct impact on the County budget. However, forgiveness of the accumulated interest may mean fewer funds will be available for future ACHAP loan awards.

Staff recommend the Board approve forgiveness of the accumulated interest amount.

**By the above-recorded vote, the Board approved forgiveness of the accumulated interest amount.**

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Item No. 8.5a. Resolution to change the start time for the August 16, 2024 meeting to 2:30 p.m.

**By the above-recorded vote, the Board approved a resolution to change the start time for the August 16, 2024 meeting to 2:30 p.m.:**

**RESOLUTION CHANGING THE START TIME OF THE AUGUST 16, 2023 MEETING  
OF THE ALBEMARLE COUNTY BOARD OF SUPERVISORS**

**WHEREAS**, Virginia Code § 15.2-1416 requires that the Board of Supervisors meet at such days, times and place as may be established by the Board at its organizational meeting, provided that it hold at least six meetings per fiscal year;

**WHEREAS**, § 15.2-1416 further requires that if the Board subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the Board shall pass a resolution as to such future meeting day, place or time;

**WHEREAS**, according to its January 4, 2023 resolution, the Board established its regular meeting schedule for the period of January 2023 through January 2024;

**WHEREAS**, such resolution generally provides that the Board will hold regular meetings on the first and third Wednesdays of each month, starting at 1:00 p.m.; and

**WHEREAS**, the Board has determined to defer the start of its August 16, 2023 meeting from 1:00 p.m. to 2:30 p.m.;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia that its regularly scheduled meeting on August 16, 2023, in the Auditorium of the County Office Building, 401 McIntire Road, Charlottesville, Virginia, will start at 2:30 p.m.; and that the Clerk of the Board is directed to post an attested copy of this resolution at such location where official notices are posted and to take such further actions as deemed appropriate to give notice of this change.

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Item No. 8.6. Land Use & Environmental Planning Committee (LUEPC) First Half of 2023 Semi-annual Report, **was received for information.**

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Agenda Item No. 9. **Action Item:** SUB202300034 Colonnade Drive Petition for Abandonment.

The Executive Summary as forwarded to the Board states that a property owner adjacent to the unimproved segment of Colonnade Drive has petitioned the County to consider abandoning the existing right-of-way of Colonnade Drive (Attachment A), which connects to an adjacent parcel. The specific segment proposed for abandonment is beyond the end of the existing cul-de-sac for Colonnade Drive. Specifically, it is the area shown on a 1968 plat (page 2 of Attachment A) as "Shaded area is dedicated to public street." Board action must be taken by October 30, 2023.

The Code of Virginia provides several methods by which a public road may be abandoned. Based on the process initiated by the petitioner (Virginia Code § 33.2-919), if the Board is satisfied either (a) that no public necessity exists for the continuance of the section of road as a public road or (b) that the welfare of the public would be served best by abandoning the section of road as a public road, the Board shall adopt an ordinance or resolution abandoning the section of road as a public road, and with that ordinance or resolution the section of road shall cease to be a public road. As further described in Attachment B, staff does not believe that either of the conditions needed to abandon the road applies.

The petitioner claims that the public benefits would include additional housing units in the Development Area and the potential for revenue and tax revenue if the right-of-way were sold.

However, abandoning the entire section would eliminate an existing unimproved connection to Parcel ID 07600-00-00-00200, which is zoned R15 Residential. Staff believes that the benefits of interconnected streets within this area outweigh the potential additional units on one site. Interconnections continue to be important in new developments to avoid creating an isolated environment that requires motorists to travel long, circuitous routes. Connections provide alternate traffic routes for old and new neighborhoods and can benefit emergency response. A more detailed staff analysis is provided as Attachment B. If, however, the Board is satisfied that allowing the petitioner to use a portion of the right-of-way to achieve additional units would best serve the public welfare, there could be a public benefit if the project were redesigned to maintain an interconnection to Parcel ID 07600-00-00-00200, along with public trail connections.

The petitioner has not provided any such alternate designs to-date. This approach would require further discussion with the petitioner and site plan revisions. The petitioner would need to prepare a plat and deed to vacate any portion of the right-of-way not used for public access, or to relocate the right-of-way. Staff believes the plat vacation process would be preferable to the petition process chosen here.

There is no budget impact associated with this item. If all or some of the right-of-way were abandoned or relocated, the petitioner would be responsible for the cost of surveying. If the Board chose to abandon the road, the County could (but would not be required to) sell the abandoned road, potentially to the petitioner.

Staff recommends that the Board:

1. Adopt a resolution to dismiss the petition, provided as Attachment F.
2. Provide guidance to staff and the petitioner as to whether the Board would be supportive of abandoning or relocating a portion of the right-of-way through the plat vacation process.

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The item was removed from the agenda at the petitioner's request.

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Agenda Item No. 10. **Presentation:** Rivanna Station Futures Due Diligence Update.

The Executive Summary as forwarded to the Board states that on May 24, 2023, the Board of Supervisors adopted a resolution to authorize the acquisition of real property and related assets by entry into an assignment and assumption agreement, authorizing the county's acquisition of 462 acres of property located in the Rivanna Magisterial District at a purchase price of \$58 million. The purchase agreement provides a 90-day due diligence period, extendable with a fee in 30-day increments.

On June 7, 2023, the Board received a presentation regarding site acquisition funding, due diligence, and partner engagement. At that time, staff shared an intention to return ahead of the 90-day due diligence period's end to update the Board on initial due diligence findings and other pertinent information.

On June 21, the Board approved, following a public hearing, possible uses of the Rivanna Station Futures property to include business and industry, in addition to public use and public facilities.

Staff's presentation will cover the current project activity underway, including the financing and environmental due diligence work.

Per the purchase agreement, the County has the option to extend the due diligence period in 30-day increments, up to six times, for a fee that is applicable to the final purchase price if the contract proceeds to closing. The first three 30-day increments would cost \$50,000 per increment and the final three 30-day increments would cost \$100,000 per increment. The fees have been included in the financial planning for this project to-date.

Staff recommends the Board receive this presentation as a project update.

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Mr. Trevor Henry, Deputy County Executive, stated that he and other staff would provide brief updates on the extensive work had done in the area of feasibility and due diligence.

Mr. Henry said they were in a good place for the due diligence work they had done. They were assessing in-the-ground and out-of-the ground infrastructure, environmental, leases, and title reports. He said that their assessment as to whether this was buildable to the degree they thought it would be was going well so far.

Mr. Blake Abplanalp, Chief of Facilities, Planning, and Construction Division in Facilities and Environmental Services Department (FES) stated that he would be giving a status update on the due diligence as it related to the engineering side of things. He said that their efforts in due diligence had been focused on assessing the condition of the land, existing improvements, the obligations there, any risk factors, and confirming that the land was developable for the intended use of the County.

Mr. Abplanalp stated that last Friday they received the draft report from the consultant, Line + Grade, and they were currently reviewing and providing comment back to them. He stated that their team continued to meet every Monday at noontime with representatives of the Executive's Office, Community Development, the County Attorney's Office, FES, Economic Development, and Finance. He stated that the lead engineering firm, Line + Grade, had now completed the majority of their work, and there were only a few things left under this first phase.

Mr. Abplanalp stated that the geotechnical subsurface investigations were of particular interest, because they performed 20 10-foot deep soil borings, with 15 of them along the proposed alignment for the road that would go out to Route 29, but that helped them inform the engineer as to where they may make subtle changes in that so they could do the conceptual design and put the road in the right place. He stated that the other five borings were done at potential pad locations for the future, so that they could ensure the areas they were thinking of as potential building sites were the right places for them.

Mr. Abplanalp stated that the ALTA (American Land Title Association) land survey work would be done in the next few weeks and would be beneficial for the County Attorney's team by allowing them to move forward in their title examination review. He stated that they also conducted preliminary fact-finding meetings with Rappahannock Electrical Cooperative, Rivanna Water and Sewer Authority (RWSA), Albemarle County Service Authority (ACSA), and Charlottesville Gas. He stated that they would have many more future meetings should they proceed with the sale.

Mr. Abplanalp stated that staff had been reviewing existing legal agreements and inspecting all the improvements on the property, and they had representatives of FES go to the site last week to inspect the rental home that was out there, the vacant house, and several barns and sheds on the property. He stated that of cultural significance was an existing cemetery, the Pritchett Cemetery, which was studied by the archeological consultant, who did the work at the courts, and they recommended they maintain a 50-foot buffer between any kind of development and this cemetery. He noted that Virginia law also stated that as an owner, they had to provide access to any visitors to the cemetery.

Mr. Abplanalp stated that part of their work involved two dams, three or four ponds, and a number of streams that factored into the contours of the property. He stated that they inspected the dams with consultants and internal staff, including Greg Harper from Environmental Services, who was the County Dam Inspector, and both dams were considered serviceable and in stable condition. He stated along the perimeter of the Greens Pond was a pergola structure that was of interest.

Mr. Abplanalp presented a slide showing the current conditions of several barns, the rental home, and Mosby Mt. Dam spillway. He stated that they had varying conditions, and the determination would have to be made in the future as to their status. He stated that from an engineering due diligence standpoint, the risks associated with liabilities were very low on this property, and the aging infrastructure would require some investment. He said that the important statement in the executive report was that there was nothing that indicated the land was not suitable for purchase and development.

Ms. Mallek stated that she was grateful for the respect given to the cemetery and noted that descendants should be given access but everyday tourists would not. She stated that the water features were tremendous assets, and although they were tricky, they would give quality of life to the people working on the station and for the proposed healing activities on the site.

Ms. McKeel asked what access to the graveyard would entail.

Mr. Abplanalp stated that the cemetery was very close to a parking lot and where the road was intended to be, so there would be parking relatively close to where the cemetery was.

Mr. Henry stated that this was an area that they would continue to build out in design and concept for the rest of the site and the immediate area. He stated that an example would be that they would not want to include the cemetery in an expansion of the fence line in order to restrict public access to the sub-installation. He stated that the cemetery would likely remain as a public access as it did now, and that was an element that they would work through in their design and with their partners.

Ms. LaPisto-Kirtley asked if people living in the rental home would be notified and given enough time to vacate the property.

Mr. Abplanalp said yes.

Ms. LaPisto-Kirtley asked if those were the only people living there.

Mr. Abplanalp said that was correct.

Ms. LaPisto-Kirtley asked if the pond was recreational. She asked if they would be using wells or City water.

Mr. Abplanalp stated that the water would eventually be provided through RWSA and ACSA. He stated that the larger pond was recreational at this time, and how they proceeded with it as an amenity would need to be researched more.

Mr. Jacob Sumner, Interim Chief Financial Officer, stated that he would give a brief update on the financing plan process. He stated that based on the results of the due diligence effort, they would continue into the next phase from a financing perspective. He stated that the next phase and the next time that would be before the Board to discuss financing would be at the September 6 Board of Supervisors meeting, at which time staff would bring forward bond resolutions that they would ask the Board to take action on, and that started the formal process of issuing the bond anticipation note (BAN).

Mr. Sumner stated that they would then bring the bond resolutions to the Economic Development Authority (EDA), which would serve as the issuing body for the BAN, on September 19. He noted that these were public sale bonds, and the staff was working on a preliminary official statement and preparing rating agency presentations. He stated that they would go through the full credit review as they typically did with their normal bonds, even though this was more of a short-term financing structure that they had established for this project.

Mr. Henry displayed an aerial image of the site and stated that the orange area indicated the existing Rivanna Station facility owned by the army and the green area indicated a commercial building that had been upfitted and leased by the intelligence community. He stated that entering Boulders Road, to the immediate left of Rivanna Station was an existing parking lot and on the other side of that lot was the cemetery discussed earlier. He stated that their effort had been focused on the due diligence around moving forward to a closing state, and they were so far good on that.

Mr. Henry stated that mentioned at the last meeting in July was that Mr. J.T. Newberry and he were heading up to Washington, D.C. for a regional symposium for the Association of Defense Communities about encroachment. He stated that reporting from that meeting, within their defense infrastructure in the nation, there was a clear and present threat of encroachment by foreign entities buying land around key military bases. He stated that this work was mentioned at the symposium as well as at the NACo (National Association of Counties) conference as a strong leadership move for a local government and Board of Supervisors to take action recognizing the risk, preserving the existing mission, and to offer opportunities to grow. He stated that it was affirming and coincidental to the timing of the last Board meeting.

Mr. Henry stated that as indicated on the slide, the North Fork Discovery Park had roughly 500 acres of developable property across the road from Rivanna Station, and just up the road was Greene County, which had adopted a Defense Production Zone and done some Comprehensive Plan work in Ruckersville for another 500 acres to be used to support the defense industry. He stated that the more they worked with their partners at the state level that had engagement at the federal level too, they had an amazing opportunity to preserve what was there now and to turn the corridor into an intelligence and technology hub that would support the intelligence community and national defense now and for decades to come.

Mr. Henry stated that the focus with the state was on the Rivanna Station area, which was shown in blue on the slide, but it was within the context of the opportunity for the region that would resonate well at the state and DoD (Department of Defense) levels. He displayed a slide that listed some of the partners that would continue to be working with them. He stated that in the near term, the focus was state support, and then they would be branching out to federal, private, and academic support.

Mr. Henry stated that he had a meeting this morning with the state getting ready for next week, when he, Mr. Jeff Richardson, County Executive, and a few others would be visiting Secretary Crenshaw to provide an update and workshop this. He stated that they would then follow up with presentations and meetings within the rest of the state secretariats throughout August and September, followed by federal and academic engagement during September.

Mr. Henry noted that they had been doing good partnership work with Rivanna Station over the past month with the Albemarle County Fire Rescue Department (ACFR) to coordinate high-level rescue training that they did not normally have the ability to perform in the County. He stated that they had a successful training session with the contractor and was sponsored through Rivanna, and there would be return trips up there for continuing practice. He added that the partnership work led them to observing their active threat training a few weeks ago, and they were able to collaborate with their on-base security to allow public safety to engage and support them in a drill taking place later in the fall. He stated that this was reflective of a building relationship they had with Rivanna Station.

Mr. Henry said that the next steps included completing due diligence, and they would share the final report with the Board in the next couple of weeks. He stated that they would be continuing the areas that they were not quite green in, such as the ALTA survey, boundary line adjustments, etcetera, and they would be formally before the Board again at the September 6 meeting asking for financing action.

Mr. Andrews asked to see slide 11. He asked what housing was available in the region and that might be underdeveloped in the region.

Mr. Henry stated that he was aware that North Fork was making an expansion that would include housing, but that was still preliminary work.

Mr. Jonathan Newberry, Economic Development Office, stated that the most proximate housing was Briarwood and the associated developments around there, including Camelot. He stated that Northpoint was continuing to develop quite quickly, and there were some approved developments in the pipeline that had not yet come in for development, but they could be mapped and that information could be provided to give a sense of how many units would be in the area.

Mr. Andrews stated that it would be interesting to see what was going in around in, and what was not around the area. He stated that he noticed the access from Route 29 as well as the border along Watt's Passage. He stated that he would be interested in exploring it more.

Ms. Mallek stated that she would send a question of hers by email to Mr. Henry. She stated that in addition to Briarwood, there was Northpoint's 700 units coming in, 400 already constructed at Hollymead Town Center, and more were on the way. She stated that this development was about 2 miles up the road and certainly within a shuttle loop distance to allow people to get to Rivanna Station. She stated that when this area was first designated as part of the growth area in the 1980s, it felt to be way out there like Mars, but it had really become part of everything going on north of the river in Albemarle.

Ms. McKeel stated that she appreciated the presentation and specifically the map and information about the regional partners.

Ms. LaPisto-Kirtley asked if the privately owned building on the land posed any type of risk or could be purchased in the future.

Mr. Henry stated that it was sold several years ago and was not owned by the same owner as the rest of the land. He stated that they did not believe there was a risk or concern to the installation based on information they had about who owned that, but it was still something they were investigating. He stated that NGIC (National Ground Intelligence Center) had invested several million dollars to maintain that as space for contractors, and it was his understanding that they were extending that lease another five years, continuing to function and serve in a support role.

Ms. LaPisto-Kirtley stated that her concern came from Mr. Henry's mention of foreign entities around the nation buying up land around military installations, so the property stuck out to her.

Mr. Henry stated that in the acquisition and work to date, that commercial building was outside of

their scope in being able to procure it. He stated that based on information from their partners at the state level, the ownership of that was secure in that building, but that was still a work in progress in getting that back to them.

Ms. LaPisto-Kirtley stated that with Greene County being involved, there were about 1,500 acres devoted to defense.

Mr. Henry stated that in the 8-mile corridor, there were approximately 1,500 acres.

Ms. Price asked where the 500 acres designated by Greene County was in relation to their defense production zone.

Mr. Henry stated that the defense production zone was adopted for the entire county, and the 500 acres were within the Ruckersville area, north of Route 29 and Route 33 in an industrial area new Walmart and Lowes.

Mr. Jeff Richardson, County Executive, thanked Mr. Sumner, Mr. Abplanalp, and the Finance Department staff who were responsible for moving this project forward.

Ms. Price acknowledged the leadership of the County at the local level and at the national level.

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Agenda Item No.11. **Presentation:** Transportation Planning Quarterly Report.

Mr. Alberic Karina-Plun, Transportation Planner, stated that he would give updates on some projects before Ms. Hersh-Ballering addressed SMART SCALE projects and Revenue Sharing. Mr. Karina-Plun stated that the VDOT project pipeline was designed to develop a pipeline of high-priority projects that address identified VTrans needs and may be considered for implementation through SMART SCALE, Revenue Sharing, etcetera.

Mr. Karina-Plun stated that VTrans was the Virginia statewide transportation plan, and the VTrans needs identified in that plan were aimed at addressing the state's most critical transportation issues over the next ten years. He stated that the needs included congestion, travel time, reliability, safety, transit access, etcetera. He stated that the program did this by supporting studies with a focus on priority locations and corridors adopted during the VTrans process.

Mr. Karina-Plun stated that the VDOT project pipeline program was about to kick off two studies in Albemarle County, the first being Barracks Road, which was intended to address transportation concerns including bike, pedestrian, and transit along Barracks Road between Georgetown Road and Emmett Street.

Mr. Karina-Plun stated that the second project was the US Route 29 and US Route 250/Ivy Road Study, which was intended to identify a suite of projects to address a variety of transportation concerns, including bike, pedestrian, and transit along the Old Ivy Corridor, the adjacent US Route 250 Ivy Road Corridor, and the US Route 29/Route 250 interchange. He stated that the study would include the area where the triangle-about had been proposed at Old Garth/Canterbury Road/Route 250. He stated that the triangle-about was on hold until the study was complete. He said that ultimately, the study would take a more comprehensive look at the area to improve operations and access more broadly.

Mr. Karina-Plun stated that staff right now was working on organizing a corridor focus group for this project, which would be a group of key corridor stakeholders identified by the County. He stated that the corridor focus group element was anticipated to be used specifically for the Ivy Road Corridor Study, and coordination with these groups would be led by the County with outreach designed to gain input from these select groups who lived or worked within the project pipeline study area. He said that the County would bring back to the stakeholder working group citizen concerns and identified needs as well as vet initial and final preferred alternatives.

Mr. Karina-Plun stated that Transportation Planning staff in collaboration with Albemarle County Public Schools (ACPS) was awarded the Safe Route to School Walkabout Mini-Grant for Woodbrook Elementary. He said that a walkabout with stakeholders from Albemarle County, local VDOT staff, Woodbrook Elementary Safe Routes to School, and local residents from that area was conducted in April, and in late June they received a report from the Safe Routes to School with recommendations to improve walkability in the neighborhood in the interim and the long-term. He stated that they were now working with VDOT to implement the recommendations from the report. He said that they would be applying for more of these grants, with the Brownsville and Henley campus in Crozet being the target for this next round of applications in the fall.

Mr. Karina-Plun stated that the Secondary Six Year Plan (SSYP) was adopted this past May and the Rural Rustic agenda adopted this past July and work starting now. He stated that as requests came in from the Board of Supervisors or citizens, they would reach out to VDOT to do paving feasibility studies for these roads and update the project priority list as that happened.

Mr. Karina-Plun said that finally, regarding the Three Notched Trail Shared Use Path Master Plan, a draft agreement had been submitted to the FHWA (Federal Highway Administration) for review, and the grant agreement would be refined over the last quarter of this fiscal year. He stated that they planned to release an RFP (Request for Proposals) for consultants for this project late in the first quarter of FY24

and begin work on the project shortly after that.

Ms. Jessica Hersh-Ballering stated that the SMART SCALE grant program was the primary method for funding large-scale transportation projects in Virginia. She said that in August 2022, 12 projects were submitted by Albemarle County, the Thomas Jefferson Planning District Commission (TJPDC), and the Charlottesville-Albemarle Metropolitan Planning Organization (CAMPO). She stated that in January 2023, VDOT released the project scores, rankings, and recommended funding scenario. She said that they presented the recommended funding scenario at the last quarterly presentation, and they noted that the recommended funding scenario was only an initial list. She said that sometimes the list changed after being reviewed by the Commonwealth Transportation Board (CTB).

Ms. Hersh-Ballering stated that in June 2023, the CTB finalized the Consensus Funding Scenario. She stated that there was a change made in between January and June, and ultimately the Consensus Funding Scenario still funded three projects within Albemarle County, but one of those projects was different from what was included in the recommended funding scenario.

Ms. Hersh-Ballering stated that on the current slide was a chart listing the 12 projects submitted by Albemarle County, and by TJPDC and CAMPO on the County's behalf. She stated that the three highlighted projects were all recommended to receive funding in the recommended funding scenario from January, and that the next slide showed the projects that received funding in the final scenario. She stated that the Belvedere Boulevard/Rio Road Intersection Improvements and the Avon Street Bike & Ped Improvements from Druid Avenue to Avon Court remained, that the US Route 250/Peter Jefferson Parkway Intersection Improvements was removed, and that the Hydraulic Road and District Avenue Roundabout was added. She stated that they were glad to see the roundabout added as it would improve the efficiency of the upcoming improvements at Hydraulic Road and Route 29.

Ms. Hersh-Ballering stated that these projects would all be administered by VDOT and had no local match, so they were largely out of the County's hands at this point, but they would continue to update them on these projects in future quarterly reports.

Ms. Hersh-Ballering stated that VDOT's Revenue Sharing grant program typically funded small- and medium-sized transportation projects. She stated that they accepted applications every other year, alternating with SMART SCALE applications, with Revenue Sharing applications submitted in odd-number years. She stated that in late June 2023, Albemarle County submitted five pre-applications for Revenue Sharing with a total request of just over \$15 million. She stated that final applications were due at the end of September.

Ms. Hersh-Ballering stated that there were some important limitations with the Revenue Sharing program. She stated that Revenue Sharing applications could request up to \$10 million in state funds over the lifetime of a project, and that localities could apply for funding for a single project over multiple rounds of Revenue Sharing, but when all of the awards were added up, they could not exceed \$10 million per project. She said that funding requests must have a local match and recalling that projects could only request up to \$10 million in state funds which would then be matched by \$10 million in local funds, any project costs that exceeded \$20 million were the responsibility of the locality.

She stated that applications were sorted into one of four priority levels, with priority 1 projects most likely to receive funding. She said that priority 1 projects were projects that previously received Revenue Sharing funding, priority 2 projects were projects that were currently in the localities capital improvement program (CIP), and on down the list. She stated that for each round of Revenue Sharing, a locality may request as many applications as they want, but the total amount of state funding requested cannot exceed \$10 million.

Ms. Hersh-Ballering noted that the County had requested \$15 million in Revenue Sharing, which was \$5 million more than allowed. She stated that for that reason, they could only submit a subset of their five pre-applications as final applications this year, and the request of state funds from that subset could not exceed \$10 million, which was noted in the written quarterly report. She stated that staff requested feedback from the Board about which projects they should submit as final applications, and which should be deferred to a future round of Revenue Sharing or other funding opportunity.

Ms. Hersh-Ballering stated that she would review the five pre-applications and note that some of the applications would benefit from additional planning work or investigation into alternative funding opportunities. She stated that staff would return to the Board in late September for resolutions for final applications.

Ms. Hersh-Ballering stated that the Commonwealth Pedestrian Improvements project proposed to construct two segments of sidewalk; one on Commonwealth from Hydraulic Road to Peyton Drive and one on Dominion Drive from Commonwealth Drive to US Route 29, which was approximately 2/3 mile of sidewalk. She stated that this was designated a priority level 1 project because it had previously received Revenue Sharing funding, and the total project cost was \$3.99 million. She said that the previous award and match was \$3.3million and the 2023 Revenue Sharing request was for the amount of \$330 thousand, with a \$330 thousand local match. She stated that a lot of work had been done on this project, and that it was at approximately 90% design and was ready to enter the right-of-way phase. She said that this project was a bit short due to the rising cost of materials associated with the project, and they were confident that submitting this project as a final application would help this project across the finish line.

Ms. Hersh-Ballering stated that the Berkmar Drive Extension to Airport Road project would

construct a new roadway with bicycle and pedestrian accommodations to continue Berkmar Drive to Airport Road where a roundabout would be constructed to connect to Innovation Drive and Lewis and Clark Drive. She stated that this project was also a priority level 1 project because it had previously received Revenue Sharing funds and had a total project cost of \$18.7 million.

Ms. Hersh-Ballering stated that the previous award and match was for \$7.3 million, dedicated Telefee funds were \$4 million, and the 2023 Revenue Sharing request was \$3.7 million, with a \$3.7 million local match. She stated that in staff's recent presentations regarding the SSYP, they talked about Telefee and heard from the Board how important it was that they complete this long-planned project, and for that reason they would like to move this project forward as a final application in this round as well.

Ms. Hersh-Ballering stated that the Berkmar Bike and Pedestrian Improvements project proposed to construct a shared-use path or enhanced sidewalk from Hilton Heights Road to the first intersection south of Woodbrook Drive to connect to the existing shared use path further north and would be approximately 1 mile long. She said that this was also a priority 1 project because it had previously received Revenue Sharing funds.

Ms. Hersh-Ballering said that the total project cost estimate was \$12.1 million, and that the combination of the previous Revenue Sharing award and local match was \$2.7 million, which meant they wanted to request \$4.7 million in Revenue sharing funds, with \$4.7 in local match. She said that the project was at 30% design, and that design work had identified a few sections that made construction of the shared use path technically challenging and expensive, and further, project costs had gone up with inflation in the years since this project was awarded partial funding. She stated that as a result, the \$4.7 million request was necessary.

Ms. Hersh-Ballering said that given the significant increases in residential development in this project area, the popularity of the existing shared use path further north along Berkmar, and the County's commitment to infrastructure projects that improved quality of life for County residents, this project was also a strong candidate to move forward as a final application.

Ms. Hersh-Ballering stated that the Lambs Lane Campus Loop Road extended Lambs Lane to connect to Hydraulic Road via Georgetown Green and included construction of a continuous green-T at the intersection of Georgetown Green and Hydraulic Road. She stated that this reconfigured the Albemarle High School entrance to right-in/right-out only. She stated that this project was a priority level 4 because it had never received Revenue Sharing funding and was not currently in the County's CIP. She stated that there was a total project cost of \$8.4 million, with a 2023 Revenue Sharing request of \$4.2 million to complete the project, with \$4.2 million in local match.

Ms. Hersh-Ballering said that this project was recently prioritized by this Board and the Board's Strategic Reserve was used to hire consultants to quickly complete a feasibility study specifically so that they could submit this Revenue Sharing application. She emphasized that the consultants absolutely met that goal and provided them with the appropriate materials to submit that preapplication, however, in doing the feasibility study, their consultants as well as staff from Schools and County Government identified numerous issues that warranted further study.

Ms. Hersh-Ballering said that one example was that the design of the loop road would impact existing buildings, so Schools needed to consider where some services could be relocated and when. She said that further, this project was currently priority 4, which was the lowest priority because it was not included in the CIP.

Ms. Hersh-Ballering stated that in the past few rounds of Revenue Sharing, priority 3 and priority 4 projects had not fared well and were unlikely to receive funding. She said that if they were to resubmit this application in a future Revenue Sharing round, they could use the interim time to add this project to the CIP and make it much more competitive. She stated that staff saw value in not moving this project to final application at this time, because it would allow staff and consultants to investigate and address those unknowns, move the project to a higher priority level, and better position its application for success.

Ms. Hersh-Ballering stated that the last of the five pre-applications was the extension of Eastern Avenue South. She stated that this project would result in a new road connection from Westhall Drive with a bridge over Lickinghole Creek to the intersection of Cory Farms Road and US Route 250 and would include bike lanes and sidewalks. She stated that this project was designated priority level 1 because it had previously received Revenue Sharing funding. She said the total project cost was \$39.5 million. She said the previous award and match was \$16.2 million, which had not yet been spent, the 2023 Revenue Sharing request was \$1.9 million, and the local funds necessary beyond the match totaled \$19.5 million.

Ms. Hersh-Ballering explained that the Revenue Sharing request was for \$1.9 million because it had already received about \$8.1 million and could only receive \$10 million over the project's lifetime. She stated that the \$19.5 million plus the \$10 million local match resulted in a \$29.5 million cost to the County. She said that staff would recommend not pursuing this project as a final application in this round so that they could explore alternative funding opportunities that may ultimately cost the County less.

Ms. Hersh-Ballering stated that if they were unsuccessful in finding alternative funding opportunities, they could always come back and request the \$1.9 million in a future round of Revenue Sharing, still maintaining the priority 1 status for this project and the \$8.1 million they already had would not go anywhere. She stated that this would likely not delay the project as they could move forward with the early stages of the project using the nonlocal matching funds. She stated that overall, waiting for a



future round of Revenue Sharing would not harm the project or cost the County anything.

Ms. Hersh-Ballering summarized that the final applications that staff recommended moving forward on were the Commonwealth Pedestrian Improvements, Berkmar Extension to Airport Road, and Berkmar Bike and Pedestrian Improvements totaled \$8.73 million. She said that staff would continue to refine plans and search for alternative funding opportunities for the Lambs Lane Campus Loop Road and the extension of Eastern Avenue South. She said that moving forward in this way meant that they were still advancing the County's highest priorities and putting the County in a good position to complete vital projects.

Mr. Andrews stated that he appreciated the dilemma faced by staff in this process and did not know the domino effects of what went forward and what was postponed, and that was a concern. He said that he appreciated the approach taken as far as trying to find ground for figuring out which of the projects was most likely to be successful and staying within the limitations. He stated that Ms. Hersh-Ballering had mentioned a focus group, and he would like to know how they decided who was going to be in the focus group.

Ms. Hersh-Ballering stated that broadly, the focus group included people from the HOAs (Homeowner Associations) and businesses along the study area corridor, often people who had interacted with the County previously with other work in this area including the triangle-about.

Ms. Mallek stated that June 8 was when she learned about the unbelievable escalation in cost for the Eastern Avenue bridge; when she first started working on this in 2008, the cost was \$1.5 million, and it served as a lesson that when they did not act on things at the appropriate time, they became out of the question. She stated that this project had been on the list since 1992, and more than 2,000 dwelling units had been built in the space between Quarry Farm on Route 250 and Route 240 where there was a whole series of neighborhoods.

Ms. Mallek stated that she spent 16 years trying to navigate all different levels to get something to even be in the County budget and on the vision list at the Planning District Commission, and she was crushed about where they were right now. She said that there was no way that right now the County could deal with \$30 million to build this bridge today, and she was sick about that. She said that hopefully staff would consider the ability of current Crozet residents to get around when faced with hundreds or thousands more vehicles in applications moving forward.

Ms. Mallek said that there had not been a real appreciation in the past for the impacts to current residents on many of their projects, no matter where they were in the County, without the neighbors who were most directly affected having to raise concern, which sometimes made them look bad for having to say they could not handle it, but it was true that they could not handle it. She stated that for many months, she had been working with various levels of the state and lower to figure out how to get the engineers and others with the skills to do this to come forward with short-term solutions to solve some of these problems so that until some alternative was found, there was better day-to-day operations. She stated that they were sent 4,000 dwelling units between 2004 and 2008, and 2,500 people was now 9,600 people since 2005.

Ms. Mallek stated that all Supervisors had neighborhoods in similar situations, and every magisterial district was facing this, but this was background as to why. She noted that all of those rezonings that were passed were based upon this bridge being built. She said that she had no words to describe her disappointment of the new assessment of cost, and she was sure that County staff was feeling the same misery, because they had spent years navigating the ways to make this work better. She stated that it would be incredibly important that this stay on a very active level of trying to find alternatives.

Ms. Mallek said that there had been offers of partnerships over the last 15 years that had been ignored, and she hoped that they could be rekindled with some staff engagement to come up with something that would be better. She said that various offhand comments from people at VDOT were that the County could just do this, and they would probably be able to do it a lot cheaper, but how they accomplished that was unknown to her. She stated that she was also astonished at the increase in cost for a lot of the projects.

Ms. Mallek asked if it was taken into consideration when there was already sidewalk on one side of the road and they were still looking for \$4.7 million in local match for the other side of the road. She stated that she was not suggesting to take the sidewalk money and put it towards the bridge, but she wanted to know if they were doing engineering to figure out where the best use was. She asked where the local match funding would be allocated from.

Ms. Hersh-Ballering stated that Transportation Planning staff had had lots of conversations with Finance, and broadly there was enough flexibility in the Transportation Leveraging Fund to meet their match obligations if they were to be successful in receiving the full \$8.73 million they requested. She stated that it would put constraint on some of the projects they could add to their to-do list over the next couple of years, but it was possible with the funding that they had currently set aside.

Ms. Mallek asked if the costs for the projects in 30% design completion would also go out of reach next year. She stated that it was very frustrating that the \$200 million that they did not have access to the CTB had set aside for projects that had had increased costs, and they did not change the \$10 million cap because of all of the things they had now created.

Ms. Mallek stated that bundle #2 was underway and had been advertised, with an RFP out now. She said that as of the June 20 CTB meeting, the CTB decided to add the Route 240 Route 250 680 trestle roundabout in Crozet to the bundle #2. She stated that it did not show up in the staff report and she wanted to make sure it became part of their official documents, in Sean Nelson's words, "straight off the top." She stated that it made her nervous to see some projects further down in the staff report as 2025 when it was supposed to go to procurement in 2024, so that was a whole different category and she wanted to make sure that was right.

Mr. Gallaway stated that this was FY23, and if it waited for Revenue Sharing, it would be in 2025. He said that however, some projects, especially those that grew in size or impact, could immediately be up for the next SMART SCALE if it was not a part of Revenue Sharing.

Ms. Hersh-Ballering confirmed that that was correct.

Mr. Gallaway stated that the choice here was really a timing choice. He said that it was a prioritization of projects, but prioritized with the timing because it was what they could get done now versus the next year versus the following year. He stated that some items would stay in Revenue Sharing, but some could move back and forth between the different funding possibilities.

Ms. Hersh-Ballering stated that it was her understanding that if they received Revenue Sharing funding and wanted to move it to SMART SCALE, they would have to relinquish their previously awarded Revenue Sharing funding and it would be exclusively funded through SMART SCALE. She stated that she was unsure at this time but would return with information to confirm that process.

Mr. Gallaway asked if that meant that both entities had committed dollars, and in SMART SCALE, they did not get extra dollars, VDOT was funding it all and they gave up whatever they matched, but it also freed up their local planned match. He said that if there was \$3 million set aside for a Revenue Sharing project and it was set aside for SMART SCALE, the \$3 million in matched funds would be used for another purpose because the project would be fully funded through SMART SCALE.

Mr. Kevin McDermott, Acting Director of Planning, stated that he would have to confirm but believed that they would be able to hold onto Revenue Sharing funding that was previously awarded. He stated that if they decided to not pursue one of the four projects previously awarded Revenue Sharing projects, there was a possibility that they may only have to request the additional funding through SMART SCALE.

Mr. Gallaway stated that whether it was called Revenue Sharing or SMART SCALE, it was an accounting trick, and they were not getting extra money.

Mr. McDermott clarified that SMART SCALE did not require a local match.

Mr. Gallaway stated that it freed up local money and they were not getting extra state money. He asked if they would receive a \$3 million match fund back if a \$20 million project was funded in total by SMART SCALE.

Mr. McDermott stated that he would have to return with that information, but it was his recollection that if they had a Revenue Sharing project, such as Commonwealth Drive, with all but \$660 thousand raised, and they wanted to make an application for SMART SCALE next year for that remaining \$660 thousand, they might be awarded that through SMART SCALE and would complete the project. He said that they would still have to contribute their original amount that they had agreed to in Revenue Sharing and the state would still contribute their Revenue Sharing amount, and the remainder would be from SMART SCALE.

Mr. Gallaway stated that he understood. He said that he had been thinking of the projects that had not received anything yet, so if they punted a project that was yet to receive Revenue Sharing money, they were not banking it from the state, they were either getting Revenue Sharing or they were getting SMART SCALE.

Mr. McDermott replied that was correct.

Mr. Gallaway asked if an ongoing project would have different considerations.

Mr. McDermott said yes. He said that another thing to keep in mind was that SMART SCALE could be matched by local funding in order to help the scoring abilities.

Mr. Gallaway stated that it was important when mentioning the Lambs Lane campus loop road that it was an improvement along Hydraulic, because that was a major congestion and safety item there. He stated that from a project standpoint, Berkmar Road was the top priority. He said that he was not in disagreement with the rationale and the way the projects were going, and feeling for what Ms. Mallek stated on that project, this had grown in scope that may have to go into a different bundling strategy.

Ms. Mallek stated that it had not grown in scope as much as it had in cost.

Mr. Gallaway stated that it was true for Berkmar Road, but it had to jump up and they were so close to getting that extra bid. He said that he was not in disagreement with any of the recommendation thinking of the prioritization of the timing based on how far along they were with the first three projects. He

stated that the Hydraulic Road one that fronted Albemarle needed to be in the mix in order to get up there for either SMART SCALE or Revenue Sharing, because it improved the entire corridor and had school benefit for the children there.

Mr. Gallaway stated that others mentioned the focus group for the corridor study group, and that did come up at the MPO that it was the County's responsibility to be there, so he imagined Mr. Andrews and Ms. McKeel would be on top of that. He stated that there were residents, and since this Board made some statements of approval of that development project over there, it was important to know that they communicated well for those to participate in the focus group. He stated that they made certain commitments when they voted that they had to live up to.

Ms. McKeel stated that she was amazed that this community had two pipeline VDOT projects right now. She said that it was wonderful that VDOT had recognized the need in the County for those projects. She said that they needed to make sure that those folks involved in the Old Ivy Road project participated, and they had to ensure they reached them with good communication due to the promises made. She said that she was pleased that the roundabout at District Avenue had been approved because it was a very dangerous area right now. She thanked Ms. Hersh-Ballering for explaining the change in projects.

Ms. McKeel stated that the Lambs Lane Campus loop road and Hydraulic piece did go together and were critical to the movement of traffic on Rio Road and Georgetown Green as well as Barracks Road due to the congestion the area faced. She said that she understood the need to take more time on that. She said that they were working with the School Board and School System, and this was very new and came up because of the master plan. She said that she appreciated the time to get it right to get it funded.

Ms. LaPisto-Kirtley stated that she was in agreement with what was proposed, but of course she wished they could do more or all of it. She said that she understood why they were doing the first three regarding the funds they had. She stated that she did not want to ask for a delay on anything, because in her experience with government, once they delayed something, it got very delayed and things did not get accomplished. She stated that if they all agreed, they should move forward and get things done so that they could move onto the next set of projects. She said that she agreed with Ms. McKeel that the Ivy Road and Route 250 had a promise associated, and she thought that it would be fast-tracked. She asked if there was an update on that.

Mr. McDermott stated that the reference to fast-tracking was to get started on the pipeline study so that they could be prepared for a SMART SCALE application in 2024. He said that they had already had an internal stakeholder meeting and were working on the planning for that first corridor focus group meeting as well.

Ms. LaPisto-Kirtley asked if hypothetically everything went well, what the earliest state they could actually start working on the project.

Mr. McDermott stated that it depended on the recommendations of the pipeline study were. He said that the pipeline study was intended to be finished next spring, and if there were immediately implementable things, then it could go right away. He said that if it turned into SMART SCALE projects, it would have to go through that application period and wait for the funding, which took four years.

Ms. LaPisto-Kirtley stated that Ms. Mallek had mentioned something about offers of partnership for different projects. She asked if that were something they could do and could it be presented.

Ms. Mallek stated that local government had the ability to do that, and it would be on staff's part to investigate it.

Ms. LaPisto-Kirtley asked for examples.

Ms. Mallek stated that similarly, the extension of Library Avenue was a partnership between the developer there and the VDOT process and a combined funding, so that was the only one she had experience within their locality, but other localities did it frequently.

Ms. LaPisto-Kirtley asked if public-private partnerships could work if feasible for this purpose.

Mr. McDermott stated that yes, they were feasible and they were exploring any options they could.

Mr. Jeff Richardson, County Executive, stated that Ms. LaPisto-Kirtley had emphasized that it was important that they did not delay and that they were exploring what alternative funding opportunities look like. He said that it was the work of staff to complete two very different projects, and they needed to have time to step away and work both of those in very different ways, with a responsibility to get back to the Board at an undetermined date to show what that work looked like.

Ms. Price stated that she concurred with what was proposed with keeping the three suggested projects and continuing to work on the other two. She stated that as she understood, for Revenue Sharing they could not get more than \$10 million per year nor more than \$10 million per project. She said that they saw \$8.73 million, meaning there was \$1.27 million left out there, but it was not like they could go find another project, because it also had to score well enough to be eligible for Revenue Sharing. She

asked if the gap of \$1.27 million helped them in the event the increased costs came into play to help them have a better chance of completing those three projects.

Ms. Hersh-Ballering clarified that the question was that they had cost estimates for the projects now and if it were possible that those cost estimates would increase before the projects were complete.

Ms. Price asked if the little bit of buffer would allow them to afford the totality of those projects.

Ms. Hersh-Ballering stated that it did not quite work that way, so they would make this set of applications and had the \$10 million limit, and that began all over again with the next round of Revenue Sharing. She said that if for some reason when they were attempting to complete any one of the three projects and they again came up short due to inflation, it would not mean anything.

Ms. Price asked if that was because it was a different year.

Mr. McDermott stated that there was an extra \$1.27 million, and they were not entirely sure that they had the fully accurate cost estimates on those projects. He said that between now and September, if those were to change, then that \$1.27 million may come into play if they had to request some additional money beyond that.

Ms. Mallek said that at the most recent MPO meeting, there was an extensive presentation about the changes underway at SMART SCALE. She said that Mr. Gallaway had requested that the information be presented to the Board, because everyone needed to understand it. She said that one of the takeaways was that they would be frowning upon small applications because they took as much staff work as big ones, and they should be aware of that. She said that there was no final word on what was going on, but there was a lot of stewing going on on the planning side. She asked if she correctly understood that now there was a possibility to move from Revenue Sharing to SMART SCALE, which was certainly not the case a few years ago.

Mr. McDermott stated that projects could qualify for both. He said that the way that they prioritized projects in SMART SCALE was different than how they prioritized projects in Revenue Sharing. He said that Revenue Sharing was based on if they had gotten the award previously, if it was in the CIP, if it had maintenance, but SMART SCALE was based on five factors that they guard against. He said that a project could score well in both or neither, and they were always looking at the possibility of getting SMART SCALE funding because no local match was required.

Ms. Mallek stated that perhaps there was a way to bundle some of their projects to make them big enough to bundle in a way. She said that they should be concerned and follow up detail-wise on the scoring because they had a big kerfuffle with the Planning District a number of years ago because they would not give any congestion points or safety points to the Eastern Avenue Bridge. She said that it was contrary to her because they had so many failing intersections and no alternative, and getting fire engines across had been a major concern.

Mr. Gallaway stated that he planned to request from the MPO a presentation done at the MPO meeting on the current conversation that the Transportation Board was having on the changes to SMART SCALE and how things were ranked and the rationale behind it. He stated that he did not disagree with the rationale behind it, but it was going to change how projects were weighted and scored. He stated that how projects were weighted and scored with the five factors had not yet been determined, but it would also determine how and what applications could be submitted by the MPO and TJPDC.

Mr. Gallaway stated that in the past, they could submit projects through these organizations, but they would now be limited in what they could submit moving forward. He said that rather than having this come up and get them in October or November, he thought it was wise to request the presenter from the MPO present the information and then have a second round after the CTB had their September meeting in which they would discuss the remaining factors.

Mr. Gallaway said that they had begun to examine weighing safety and congestion, but economic development and environmental factors had not been discussed yet, so that would be in their September conversation. He said that figuring out how SMART SCALE worked and the strategy of what to submit, how to submit, and who to submit it through had been handled well by staff, and the County should stay ahead of that by brainstorming it on the Board.

Ms. McKeel stated that she agreed with Mr. Gallaway that a presentation of this new information would be helpful because it was very involved and detailed. She said that she would rather have it be on their agenda sooner in the fall rather than later in order to best use the information.

Mr. Richardson asked if there was consensus from the Board that they wished to have the MPO representatives lead a report within the next two months. He said that staff would work with the Clerk's Office to fit the presentation into the Board schedule.

Ms. Mallek asked if the next meeting's agenda could be put back to begin at 1:00 p.m. and the information could be presented at that time.

Mr. Gallaway stated that Ms. Shackelford presented the majority of the information when he received it, but he would leave it to staff for them to figure out what was best.

Mr. Richardson stated that the Clerk had indicated that September 6 may be the best date for this item, and they would continue to work with staff to make this work.

Ms. Price asked if Mr. Richardson had the information he needed from the Board.

Mr. Richardson said yes. He stated that it was important that staff met the expectations of the Board for the two projects that would be refined for future funding applications. He said that this was super technical work, and nail down costs of capital projects in this day and time was extremely difficult.

Ms. Price stated that she was not happy with the increased costs, but they did not surprise her. She said that in her own experience, 18 months ago she bought loads of gravel at \$425, and last week she bought the same gravel for \$750 per load, and costs were up everywhere. She said that they would see what they could do about the \$1.27 million.

Ms. McKeel noted that the General Assembly had not been generous with giving transportation money, which was part of the problem, and some things had not changed for decades.

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Agenda Item No.12. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Ms. Carrie Shephard, Charlottesville Residency Administrator, stated that preliminary engineering for projects did not have many updates except for the 5th Street Hub and Trails. She said that they held a citizens information meeting in May, and that transcript could be provided upon request. She said that largely, they received very positive feedback.

Ms. Shephard said that for the bridge projects, or State of Good Repair funding, Route 708 Red Hill Road Bridge had been put out for advertisement, and they expected to award that in September. She said that Route 667 Catterton Road Bridge was under construction as of August 1, with an expected completion date at the end of September. She stated that Old Ivy was on the same schedule it was before, expected to be advertised in March 2024. She said that 641 Fray's Mill Road Bridge continued on the same schedule with an advertisement date in October 2023. She stated that the Route 680 Browns Gap Turnpike Bridge replacement over Lickinghole Creek was expected to be advertised in June 2025.

Ms. Shephard stated that for the US Route 29/Hydraulic package, right now they were expecting utility relocations and drainage installations to begin in November, with major construction likely to begin next spring.

Ms. Shephard stated that for the existing Albemarle bundle, which included the Exit 124 of Interstate 64 Diverging Diamond Interchange, Route 151/250 Roundabout, and Route 20/649 Roundabout, were substantially completed with construction. She stated that the Route 151 roundabout was constructing a truck arrestor ramp heading downgrade on Route 250 eastbound.

Ms. Shephard said that that in the Albemarle bundle #2, they had the John Warner Parkway/Rio Road Roundabout, Belvedere Green-T, the Route 53/Route 20 roundabout, the 5th Street/Old Lynchburg Road roundabout, and the Route 240/250 Roundabout. She stated that the scoping and preliminary engineering was underway, the survey was completed at this time, and they had public hearings scheduled for September 19 at the National Guard Armory and on September 21 at the Center on Belvedere.

Ms. Mallek asked at what time the meetings would be held.

Ms. Shephard stated that the time was still being finalized and she would provide the information to the Board when confirmed.

Ms. Mallek thanked Ms. Shephard.

Ms. Shephard continued that the Route 29 and Fontaine Avenue Interchange project had a survey underway, and design engineering was expected to begin in late 2023. She said that as far as the Rural Rustic roads, they appreciated the resolutions received and had finished Cove Garden Road. She said that they would start on the next set, with resolutions received for Beam Road, Stony Point Pass Phase 1 and 2, Old Dominion Road, Arrowhead Valley Road, and Blenheim Road.

Ms. Shephard stated that construction activities included Watts Passage, which was currently under construction and expected to be completed by November 2023. She stated that Route 810 Blackwell's Hollow Road was a superstructure replacement and was under construction as of July 17 and was expected to be completed by August 22. She stated that the road was closed to traffic during that time, but they had a pedestrian bridge in place to allow cyclists and foot traffic to pass.

Ms. Shephard stated that for traffic engineering, crosswalk markings had been installed at Route 250 and 1815 Old trail, the ADA ramps were installed at Bishop Gate Lane on Old Trail with crosswalk markings still needed. She stated that the Route 53 Thomas Jefferson Parkway had a sign review for which placement of Bike Route 76 signs had been determined and installation was pending. She stated that Advance Mills Road was a sign review of a curvy section that had been completed with signs installed. She said that Owensville Road was having a curve sign review, and they determined that a

curve advisory sign must be installed, which was pending installation.

Ms. Shephard said that Inglewood Drive and North Bennington Road was a request for stop bars, and it turned out that those stop bars were in place previously and had just been worn, so they would be repainted. She said that Woodlands Road at the intersection of Route 660 Reas Ford Road was having the transverse rumble strips removed because it followed out of process. She said that under review was the pedestrian crossing at Route 240 at Music City Today and Starr Hill Brewery, for which the field investigation was complete and design was being developed.

Mr. Andrews stated that he appreciated that the tractor trailer GPS route not advised signs were up for the Batesville community. He stated that he also appreciated the attention to maintenance requests in North Garden and Faber. He stated that he approved of the presented information. He asked if Ms. Shephard had any further information regarding the changes to the SMART SCALE process.

Ms. Shephard stated that she knew that they were going through changes and having those discussions right now, but it was not finalized yet. She asked if there was anything in particular Mr. Andrews had concern about.

Mr. Andrews said no, that was sufficient.

Ms. Mallek stated that she was horrified that the rumble strips were being taken away when she requested the same at the other end of Reas Ford Road because they were so effective at the four-way stop. She asked if there could be a corrective process to put them back in.

Ms. Shephard answered that unfortunately, at that particular location they were installed without checking with the neighboring property owners, and it was known that they were a noise nuisance. She stated that in addition, they checked the crash history and there was not a history that supported the need for the rumble strips at that location. She said that for other locations, if that were a similar situation, they would have checked with the property owners, checked the crash history, and gone through the appropriate steps.

Ms. Mallek said that the north end of Reas Ford Road at Earlysville Road had all of its thorough process, and the stop ahead used to be raised and it was now worn and totally flat. She said that if one could not have transverse rumble strips, she would ask that they puff up again the "stop ahead". She said that neighbors had asked them to please fix it because there had been so many accidents there, and she had not had one complaint in 15 years about the noise from the rumble strips. She said that there was another T-bone accident recently, but perhaps it was not at a life-threatening level so perhaps was not included in the statistics.

Ms. Mallek asked everyone to please call the 977-9041 number when something happened so at least the County received data on these kinds of interactions that may not show up on the VDOT statistics. She stated that it was a real concern because every six months they had something happen. She said that she had sent an email recently about the process needed to finish at Ash Lawn where the ramps had already been installed, and there was something about the cost of doing that. She asked if there was more than putting paint on the road across Old Trail Drive.

Ms. Shephard stated that she still needed to research further. She stated that some of these locations had been requested in the past, and one issue they ran into was that some of the streets were not accepted into the state system. She said that if it had been, they could look at it for crosswalk warrants. She said that the cost of the crosswalk would not be something that would prohibit them from installing one where needed.

Ms. Mallek said that the detour on Catterton Road would be 20 minutes and asked if that project could be expedited.

Ms. Shephard stated that it was already on an accelerated schedule, because it was being replaced with a metal box culvert. She said that they were doing all possible to expedite the project, and it was currently at the shortest duration possible. She stated that the area construction engineer managing the project could provide more details about specifics of why it took as long as it needed to take.

Ms. Mallek stated that she would appreciate that information so that she could share it with constituents. She said that they were clear about it during the design hearing, which had been held a long time ago, but it did not seem to make any impact. She stated that they were still building data on the terrible speeding problems in Hillsboro, and she hoped that soon the data would be enough to consider some structural changes to keep people safer. She expressed her gratitude for the expedited maintenance on Clark Road, Fox Mountain, and Wesley Chapel.

Mr. Gallaway stated that he knew the residents in Dunlora and the HOA there was thrilled with the temporary through truck restriction signs were now back in place. He said that he knew the issues working out with the developer and folks with Belvedere was underway, and it was nice that the Commonwealth Drive Williamsburg Road curb and gutter was already on the radar. He stated that the John Warner Parkway Roundabout had not moved in its location, it was in the same place and had not moved an inch.

Mr. Gallaway noted that they were making strides with picking up debris with the street sweeper, and clarity had been given about which medians were publicly or privately owned. He stated that he was

certain that it would be part of the median management plan to define which were public and which were private so that they could hold everyone accountable. He stated that along the parkway, the bike lanes experienced the greatest impact from the street sweeping, and there was tree overgrowth over those lanes. He asked for more information about the circumstances in which VDOT would handle any trees encroaching into the roads.

Ms. McKeel thanked Ms. Shepherd for her work with the community on Woodlands Road where the Methodist Church was in that curve. She stated that she had submitted a request to have VDOT remove a large gas barbecue grill on a bypass ramp off of Barracks Road, which was too large for anyone else to deal with, and she appreciated that VDOT picked up that litter.

Ms. McKeel stated that contractors painting the lines on the road on Route 250 West and on Georgetown Road had spilled paint cans and made huge messes. She asked when that happened if the contractors were required to somehow clean it up. She asked if it could be written into a contract that those paint spills be cleaned up. She stated that she had been reading about transportation departments across the country beginning to paint roads gray where they had heat islands, mostly in urban areas, in order to help reduce the heat absorbed into those neighborhoods. She asked if VDOT was considering any painting projects for asphalt.

Ms. Shepherd stated that largely, no, but out of the research council, VDOT may be looking at some of those things. She said that she could research more information and relay it back to the Board.

Ms. McKeel stated that she would be interested in the research council's information when they had any.

Ms. LaPisto-Kirtley stated that the residents of Stony Point Road were excited about having the two ends of the road paved for that portion. She stated that there was an article in the paper that said the tree debris from the winter storm was being chipped by a machine instead of hauling it away. She asked if VDOT had considered mulching the tree debris on-site rather than removing it.

Ms. Shepherd stated that if there were areas existing like that, she asked the location be provided so that it could be cleaned up. She stated that if they did dispose of it or chip it, they likely would not leave the debris in the right-of-way.

Ms. LaPisto-Kirtley clarified that the debris she referred to was in a forested area, and she was told that it was never cleaned out.

Ms. Shepherd stated that if it were in the woods beyond a ditch, they likely would not come back to pick that up.

Ms. LaPisto-Kirtley stated that on Route 20, there was a blind curve at Stony Point Pass, and there was no way to make a left turn to go to the school there. She stated that she had asked staff about putting up a mirror or changing the configuration of the road in order to alleviate the very dangerous blind curve for making lefthand turns to go down Stony Point Pass onto Route 20.

Ms. Shepherd stated that VDOT had reviewed that and discussed it with the County. She said that what would need to be done was a larger scale project, so it would have to be prioritized by the County as something to focus on. She said that they also compared crash history and other items when prioritizing, and they would need to determine what would be the actual solution and how to fund that.

Mr. Andrews stated that he appreciated the GPS marking on Plank Road, and he noted that in the materials received, it was determined that Plank Road appeared to meet objective criteria established for a through truck restriction that was coming from staff eventually for a public hearing. He stated that he brought this up because there was some premature communication in a newsletter suggesting that they were doing something about this today, which was not the case, but it did not mean that they were done.

Ms. Price thanked Ms. Shepherd for the VDOT work done on Secretary's Road, and on Jefferson Mill to create a more defined curb and make more visible the width of the lanes. She stated that it had been very helpful to have the ditches cleared due to the deluges of rain they had been experiencing. She said that it was noticeable in some areas where the asphalt on some edges of the road had crumbled. She asked if VDOT returned to check on roads that may need spot-patching or anything like that.

Ms. Shepherd said yes, it was something that should be addressed.

Ms. Price stated that they recently opened the Albemarle County Southern Convenience Center off of Esmont Road, near the intersection of Plank Road, Route 20, and Cole's Rolling Road. She said that she had concern that coming east on Plank Road to the stop sign at Route 20, looking to the left on the back side of the veterinary office, there were some bushes that blocked part of the view of southbound Route 20 traffic. She stated that she was unsure of the ownership of the bushes, but if it could be addressed, it may be helpful to trim them back. She stated that she remained concerned about not having an improved sign at Plank Road because of the increased traffic that may be coming from the convenience center.

Ms. Price noted that regarding heat islands, when she left the County Office Building on Friday, it was 103 degrees, and when she arrived home, it was 93 degrees in the woods. She stated that the

difference between areas with tree cover and those with asphalt and cement was tremendous, and she was unsure if painting the roadways would help, but it would be nice for technology to create a natural color of pavement to help reduce that. She stated that from the County's standpoint, Community Development should be thinking about that in terms of tree cover and developments. She stated that the world was boiling and burning right now. She stated her appreciation of VDOT's work in the area.

Ms. Mallek stated that there was a contractor or several who were in charge of spraying under the guardrails, and there was rampant spraying all along the streams and bridges, as well as up the sides of trees. She stated that she was concerned about that because these were sprayed chemicals that would leach into the waterways, many of which went into drinking water. She stated that in 2010 to 2014, another contractor not following the directions of VDOT sprayed a chemical called crinite that was only to be used in industrial places, never around people, agricultural land, or water, and required a hazmat suit to work with.

Ms. Mallek stated that the contractor sprayed it all along Sugar Hollow Road, the Moormans River, and all over people working in their gardens in the area. She said that after that happened, they had lots of meetings with VDOT, Virginia Tech, and other stakeholders. She said that the Board at that time adopted a resolution to provide landowners with the right to exempt their property from this type of treatment and to require VDOT to use their process of sending letters to people before spraying happened in order to allow people to opt out.

Ms. Mallek said that it was done for two years, and 70% of people opted out because they maintained their own property and wanted to avoid killing anything on their property. She said that then, VDOT stated that they would not be doing this in Albemarle County anymore, which was great, but so much time had passed that all of that information seemed to have been lost. She stated that she would like to reactivate that information, because people were in an uproar that they had three-foot-wide strips of dead grass that were hosed down and dead. She stated that she hoped there was some way that VDOT's managers could correct this so that it did not continue to happen, especially around the waterways.

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

There was no report.

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Agenda Item No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Andrews stated that he had no committee reports, but continued to receive communications about maintenance of utility lines and Dominion power outages as well as other lines potentially down around the County, so he would like to discuss it soon.

Ms. Mallek stated that the Historic Preservation Committee met this week and was continuing to work on the marker program and categories to be considered for the program. She said that they would report back to their various Boards when finished with that work.

Mr. Gallaway stated that at the MPO (Metropolitan Planning Organization) meeting, they had residents give public comment from the Ivy Corridor and their remarks could be reviewed if Board members were interested. He stated that the TJPDC (Thomas Jefferson Planning District Commission) would not be meeting in August because they had no action items and a very light agenda to be moved to the September meeting.

Ms. McKeel stated that she was given a briefing on restricted crossing U-turn intersections. She said that it was very informative, but did not have the link to share, so she provided physical copies of the article to the Board.

Ms. McKeel stated that she served on the JABA (Jefferson Area Board for Aging) Board and had just received the 2022 Annual Report, so she wanted to let the Board of Supervisors know that 17,758 people received a wide array of services. She said that 47,500 meals were delivered to people's homes, and 9,216 people were provided with information and referrals. She said that there were 652 volunteers who worked through JABA, 3,953 elders in long-term care facilities were advocated for, and 3,306 people received insurance counseling. She clarified that JABA was multi-jurisdictional, so the statistics were inclusive of more than Albemarle County. She stated that JABA won the National Aging Innovation and Achievement Award, and Ginger Dillard, one of the JABA employees, went to Austin to accept the award on their behalf. She stated that Marta Keane was unanimously elected president of the Virginia Association of Agencies on Aging in 2022 for a two-year term, and they were very proud of Ms. Keane for her accomplishment. She said that she had provided the report materials to the Board members.

Ms. LaPisto-Kirtley stated she visited the SPCA (Society for the Prevention of Cruelty to Animals) a few weeks ago, and the way she was approached by staff and the condition of the dogs and everything was night and day. She said that she called up Ms. Sue Friedman to commend her, because there was a really good feeling and everyone was welcoming. She said that she played with a dog that she was tempted to adopt, and it was a really good feeling. She stated that the Pantops CAC (Community Advisory Committee) meeting was well attended, and a concern had been raised regarding a zoning



change in 2020 on the corner of Route 20 near Route 250.

Ms. LaPisto-Kirtley stated that it had been rezoned for a daycare center, but now wanted to rezone for a church and a very large parking lot, but what was interesting was that the last time it was not approved due to the parking lot being in the flood plain, and the developers stated that this time, FEMA (Federal Emergency Management Agency) was supposed to reevaluate all of the flood plains and come out with a new standard. She said that she was unsure of the date, but they would be recalculating the flood plain areas, which made it interesting for the Board and its decisions on developments prior to the new FEMA flood plain designs coming out.

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Agenda Item No.13. Closed Meeting.

At 3:42 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, Community Policy and Management Team, Albemarle-Charlottesville Regional Jail Authority, Natural Heritage Committee, Pantops Community Advisory Committee, Places 29 (Hydraulic) Community Advisory Committee, and Places 29 (North) Community Advisory Committee; and
- under subsection (5), to discuss the location of a business or industry, in the northern part of the county, in the Rio District, where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community.

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

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

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Agenda Item No.14. Certify Closed Meeting.

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

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

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

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Agenda Item No. 15. Boards and Commissions.

Item. No. 15.a. Vacancies and Appointments.

Mr. Andrews **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **APPOINT** Ms. Elizabeth Engle to the Natural Heritage Committee with said term to expire September 30, 2027.
- **REAPPOINT** Ms. Stephanie Lowenhaupt to the Pantops Community Advisory Committee with said term to expire June 30, 2025.
- **REAPPOINT** Mr. Christopher Rembold, Mr. James Clemenko, Ms. Cynthia Neff, Ms. Yolanda Speed, and Ms. Rosemary Miller to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire August 5, 2025.
- **REAPPOINT** Ms. Deborah van Eersel, and Mr. David Mitchell to the Places 29 (North) Community Advisory Committee with said terms to expire on August 5, 2025.

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

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

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Agenda Item No. 17. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were none.

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Agenda Item No. 18. **Public Hearing: SP202300002 Community Christian Academy.**

PROJECT: SP202300002 Community Christian Academy

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 06100-00-00-12700 LOCATION: 1410 and 1414 Old Brook Rd

PROPOSAL: Special use permit amendment for a private school.

PETITION: A request for a special use permit amendment under Section 18-14.2.2 to increase the student enrollment at an existing private school from 85 to 150 students. No additional exterior changes to the buildings or site are proposed.

ZONING: R-2 Residential - 2 units/acre

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT: AIA Airport Impact Area

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in Neighborhood 2 of the Places 29 Master Plan.

The Executive Summary as forwarded to the Board states that at its meeting on June 27, 2023, the Planning Commission (PC) voted 6:0 to recommend approval of SP202300002 Community Christian Academy for the reasons stated in the staff report and with recommended conditions.

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

The PC had no questions for staff but did ask the applicant a few clarifying questions regarding transportation, traffic, parking, and the existing conditions of the school buildings. The applicant confirmed that the existing roads, parking areas, and school buildings had been reviewed by staff and were adequate to support the proposed increase in student enrollment. No members of the public spoke at the public hearing on this proposal. Following the PC meeting, the County Attorney's Office made minor, non-substantive revisions to the proposed conditions.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202300002 Community Christian Academy with the proposed conditions.

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Mr. Kevin McCollum, Senior Planner, stated that Community Christian Academy was an existing private school within the Cross Life Community Church. He stated that it was located along Rio Road at the intersection of Rio Road and Old Brook Road. He said the existing conditions of the site included two buildings, a parking lot, and a playground area. He stated that it was zoned R-2 Residential and was 3.14 acres in size.

Mr. McCollum stated that both the Community Christian Academy and Cross Life Community Church had approved special use permits. He said that when the school received their special use permit in 2012, they were limited to 85 students. He said that the school was proposing to increase the number of students of the school from 85 up to 150, and there were no additional changes being requested at this time.

Mr. McCollum said that on the screen was the conceptual plan for the private school, with the entrance along Old Brook Road, the pickup and drop-off loop, the parking lot, the school building, and the playground area. He stated that staff found that the positive aspects of this application were that institutional uses, such as private schools, were consistent with the Places 29 Master Plan, the proposed school was accessed from adequate public roads for the use, and no detrimental impacts to adjoining properties were anticipated.

Mr. McCollum stated that VDOT had reviewed the proposed roads and entrances and had no objections, confirming that the existing conditions could support up to 150 students. He stated that no concerns were identified by staff in review of this proposal. He concluded that staff recommended the Board adopt the attached resolution (Attachment D) to approve SP202300002 Community Christian Academy with the proposed conditions.

Ms. Price asked if there were any questions from the Board for staff. Hearing none, she opened the public hearing.

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Ms. Kimberly Moore, Executive Director of Community Christian Academy, stated that the elementary school was located in the Cross Life Community Church, where they had existed since August 2012. She said that they continued to grow over the years and had gotten to a point where they had a lot of students who liked to come but could not always be served because of the limitation to 85 students. She said that the building was sufficient in size at over 6,600 square feet to house the students.

Ms. Moore said that they had employed Ray Gaines from the Gaines Group who had done the architectural drawings and had agreed with the original loads for the different classrooms that the building inspector gave them over a decade ago and stated that the building could certainly support the 150

students plus the teachers involved. She said that they had heard only good things from the neighbors, which they had an opportunity to meet and some actually attended the school.

Ms. Moore said that at the Community Advisory Committee meeting, there were some folks there who were in the neighborhood and expressed that they were great neighbors and a blessing to the community. She said that they would like to continue to serve the community well, and increasing those numbers would allow them to do that.

Mr. Andrews said that he understood there would be no changes to the building. He asked if that referred to both internal and external changes.

Ms. Moore replied that they did not anticipate any changes in either way at this stage. She said that as they had become increasingly comfortable partners with Cross Life, they had allowed them to use more and more space, so the space was already existing and appropriately divided for the use. She said that it was simply a matter of being able to use additional spaces that had not been utilized in the past.

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Ms. Price closed the public hearing and said that the floor was open for a motion.

Mr. Gallaway **moved** that the Board adopt the attached Resolution (Attachment D) to approve SP202300002 Community Christian Academy with the proposed conditions.

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

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

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**RESOLUTION TO APPROVE  
SP202300002 COMMUNITY CHRISTIAN ACADEMY**

**WHEREAS**, upon consideration of the staff reports prepared for SP 202300002 Community Christian Academy and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-14.2.2 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202300002 Community Christian Academy, subject to the conditions attached hereto.

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**SP202300002 Community Christian Academy Special Use Permit Conditions**

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan. To be in general accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development.
  - a. Location of buildings, parking areas, and playground areas.
  - b. Site access including pick-up and drop-off locations and circulation as shown on the Concept Plan. Signage and pavement markings may be required at the time of Zoning Clearance to ensure safe vehicular circulation.

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

2. The maximum enrollment may not exceed one hundred and fifty (150) students.
3. All students must be over the age of two and one-half (2 ½) years old.
4. Classroom instruction for the school is limited to 7:30 a.m.-6:00 p.m. Monday through Friday, provided that occasional school-related events/activities may occur after 6:00 p.m.

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Agenda Item No. 19. **Public Hearing: SP202200032 – The Miller School of Albemarle.**  
PROJECT: SP202200032 – The Miller School of Albemarle  
MAGISTERIAL DISTRICT: Samuel Miller  
TAX MAP/PARCEL(S): 07200000003200, 072000000032D0, 072000000032E0  
LOCATION: 1000 Samuel Miller Loop, Charlottesville, VA 22903

PROPOSAL: Special Use Permit application to authorize the continuation and expansion of the historic private school use, which is currently a non-conforming use. Proposal includes the renovation and expansion of an existing dormitory structure, as well as a phased approach to increasing maximum student enrollment to 300 students then ultimately to 500 students, along with future construction of additional structures and improvements.

PETITION: "Private school" per Section 10.2.2.5 of the Zoning Ordinance.

ZONING: RA Rural Areas – agricultural, forestal, and fishery uses; residential uses at a density of 0.5 dwelling units/acre in development lots.

ENTRANCE CORRIDOR (EC): No.

OVERLAY DISTRICT(S): Critical Slopes; Flood Hazard.

COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential uses (0.5 unit/acre in development lots).

The Executive Summary as forwarded to the Board states that at its meeting on June 13, 2023, the Planning Commission (PC) voted 6:0 to recommend approval of SP202200032 The Miller School of Albemarle for the reasons stated in the staff report and with revised conditions as presented by staff at the meeting.

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

Following discussion and questions, the PC had no concerns with the request. At the meeting, staff presented revised conditions of approval to address applicant concerns regarding the minimum number of boarding students. The Commission was supportive of added flexibility in Condition 2. Following the PC meeting, the County Attorney's Office also made additional, non-substantive revisions to the proposed conditions.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202200032 The Miller School of Albemarle with conditions:

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "Concept Plan" prepared by Line+Grade and dated May 1, 2023,. To be in general accord with the Conceptual Plan, development and use must reflect the following major elements within the development, which are essential to its design, as shown on the Conceptual Plan and described in the Narrative:
  - a. Location of buildings and structures, including their arrangement
  - b. Location of parking areas
  - c. Limits of disturbance
  - d. Location of roads and travelways

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

2. Maximum enrollment is limited to 500 students. A minimum of 40% of enrollment must be residential students.

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Ms. Rebecca Ragsdale, Planning Manager, stated that this item was a special use permit request for an existing nonconforming school, and this special use permit would bring it into compliance with the current Zoning Ordinance and allow for some planned expansions. She said that right now, as a legally nonconforming use, they were limited in planning ahead for future site improvements and additional buildings. She indicated on the slide the aerial view of the large property in the Samuel Miller District near Batesville, which had a number of road frontages, including Pounding Creek Road and Dick Woods Road, but Samuel Miller Road was the main access to the property that bisected it on either side.

Ms. Ragsdale said that it was zoned Rural Areas (RA) in the Rural Area of the Comprehensive Plan, and there was a large amount of forest area protected as green space and some important streams such as the Mechums River, Miller Branch, and their tributary streams. She stated that this property was over 1,000 acres, much of which was under conservation. She said that some of the documents included in the packet were illustrative and referencing that conservation easement in terms of where any school expansions could take place on the property.

Ms. Ragsdale said that for this special use permit they were focusing on the school campus and where additional buildings could be added, indicated in the yellow circle on the map. She stated that the existing conditions included a 230-student enrollment, and this request was part of their expansion of enrollment in two phases. She said that initially, one building would hold up to 300 students, but eventually the request would be for 500 students, which she would review as part of the concept plan. She stated that a great deal of acreage was in conservation easement, and there were 43 identified structures on the subject property, three of which were listed on the National Register of Historic Places.

Ms. Ragsdale stated that this proposal was focused on the narrow campus area, and the concept plan displayed on the screen showed the planned continuation of the campus in regard to the building envelopes and where parking areas would be located. She said that previous requests included additions to historic buildings, which would not be the case with this current proposal, and there was a lot of planning and work done for this proposal in terms of updating the concept plan. She said that it was not anticipated that they would disturb any critical slopes, and it was mentioned that it was in the Rural Area not served by water and sewer, so there may be a future private system request before the Board once at

that level of detail at the site plan.

Ms. Ragsdale stated that displayed on the slide was an exhibit of the arrangement of buildings, which was reviewed by the Department of Historic Resources who did not raise any concerns due to there being no additions to the historic buildings. She said that the special use permit criteria reviewed for consideration were whether there would be any detriment to abutting properties, change in character, harmony with the district, and consistency with the Comprehensive Plan.

Ms. Ragsdale said that at the community meeting, there were questions about traffic that the applicant responded to, and VDOT and County Transportation Planning staff did not have any concerns with regard to public health and safety, reviewers from Zoning, Engineering, and the Health Department reviewed the special use permit and did not have any concerns. She stated they would review any site plans that came forward.

Ms. Ragsdale stated that with regard to the Comprehensive Plan, there were many strategies and objectives they believed were relevant to this request that the application and property were already doing with the conservation easements and protecting natural resources, but they wanted to ensure they looked at the lens of historic resource concerns, which they did not have with this request. She stated that staff recommended approval based on the positive aspects found, and it was noted that in the concerns that they did not encourage new private school uses in the Rural Area, but this was a longstanding use beginning in 1876.

Ms. Ragsdale said that they examined the additional vehicle trips closely and the turn lane analysis was provided, noting that there could be an increased number of trips, but based on the percentage of boarding students and other factors, they did not have concerns with that. She said that it was recommended with approval with two conditions, one being in general accord with the concept plan and one to address the maximum enrollment to be limited at 500 students, 40% of which would be residential students.

Mr. Andrews asked to see slide 9. He stated that the Planning Commission had three conditions, and this appeared to be only two, but it looked like it was just a changing in how it was organized and worded.

Ms. Ragsdale said yes. She said that there was a third condition but based on comments from the applicant and discussion with the Planning Commission, they combined conditions two and three. She said that they had written it in a way where they were going to track the percentage of 40% and 60% throughout their enrollment at any point in time, and they felt that it was not necessary because they were really concerned about the percentage at maximum enrollment, so that allowed for some flexibility.

Mr. Andrews said that he had confusion about this, because it appeared to be written that a minimum of 40% students must be residential as a condition, but according to what he read it would be 300 students and 100 being residential, which was not 40%, but it was obviously less than 200. He said that he was confused about the wording and whether or not it should refer to 40% at the full 500, because as they phased in, 40% did not seem to be the right number initially.

Ms. Ragsdale stated that the intent was to allow flexibility. She asked if the County Attorney could provide insight as to whether the wording should be changed.

Mr. Andy Herrick, Deputy County Attorney, stated that this was the language requested by the applicant and was agreeable to County staff. He stated that he could not address Mr. Andrews' specific question, as County staff had prepared different language initially, and at the request of the applicant, this was what the language was changed to. He said that it may be an appropriate question for the applicant.

Mr. Andrews stated that he was aware that there was a special use application in 2019 before the pandemic, and he was trying to understand the differences. He said that it was his understanding that the prior application required additions to the historic buildings, and they were now not looking at that but were looking at adding new buildings.

Ms. Ragsdale stated that was correct.

Ms. Price opened the public hearing.

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Mr. Michael Drude, Head of the Miller School, greeted the Board and staff. He stated that the founder, Samuel Miller, had a vision for a school that would provide students with an education that was ahead of its time. He said that Miller believed schools were to be used to improve people's lives, and Miller's original curriculum included intentional programming that focused not only on academics but also on health, career choices, and life skills. He said that Miller introduced a cross-curricular approach to education, weaving together traditional curriculum subjects with real-life topics such as sewing, gardening, and electrical engineering. He said that the students at that time would spend half their day in the classroom and the rest of the day on campus in the gardens, metal shop, and powerhouse.

Mr. Drude said that they had changed over the 146-year history, and their curriculum had changed, but they still honored Mr. Miller's vision of providing a student-centered approach to education with plenty of hands-on, real-life, learning-by-doing opportunities. He said that in order to keep doing that and to do it well, they needed to grow. He said that they had a plan for careful growth over the next

several years, and they needed a special use permit in order to make that happen.

Mr. Drude said that this process of going through the special use permit had been a very good one and helpful to them, and their strategic plan had benefited from this process. He said that from working with folks like Ms. Ragsdale and her staff and hearing from the Board of Supervisors, they had taken their advice to strengthen their plan. He said that their plan took into account modest enrollment growth, carefully planned new facilities for their students, safety and security upgrades, honoring the historical campus, and protecting the school's mission of educating the minds, hands, and hearts of their students.

Mr. Drude stated that it was said that Samuel Miller was fond of students who took advantage of opportunities, and this special use permit provided a great opportunity for them to further their mission for kids from Charlottesville and Albemarle County and across the world. He said that it was an opportunity for their more than 90 employees by providing them with an exciting, mission-based, value-driven career, and it was a great opportunity for Miller to become even stronger partners with all of them as they grew and provided their mission to more students. He said he appreciated the process and would be available to answer any questions.

Mr. Daniel Hyer, Principal Engineer with Line + Grade, stated that one of the important aspects of this application, from insights from County staff, was to be able to convey how they would grow. He said that a large portion of the work was aimed at clearly articulating near-term and long-term growth, which would be modest but must be detailed in its process. He said that the next two slides would be a simple explanation of that.

Mr. Hyer said that the first thing to happen would be renovating the girls' dormitory, which would be renovated and brought up to current and appropriate living standards, and with that, there would be minor site design work that would provide for the future boys' dormitory as well as strengthening vehicular and pedestrian corridors in the primary area of campus. He said that all of these were aimed at getting the boys out of the Old Main building and into a dedicated dormitory building, and in doing so, it would liberate the school to have modest growth in the short-term and prepare for their long-term vision, which was to continue to provide for additional dormitories.

Mr. Hyer said that for some number of years, these percentages would flex. He said that as more dormitories came online, the residential student numbers versus day student numbers may change from year to year. He said that flexibility was necessary in the short term as the long-term vision was worked towards, and what this allowed them to do in the long term was to return the Old Main building into a building only for classrooms. He said that the building currently functioned as a multiuse building, so getting the dormitory out of there would create additional space for more dormitories.

Mr. Hyer stated that as the enrollment grew, more dormitories would be added. He indicated on the concept plan, the right side of campus became more residential, and the left side became more of the academic side of the campus, and if time and money allowed, there would be increase in athletic facilities provided. He said that short-term growth was the more paramount concern due to needing to get the boys out of Old Main and into a dedicated dorm, which would require a site plan, and before doing a site plan, they must get the existing noncompliant use sorted out. He displayed the campus development plan that Ms. Ragsdale had referenced and noted the buildings were labeled for reference.

Mr. Hyer stated that a large part of the special use permit was discussing impacts and how those impacts were addressed. He said that by reviewing them from their perspective, the Miller School had a conservation easement on their property, with almost 60% of it under established conservation. He said that the easement specified where development could happen, so the proposal before the Board was contained within one of the building envelope aspects of the conservation easement, so they were abiding by their own rules established for themselves. He said that it was also keeping in line with the development of the campus in general.

Mr. Hyer said that in terms of public resources, the language he would like to provide was that the Miller School was a public resource because its grounds were used by community groups, bike rides, walking, and hiking, as well as parking cars along Miller School Road to access bike routes in the rural areas.

Mr. Hyer said that having had discussions with staff in the early stages of this application, they spent a fair amount of time analyzing traffic along Miller School Road, with a robust accident analysis performed for the general safety of the road, where there was problems, and how those problems had correlations with the existing entrances. He said that the short answer was that there were no issues with those entrances, and most of the accidents on Miller School Road were single-vehicle accidents associated with hitting fixed objects along the roadway and with other circumstances that made drivers less responsible.

Mr. Hyer said that finally, the water and sewer requirements for this site would be worked through at the site plan phase, but it must be brought into conformance with a central sewer permit because they had a septic drain field system. He said that there were detailed records and statistics of how the system operated, and it was very well organized. He said that they would be returning before the Board for that during the site planning phase.

Mr. Andrews stated that he was looking at the Line + Grade study, and on page 11 it said that during the growth period, they would have growth to 300 students with a maximum of 100 boarding

students, or 33%. He said that they were going to eventually grow to 500 with 200 boarding students, or 40%, but the condition stated that they would have a minimum of 40%. He stated that they would not have that according to what he read, so he would like to understand how this should be worded in an acceptable way.

Mr. Hyer stated that it should be amended while they were all together. He said that during the Planning Commission meeting, they were trying to combine the two conditions into one, but did not have a chance to speak when it was being sorted out. He said that the intention of that condition was that when the enrollment of 500 students was met, 40% of those students would be residential students. He said that the wording may need amendment, but it was meant to allow in the short term for the resident number to be less than 40%, but that at maximum enrollment of 500 students, it would be at 40%. He agreed that it should be amended.

Mr. Andrews stated that he worried the language put into the condition did not actually say that but said 40% regardless of whatever number they had.

Ms. Ragsdale stated that it could be fixed so that the applicant would not have to return if they did not get the wording right. She suggested a change to be "at maximum enrollment, a minimum of 40% of the enrollment must be residential students" in order to clarify that. She said that they were not interested in tracking the fluctuations from 20% to 40% or whatever it might be. She stated that having residential students was a component of this school, so if they wanted to change the dorms to day student classrooms, they had the concept plan to fall back on as well.

Mr. Andrews stated that he did not have a problem with that, but it made it so that if there were 499 students, the 40% would not apply yet.

Mr. Steve Rosenberg, County Attorney, stated that if there was desire on the part of the Board to impose a minimum residential requirement, then they may wish to consider phrasing the condition in a way that did not require the attainment of the 500-student enrollment so that they were not tied together. He said that if that was the trigger and it was not achieved, then there was no obligation at all on the part of the applicant to provide any percent of residential students, and that was how it was phrased presently.

Mr. Andrews asked if there was any suggestion about what language would work here without violating the intent of the condition as it originally was worded.

Ms. Ragsdale stated that the prior language presented in the Planning Commission staff report, which had the maximum enrollment at 500 and a separate condition using 40% of the enrollment of any academic year must be residential students. She stated that they could add the other condition back in and find a number that was comfortable for the applicant.

Mr. Hyer stated that if they were to segregate the second condition back into two separate conditions, there would be the requirement on behalf of the applicant to have flexibility in that percentage as opposed to a fixed percentage, because that would make this juggling growth onerous. He said that he was an engineer, so the wording of this language was not his strong suit, but he wondered if replacing the period with a comma or semicolon would tie the two together in a statement.

Mr. Andrews stated that he was unsure if this satisfied what his concern was. He said that his concern was that they had an expectation that as they went to their maximum enrollment, they would reach 40%, but when was a condition was what he would like some guidance as to what to recommend here.

Mr. Herrick stated that triggers other than reaching maximum enrollment might be a date certain for construction or completion of the proposed dormitories.

Mr. Andrews suggested "upon completion of the dormitories, a minimum of 40% of the students."

Mr. Herrick said correct, or it could be upon a date certain. He said he wasn't certain what the construction schedule was, but that that could be another alternative.

Mr. Drude stated that they wanted to ensure they did this right, so they needed the Board's guidance. He said that they were a boarding school and would continue to be, and the 40% came about because their end goal was to have 200 boarding students. He said that he was also looking for help as to how to word that.

Ms. Price asked if there was an estimate on what the construction period would be and how many years this would be, or if it was subject to fundraising.

Mr. Drude stated that they were currently fundraising and that it was subject to raising enough money.

Ms. Price stated that she would propose that the applicant think about that, allow for other questions to be asked, and they would return to the subject.

Ms. Mallek asked how many girls were boarders at this time.

Mr. Drude stated that approximately 40 girls boarded at Miller School.

Mr. Gallaway asked what the condition the County had to impose. He said that usually conditions were something required or prevented, and he understood that it was a boarding school, but that was their mission, and if they were failing at the mission, it was a business problem and not an impact problem. He asked what impact this was supposed to be addressed by putting a requirement on percentage enrollment as residential.

Ms. Ragsdale stated that it was a part of the traffic analysis.

Mr. Gallaway asked if 40% was some magic number for that.

Ms. Ragsdale stated that it was information provided in the trip analysis. She said that it was a condition mentioned in the prior special use permit and were building on that when recommending a certain percentage of enrollment to be residential students based on the information at the maximum, which would be the maximum traffic impact. She said that that was the 40%.

Mr. Andrews asked if it could be reversed so that the maximum day student enrollment would be 300 students or 60%, because 300 was limiting the traffic, and going beyond that they had to have boarding students.

Ms. Ragsdale stated that it sounded like a good idea so long as the County Attorney and the applicants agreed. She stated that the maximum enrollment would be for 500 students and maximum day student enrollment would be 300.

Ms. Price asked the applicants to consider the option.

Ms. McKeel asked what the racial diversity of the school was.

Mr. Drude stated that there were children around the world, including 13 countries and 14 different states. He said that the exact percentage was approximately 20% of students of different countries.

Ms. LaPisto-Kirtley asked how many countries were represented at the school.

Mr. Drude clarified that there were 14 countries among the 85 students who lived on campus.

Ms. LaPisto-Kirtley asked if the 40% enrollment was the best option for the school.

Mr. Drude confirmed that in their many analyses of the expansion, 200 students allowed and 50 per dormitory and was the best amount.

Ms. LaPisto-Kirtley asked if the boys' dormitory would be larger in capacity.

Mr. Drude stated that the goal was to have it be equal when the whole plan completed.

Ms. LaPisto-Kirtley expressed her appreciation for the reverse engineering of the second condition.

Ms. Price stated that the applicant had up to five minutes for rebuttal and would ask the applicant to propose anything as a revision or replacement of the special condition #2, which was now proposed as not more than 300 day students.

Mr. Hyer stated that one of the goals was to create enough of a runway for growth so that they were not returning every two years to ask for a little more. He said that they wanted to put something out for the future as a 20-year goal or 40-year goal so that they would not continuously return to ask for more students to be allowed.

Mr. Hyer said that regarding the traffic and 40% limit, from what they had seen, the 40% number did not really have a negative impact on the traffic at the entrances, and they were nowhere close to warranting left or right turn lanes into this property. He said that the volumes on the road were so low, and they used very conservative estimates, and even trying to get to a worst case scenario, they were still not triggering turn lane warrants in either direction. He said that his suspicion was that if it were 20%, 30%, 40%, or 50%, they would not be in jeopardy of having a less safe or an unsafe traffic condition.

Mr. Hyer stated that regarding the proposed condition of 300 day students, it was a brilliant way to do it and he did not see any objection to reversing it because it represented the intent of what they were growing toward, and if the County felt better about that language, it sounded great.

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Ms. Price, hearing no additional questions from Supervisors, closed the public hearing, and brought the matter back before the Board for comments.

Mr. Andrews stated that he would make condition #2 read that "maximum enrollment was limited to 500 students with a maximum of 300 day students."

Ms. Mallek stated that she was glad that this would have a happy ending, because over many



campus visits over the last 25 years, to have seen lots of great care for the buildings was important to her, and she appreciated the experiences of students that she had taught in elementary school who had gone through the Eagle Scout Courts of Honor and Billy Wagner's Award Ceremony and a whole bunch of other things over the years. She stated that she was glad that greater minds had figured out a way to get the wording right, and she was happy to support it.

Mr. Gallaway said that he was supportive of the application.

Ms. McKeel said that she had no questions or concerns.

Ms. LaPisto-Kirtley stated she was supportive.

Ms. Price thanked Mr. Andrews for his attention to detail so that they did it correctly. She said the floor was open to a motion.

Mr. Rosenberg asked if modification to the language suggested by Mr. Andrews was appropriately written as the substitution for Condition #2 as "maximum total student enrollment is limited to 500 students and maximum day student enrollment is limited to 300 students."

Mr. Andrews **moved** that the Board adopt a Resolution (Attachment D) to approve SP202200032 The Miller School for the reasons stated in the staff report with staff conditions modified so that Condition 2 reads a maximum total student enrollment is limited to 500 students and a maximum day student enrollment is limited to 300 students.

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

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

Ms. Price stated her appreciation for the Miller School graduation ceremonies, which were very personalized for their students.

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**RESOLUTION TO APPROVE  
SP202200032 THE MILLER SCHOOL OF ALBEMARLE**

**WHEREAS**, upon consideration of the staff reports prepared for SP 202200032 The Miller School of Albemarle and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.2.2(5) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202200032 The Miller School of Albemarle, subject to the conditions attached hereto.

\* \* \*

**SP202200032 The Miller School of Albemarle Special Use Permit Conditions**

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "Concept Plan" prepared by Line+Grade and dated May 1, 2023. To be in general accord with the Conceptual Plan, development and use must reflect the following major elements within the development, which are essential to its design, as shown on the Conceptual Plan and described in the Narrative:
  - a. Location of buildings and structures, including their arrangement
  - b. Location of parking areas
  - c. Limits of disturbance
  - d. Location of roads and travelways

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

2. Maximum total student enrollment is limited to 500 students. Maximum day student enrollment is limited to 300 students.
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Agenda Item No. 20. **Public Hearing for a Chapter 9 Ordinance Amendment Authorizing Photo Speed Monitoring Devices in School Crossing and Highway Work Zones.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 9, Motor Vehicles and Traffic, by amending Article 5, Division 1 and adding Division 2 to provide authorization to the County to enforce speed limits in school crossing zones and highway work zones with photo speed monitoring devices and to contract with third-party vendor to accomplish the same.

The Executive Summary as forwarded to the Board states that in 2020, the Commonwealth of Virginia passed §46.2-882.1 authorizing the use of photo speed monitoring devices in school crossing and highway work zones. The proposed ordinance (Attachment A) would enable the County through its Police Department to install such devices and administer a speed enforcement program in school crossing zones and highway work zones. In addition, adopting the proposed ordinance would authorize County staff to contract with a private vendor to administer some aspects of the program on the County's behalf. The proposed ordinance would also require organizational changes and related amendments to Chapter 9, Article 5.

Albemarle County Code Chapter 9, Motor Vehicles and Traffic, Article 5, Video-Monitoring System, as currently constituted, authorizes and regulates the school division's use of video-monitoring systems on school buses. The proposed ordinance amendment (Attachment A) would create a second division to Article 5-"Photo Speed Monitoring Devices"-authorizing the use of photo speed monitoring devices in school crossing zones and highway work zones. In addition, the proposed ordinance would address the County's contracting for services with a private vendor to administer the logistical components of a speed enforcement program in these zones. If the proposed ordinance is adopted and the new Division 2. is codified, County staff will begin procurement of a vendor to assist in implementing a speed enforcement program in school crossing and highway work zones. Other changes to Article 5 are proposed, reflecting organization into divisions and minor stylistic amendments.

If adopted, there will be costs associated with the procurement and ongoing maintenance of the services by the private vendor. If approved, further Board discussion of potential revenues, related expenditures, and related policy direction would be held in the context of the County's long-range financial planning or annual budget process.

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Colonel Sean Reeves, Chief of Police of the Albemarle County Police Department (ACPD), stated that over the past year, several Board members had had discussions with ACPD about the utilization of speed cameras and effectiveness of cameras in specifically school zones. He said that for the purposes of this meeting, they would not discuss construction sites as much as the school zones, because that was what the ACPD was focused on in the near term. He clarified that the speed cameras should not be confused with photo-red cameras and were not to be confused with school bus cameras. He said that these were a unique product the ACPD was focusing on, and the other two products had been tabled for the time being while they discussed internal staffing analysis.

Chief Reeves stated that first and foremost, the ACPD Strategic Plan had embraced the pillars of 21st century policing, and where this proposal came into play was in them being able to utilize technology as well as reducing crime and community policing. He said that it aligned with the County's overall first goal of safety and wellbeing.

Chief Reeves stated that some of the benefits of speed cameras were that they made roadways safer by deterring drivers from speeding and by reducing accidents in school zones where children were crossing the road to attend school, they leveraged technology as a force multiplier for law enforcement, and they provided officer safety by reducing the number of physical traffic stops conducted by officers while also mitigating the inherent dangers associated with them.

Chief Reeves said that lessons learned from similar programs and research about speed cameras included that there might be concerns about privacy and data collection associated with speed cameras. He said that in Virginia, there was a state law that the ordinance mirrored that had safeguards in place about what was done with that data, and the existing legislation protected that data gathered through speed cameras. He continued that people might want to know how the initiative would be funded, and right now the ACPD was looking for potential vendors so that the speed cameras would pay for themselves, so they would not be asking the Board for funding or any additional revenue to support this. He said that these speed cameras that certain companies had would deduct the cost of operating the equipment from any revenues generated by the product.

Chief Reeves said that there was a concern about government surveillance, skepticism about their effectiveness, or a belief that it may lead to revenue generation rather than genuine safety improvements.

Chief Reeves said that based on past practices with the photo-red camera, monies generated through this program was allocated to community outreach programs as well as bicycle safety helmets for kids and a driver awareness program for teens. He said that it went back into the community and was not designed to be a revenue generator. He said that their goal with this program was to alter driver behavior and get the numbers to zero in the school zones.

Chief Reeves stated that their implementation strategy began about a year ago with data analysis of overall crash data and speeding data across the entire County, especially with school zones. He said that they had already consulted with Albemarle County Public Schools (ACPS) as well as the County

Attorney's Office and Commonwealth Attorney's Office. He said that they proposed a County ordinance to support this endeavor, and if approved, in year 1 they would deploy the speed camera at Albemarle High School on the Lambs Lane campus, and in year 2, depending on the effectiveness of the program and staffing impact, they would look at doing the western schools.

Chief Reeves said that they were looking at vendor selection, and as part of that they were working with I.T. to make sure there were no conflicts and continuing legal and procurement review. He stated that public awareness campaigns would be a critical piece of this, making the public aware of what the cameras were and what they did and did not do. He said that it would be followed by a 60-day grace period once they went live in the community. He stated that after the grace period they would fully implement the technology and examination of impact on staffing and utilization of revenue.

Captain Randy Jamerson, Commander of the Special Operations Division of the ACPD that oversees the Traffic Unit, stated that as they moved forward, he would discuss information pertaining to the Lambs Lane Campus. He stated that the Lambs Lane Campus included Albemarle High School (AHS), Journey Middle School, Greer Elementary School, Ivy Creek School, and the Boys and Girls Club Campus. He said that the speed study collected data from Albemarle High School along the Hydraulic Road corridor in the school zone there in front of Albemarle High School over a five-day period from Monday through Friday, 7:35 a.m. through 4:15 p.m.

Captain Jamerson stated that the total vehicle count for this specific study on Hydraulic Road was a little over 38,000 vehicles in that five-day period, and of those vehicles monitored, there were just under 4,000 violations of vehicles driving more than 10 miles per hour over the posted speed limit of 25 mph. He said that the pie charts displayed on the screen showed the average daily vehicle counts, color coded between 7:35 a.m. – 9:15 a.m., 9:15 a.m. – 2:15 p.m., and 2:15 a.m. – 4:15 p.m.

Captain Jamerson stated that the average daily counts for the morning and afternoon times were approximately 1,600, somewhat equal, and the violation count was 272 daily for the morning commute and 416 daily for the afternoon commute.

Captain Jamerson stated that the walk zones implemented by ACPS that encompassed the area around the Lambs Lane Campus, there were approximately 328 students that resided in this walk zone area. He said that displayed on the screen was a view of the Hydraulic Road intersection that was currently a part of the Lambs Lane Corridor, looking towards Georgetown Road in an eastern direction. He said that students were mostly coming from residential areas on the northern side of the road and traveling across Hydraulic Road to reach the school campus.

Captain Jamerson stated that the Western Albemarle Campus included Western Albemarle High School (WAHS), Henley Middle School, and Brownsville Elementary School. He said that this campus was unique because it had a primary roadway that separated the campuses of the high school from the middle school and elementary school.

Captain Jamerson stated that the speed study performed at WAHS was with the same measures as AHS, with the average daily vehicle count similar to that of AHS, being just over 1,600 vehicles in the morning and in the afternoon. He said that the average daily speeding vehicle count of over ten miles per hour was also similar, with 183 during the morning, and 263.6 during the afternoon.

Captain Jamerson said that just as they spoke about the walk zones within the Lambs Lane Campus, the Western Campus had a considerable amount of student population that resided mostly in the Old Trail community, with 147 students in the area shown in green on the district map who could walk and potentially cross a primary roadway to the campus. He said that displayed was a view of the Rockfish Gap intersection that gave an indication of what the intersection looked like for students crossing the roadway to get to campus.

Captain Jamerson said that the final photo was a depiction of what motorists could possibly see if a program such as this was implemented; it gave advanced warning to the motorist with a sign indicating it was a photo-enforced area, followed by a speed limit sign indicating it was a school zone, followed by a driver feedback sign, which they utilized routinely around the County, and then they would enter the school zone with flashing yellow signs. He said that if installed, the device would be within those areas so that multiple opportunities were given to notify the motorist of the violation zone. He said that the typical installation would be on a pole and would be inconspicuous.

Ms. Amanda Farley, Senior Assistant County Attorney, stated that she would discuss the mechanics of legally implementing a program if the Board was so moved. She said that a program of this kind was authorized by Virginia Code §46.2-882.1, which was enacted by the General Assembly in 2020. She said that on its face and by itself, it authorized a program of this kind, however they were presenting this to the Board to implement an ordinance specifically authorizing it for Albemarle County.

Ms. Farley said that as discussed, the two authorized zones that could be enforced by a photo monitoring device would be the school crossing zones or the highway work zones, and they had included both of those into the proposed ordinance, but the ACPD would be focusing solely on implementing this in a school zone scenario.

Ms. Farley said that a civil penalty for violation of speeding 10 mph over the speed limit would not exceed \$100. She noted that if either speeding in a school crossing or a highway work zone were to be summoned by a live law enforcement officer at the scene, then the potential penalty for a school crossing

zone would be \$250 or in a highway work zone would be \$500. She stated that the state law indicated that because this process was much easier to facilitate by photo monitoring device, the penalty was less than if it were enforced by live law enforcement, and the penalty would be paid to the locality.

Ms. Farley said that it gave authorization for a private vendor to handle the administrative duties as well as provide the hardware for a program of this kind. She said that specifically, the state law said that a contract with a private vendor must have compensation based on the value of goods and services provided and not on the number of violations paid or monetary penalties imposed. She said that this was meant to prevent a reversed incentive for them to have more and more violations because it would be perversely generating revenue.

Ms. Farley said that as with the other programs of this kind, only a law enforcement officer could authorize a summons to be mailed out under this program, so that did provide a good framework of security. She said that no private vendor would be independently deciding who should be issuing notice of violation.

Ms. Farley said that the proposed ordinance in front of the Board accomplished two things. She said that for symmetry, because they already had in their County Code, Chapter 9, Article 5, the video monitoring system, which was for the stop arm cameras on school buses, they have now made that Division 1, and the proposed language for the photo speed monitoring devices that they heard about tonight would be in the newly created Division 2. She said that this was because these were similar programs and systems, and so that it would be convenient for the public and for those enforcing the law. She said that the Division 2 would incorporate the state code so that all the relevant provisions were applied. She stated that staff recommended that the Board consider and adopt the proposed ordinance.

Mr. Andrews stated that it was persuasive and interesting data. He asked for reaffirmation that they were not seeing significant speeding except during the rush hours.

Chief Reeves stated that was correct.

Mr. Andrews asked if the speed limit was 25 mph the entire time.

Ms. Price clarified that it was only 25 mph during the two times.

Mr. Andrews asked if it was up to 35 mph those other times.

Chief Reeves said yes.

Mr. Andrews stated that this was not an issue with continuing live law enforcement and simply was a new technique to be added. He said that he understood that there were statutory protections on how it was used. He asked if it was collection of constant monitoring or only those triggering the speed camera.

Ms. Farley stated that her understanding was that it only captured information and images when a violation had occurred, and if it was determined that there was not an actual violation by the ACPD, within 60 days, that information must be purged. She said that even if it proceeded to prosecution and a penalty was collected, 60 days after the penalty was collected, the data must be purged.

Ms. Farley said that it was in statute that whoever collected the information must only use it for the purposes of enforcing speeding in these two zones. She said that there was also some accountability built into the state code in that the ACPD would have to make annual reports to the Virginia State Police and the Commissioner of the Department of Motor Vehicles and Commissioner of Highways, so this was a program that would have reporting requirements every year.

Mr. Andrews stated that it suggested to him that there was no repeat offense issue with this, meaning that if someone paid their \$100 and kept doing it over and over again, at least with respect to the cameras there was not any further penalty.

Ms. Farley said that if it was through the photo monitoring device that someone was issued a violation, and even if they were prosecuted successfully and had to pay a penalty, if it was by this device and this program, it did not go in the record and did not have points against their insurance either. She said that it expressly said that if it were a live law enforcement officer that accomplished the same kind of prosecution, it would implicate insurance.

Ms. Mallek stated that she was hoping there would be some way to incorporate repeat offenders, because she had seen people going 70 mph in the area. She said that she was grateful that the item was before the Board.

Mr. Gallaway stated that he did not think that the photo speed cameras should be viewed as a lesser deterrent than a live law enforcement officer. He asked if the primary concern was that the cost for the fees was more about covering the cost to implement the device than deterring the action they were trying to stop.

Ms. Farley stated that she could understand that as an interpretation, but there were multiple incentives to be addressed there.

Mr. Gallaway stated that it was more expensive to send out a police officer and police car, which was why the ticket was \$250, but the camera cost less, so they charged less for the speeding.

Ms. Farley said that she did not know the intent behind the legislative history.

Mr. Gallaway asked what happened if the violators did not pay the fee.

Ms. Farley stated that the first notice of violation was mailed, and if no one appeared, it could be tried in absentia just as any other speeding ticket that was not considered reckless and was considered a traffic infraction. She said that they could be found guilty in absentia and a penalty imposed, however, there was an option under the statute to have the summons executed on the individual to require them to come to court, but collections was contemplated as a part of that process.

Mr. Gallaway asked if there was no late fee or missed payment fee.

Ms. Farley said that if so, it would be independently assessed by the court and not based on the ordinance.

Mr. Gallaway remarked that tolls had more stringent fees associated with violations than this photo speed camera fine. He asked if the walk zone around AHS was 800 or 300 students.

Mr. Jamerson answered that it was roughly 320 students that resided in that area.

Mr. Gallaway said that young children likely rode the bus and high schoolers had rides, but many middle schoolers were likely to walk in this area.

Ms. McKeel stated that they tried for multiple years to get something like this through, and it was not until 2020 that this passed. She said that this was probably a compromise, and it seemed confusing, but at least it went through. She stated that this made a case for the discussion they had earlier around Hydraulic Road and the transportation they were trying to improve to make Hydraulic Road safer in general. She asked if this were going to only operate during the rush hours when the school zone signs were flashing and outside of those times, the cameras would not be in operation.

Chief Reeves stated that was correct. He said that currently the ACPD was focusing on when the schools had lights activated that notified of the 25-mph speed limit zone, however there was room within the statute that gave them the authority to activate the schools while school activity was going on. He said that they were not there yet because they wanted to do a methodical approach to see what the numbers looked like for the schools with flashing lights on before they did it during the entire school day.

Ms. McKeel noted that there was some speeding on this road all the time. She asked if people had the opportunity to earn as many of the fines as they chose to.

Chief Reeves said that was correct.

Ms. LaPisto-Kirtley noted that it was passed by the legislature in 2020. She said that they were ensuring the program would work and that they would protect children, parents, and anyone else on the roadway. She said she looked forward to the statistics as they approached one year of working on the project. She noted that it had not yet passed for the rural roads, but they would continue working on it. She asked whether people would be ticketed twice if they triggered the photo speed camera and then were stopped by an officer.

Chief Reeves responded that it would be at the officer's discretion. He noted that the camera would serve as a deterrent as well.

Ms. LaPisto-Kirtley asked how many officers would have to be patrolling to equal the ticketing capacity of the camera.

Chief Reeves said that it was difficult to estimate.

Mr. Gallaway asked whether evidence from the speed camera could be used to place suspects related to other crimes in the area.

Ms. Farley responded that the statute stated the cameras were expressly for the purpose of prosecuting traffic violations, but she did not recall if it stated it was the exclusive purpose. She stated that if the evidence existed, then the Commonwealth's Attorney and the ACPD would likely be able to use it. She explained that the limitations were placed on the collection of information.

Mr. Gallaway clarified that if someone were caught speeding, the evidence could be used to prosecute other crimes.

Ms. McKeel said she was confused because she thought the cameras were only on during specific hours.

Mr. Jeff Richardson, County Executive, responded that it was okay for staff to say they did not know if they were not sure.

Mr. Andrews clarified that though the camera would only be used during the flashing light hours, the Board was adopting the full authority granted by the General Assembly.

Ms. Farley responded that was correct.

Ms. Mallek clarified that there would be a contract with the vendor stipulating the terms and costs.

Chief Reeves responded that all contracts went through the legal and procurement processes, and they were reviewed by IT.

Ms. Price opened the public hearing. She noted that there were no speakers and closed that part of the public hearing.

Ms. Mallek asked whether VDOT would have the authority to enact monitoring in work zones under the County ordinance.

Ms. Farley explained that State code established the authority for state police to implement photo speed monitoring.

Ms. Mallek clarified that state police could set cameras up or contract the work on state roads.

Ms. Farley stated that a state police trooper could charge someone using the County-owned cameras, but that she thought that would be highly unlikely due to resources.

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

Mr. Andrews stated he was supportive of the proposal.

Ms. Mallek said she was supportive of the proposal. She said that for future implementations, many students from the Savannah Court and down to Miller School Road on the south side of 250 who walked in the grass on that side as well, and students from Crozet Avenue walked along the grass on the north side to get to school. She asked that staff keep those students in consideration.

Mr. Gallaway stated that he was supportive, and he appreciated the work and the data. He requested that more emphasis be provided to the data so the Board could better understand. He said that speeding was a terrible problem on every road in the County, and it was particularly reprehensible to speed through a school zone or construction zone. He said that he hoped the cameras would act as a deterrent. He said that the cameras would allow law enforcement to patrol other areas of the County.

Ms. McKeel said she was supportive of the proposal. She said she hoped that the ordinance would be applicable to construction zones in the County at some point. She said she drove by the VDOT memorial on Afton Mountain for the VDOT employees that had been killed while on the job.

Ms. LaPisto-Kirtley said she was supportive of the proposal. She said that it would be of great benefit to the County, the children, the parents, and anyone on the road.

Ms. Price stated that on October 19, 1999, at 6:48 a.m. in Virginia Beach, her daughter was hit by a vehicle travelling in excess of 55 mph while she was in a crosswalk in front of her high school. She stated that her daughter suffered many bone fractures and two traumatic brain injuries, but she survived. She said she was in support of the proposal and noted that Virginia Beach had red light cameras for years. She said that at times, 25% of drivers were speeding in excess of 10 mph during school zone hours at Lambs Lane Campus, and it was the perfect location to begin the program. She said she concurred with the broad comments from the rest of the supervisors.

Ms. LaPisto-Kirtley said that it was time for the County to bring technology to the forefront to help control speeding.

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

Ms. Mallek **moved** that the Board adopted the ordinance as presented in Attachment A.

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

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

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#### ORDINANCE NO. 23-9(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE 5, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, Article 5, Video Monitoring System, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

**By Amending:**

Article 5, Division 1 of Chapter 9.

Sec. 9-500 Definitions.

Sec. 9-501 School division authorized to install and operate video-monitoring systems.

Sec. 9-502 Civil penalty.

**By Adding:**

Article 5, Division 2 of Chapter 9

Sec. 9-503 Definitions.

Sec. 9-504 Police Department authorized to install and operate photo speed monitoring devices.

Sec. 9-505 Civil Penalty.

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**Chapter 9. Motor Vehicles and Traffic**

**Article 5. Video Monitoring System and Photo Speed Monitoring Devices**

**Division 1. Video Monitoring System**

**Sec. 9-500 Definition.**

As used in this division, “video-monitoring system” has the same meaning as in Virginia Code § 46.2-844.

(§ 9-800, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-500, Ord. 21-9(1), 8-4-21)

**Sec. 9-501 School division authorized to install and operate video-monitoring systems.**

- A. *Authorization.* The school division may install and operate video-monitoring systems in or on its school buses, consistent with Virginia Code § 46.2-844.
- B. *Private entities.* The school division may enter into agreements with private entities to provide video-monitoring systems and related support services. Only a County law enforcement officer may issue a civil summons or notice of violation under this division.
- C. *Restricted collection of information.* A video-monitoring system operated under this ~~article~~ division shall only collect the information referred to in Virginia Code § 46.2-208(B)(30).
- D. *Enforcement.* Enforcement of a violation of this division shall be as provided in Virginia Code § 46.2-844.

(§ 9-801, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-501, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-844.

**Sec. 9-502 Civil penalty.**

Any violation of Virginia Code § 46.2-844 is subject to a civil penalty of \$250.00, payable to the County of Albemarle.

(§ 9-802, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-502; Ord. 21-9(1), 8-4-21)

**DIVISION 2. Photo Speed Monitoring Devices**

**Sec. 9-503 Definitions.**

The following definitions apply to this division:

“Highway work zone” has the same meaning as in Virginia Code § 46.2-878.1.

“Photo speed monitoring device” has the same meaning as in Virginia Code § 46.2-882.1.

“School crossing zone” has the same meaning as in Virginia Code § 46.2-873.

**Sec. 9-504 Police Department authorized to install and operate photo speed monitoring devices.**

- A. *Authorization.* The Police Department may install and operate photo speed monitoring devices in school crossing zones or highway work zones, consistent with Virginia Code § 46.2-882.1.
- B. *Private entities.* The County may enter into agreements with private entities to provide photo speed monitoring devices and related support services, so long as the compensation is not determined in

reference to or dependent on the number of violations paid or penalties imposed. Only a County law enforcement officer may swear to or affirm the certificate required by Virginia Code § 46.2-882.1 or issue a civil summons for a violation enforced under this division.

- C. *Restricted collection of information.* Photo speed monitoring devices operated under this division shall collect only the information necessary for enforcement of this division or referred to in Virginia Code § 46.2-208(B)(31).
- D. *Enforcement.* Enforcement of a violation of this division shall be as provided in Virginia Code § 46.2-882.1.
- E. *Signage.* Use of a photo speed monitoring device shall be indicated by a conspicuous sign within 1000 feet of any school crossing zone or highway work zone.

**State law reference** – Va. Code § 46.2-882.1.

**Sec. 9-505 Civil penalty.**

Any violation of Virginia Code §§ 46.2-878.1 or 46.2-873 that is enforced pursuant to this division is subject to a civil penalty not to exceed \$100.00, payable to the County of Albemarle.

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Agenda Item No. 21. **Public Hearing for a Chapter 7 Ordinance Amendment.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 7, Health & Safety, by amending Section 7-105, Specific Acts Prohibited, to address a clerical error.

The Executive Summary as forwarded to the Board states that on September 1, 2021, an amendment was made to Albemarle County Code Chapter 7, Health & Safety, Article I Noise, Section 105 Specific Acts Prohibited. Since then, a clerical error was found in County Code §7-105(B)4, in which text references “motor vehicle” instead of the appropriate reference to “dwelling unit.”

Albemarle County Code Chapter 7, Health & Safety, Article 1, Noise, regulates excessive and or unwanted sound. Section 105 prohibits particular acts and sound levels. Within this section, a clerical error was made and has been remedied in the proposed ordinance (Attachment A).

There is no budget impact anticipated.

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

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Ms. Amanda Farley, Senior Assistant County Attorney, stated that there was a clerical error in the County Code brought to their attention by a member of the public. She said that the correction was to Chapter 7, Article 1 § 105(B)(4), related to the noise ordinance. She said that previously, the device within a dwelling unit subsection incorrectly referenced a motor vehicle due to clerical error. She said that an ordinance was before the Board to amend the ordinance and correct the clerical error. She stated it was the staff recommendation to adopt the ordinance.

Ms. Price opened the public hearing. She noted that there were no speakers. The public hearing was closed and the matter was brought back before the Board.

Mr. Gallaway said that they should issue a proclamation or send a note for the citizen who noticed the error in County Code.

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

Ms. LaPisto-Kirtley **moved** that the Board adopted the ordinance as presented in Attachment A.

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

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

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**ORDINANCE NO. 23-7(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 7, HEALTH AND SAFETY, ARTICLE 1, NOISE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 7 Health and Safety, Article 1, Noise, is hereby amended and reordained as follows:



**By Amending:**

Sec. 7-105 Specific acts prohibited.

**Chapter 7. Health and Safety**

**Article 1. Noise**

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**Sec. 7-105 Specific acts prohibited.**

It is unlawful for any person to produce sound from the following acts that meets or exceeds the applicable sound levels:

- A. *Motor vehicle or motorcycle operation.* The sound is produced by: (i) the absence of a muffler and exhaust system conforming to Virginia Code §§ 46.2-1047 and 46.2-1049 on a motor vehicle or a motorcycle; (ii) jackrabbit starts, spinning tires, racing engines, or other similar acts in a motor vehicle or on a motorcycle; or (iii) a refrigeration unit mounted on a motor vehicle, and either:
  - 1. *On a street or on public property.* The motor vehicle or motorcycle is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle or motorcycle; or
  - 2. *On private property.* The motor vehicle or motorcycle is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle or motorcycle is located; or (ii) from inside a dwelling unit or hotel room.
- B. *Sound producing or reproducing devices.* The sound is produced by any device intended primarily for the production or reproduction of sound and either:
  - 1. *Device within or on a motor vehicle on a street or on public property.* The device is within or on a motor vehicle that is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle;
  - 2. *Device within or on a motor vehicle on private property.* The device is within or on a motor vehicle that is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;
  - 3. *Device within a place of public entertainment.* The device is located within a place of public entertainment, and the sound is audible for a duration of five continuous minutes or more, without an interruption of the sound for 30 or more consecutive seconds during the five minute period, within any one hour period: (i) from a distance of 100 feet or more from the property line of the parcel on which the place of public entertainment is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room;
  - 4. *Device within a dwelling unit.* The device is located within a dwelling unit and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the dwelling unit is located; or (ii) from inside a dwelling unit or hotel room;
  - 5. *Device producing outdoor amplified music or serving as an outdoor public address system.* The device is located to produce outdoor amplified music, to serve as an outdoor public address system, or both, including any such device used in conjunction with an agricultural activity, and the sound is not otherwise regulated under subsections (B)(1) through (4) or exempt pursuant to County Code § 7-106, and the sound is audible from inside a dwelling unit or hotel room; or
  - 6. *Device in other locations.* The device is located other than within or on a motor vehicle, a place of public entertainment, a dwelling unit, or is not producing a sound subject to subsection (B)(5), and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room.
- C. *Off-road vehicles.* The sound is produced by an off-road vehicle operated in a location other than on a street, where the off-road vehicle use is not an authorized primary use under County Code Chapter 18, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the off-road vehicle is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room.
- D. *Proximity to sound-sensitive institutions.* The sound is produced on any street adjacent to any school, hospital, nursing home, or court (hereinafter, collectively referred to as "institutions"), provided that conspicuous signs are posted and visible on the street(s) adjacent to the institution stating that the street is adjacent to a school, hospital, nursing home, or court and either:
  - 1. *Schools and courts.* The sound is audible from inside the school building or the court between the hours of 7:00 a.m. and 10:00 p.m. when the school or court is in session; or
  - 2. *Hospitals and nursing homes.* The sound is audible from inside the hospital or nursing home.
- E. *Construction, demolition, or maintenance activities.* Either of the following:

1. Sound produced by construction, demolition, or maintenance activities between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
  2. Sound produced by construction, demolition, or maintenance activities related to a public facility, a public use, or a public improvement between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, but which is produced by a contractor of a governmental entity, or a subcontractor of such a contractor, either off-site or outside of the project limits when the project limits are established in writing by the governmental entity, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- F. *Silvicultural activities*. Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to logging activities, between the hours of 10:00 p.m. any day and 6:00 a.m. the following day or at any time if the silvicultural activities, including logging activities, are determined to not be lawfully permitted bona fide silvicultural activities, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- G. *Solid waste collection*. Sound produced by the collection of solid waste between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within a residential zoning district established pursuant to County Code Chapter 18, and between the hours of 10:00 p.m. any day and 5:00 a.m. the following day within any non-residential zoning district established pursuant to County Code Chapter 18, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the solid waste collection activity; or (ii) from inside a dwelling unit or hotel room.
- H. *Yard maintenance activities*. Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing, and snow blowing between the hours of 10:00 p.m. and 7:00 a.m. within a residential zoning district established pursuant to County Code Chapter 18, and between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within any non-residential zoning district established pursuant to County Code Chapter 18, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- I. *Loud explosive devices used to repel birds*. Sound produced by loud explosive devices, including air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. The use of a loud explosive device is not an agricultural activity exempt from this Article pursuant to County Code § 7-106.

(Ord. 98-A(1), 8-5-98; Ord. 09-7(3) , 12-2-09; Ord. 13-7(2) 9-4-13; Ord. 16-7(1) , 5-4-16; Ord. 20-7(1) , 3-18-20, effective 5-1-20; Ord. 21-7(2) , 9-1-21; Ord. 23-7(1), 8-2-23)

State law reference(s)—Va. Code §§ 15.2-918, 15.2-1200.

Agenda Item No. 23. Adjourn to August 16, 2023, 2:30 p.m. Lane Auditorium.

At 7:31 p.m., the Board adjourned its meeting to August 16, 2023, 2:30 p.m. Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

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|-------------------|
| Approved by Board |
| Date: 04/02/2025  |
| Initials: CKB     |