

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 7, 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. Ann H. Mallek, Ms. Diantha H. McKeel, and Ms. Donna P. Price.

ABSENT: Ms. Beatrice (Bea) J.S. LaPisto-Kirtley

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 Sergeant Angela Jamerson and Officer Andy Muncy were present at the meeting to provide their services.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said that it was requested by Ms. Mallek to add to the agenda the sending of a letter signed by the Chair of the Board to Senator Tim Kaine regarding HB 3372 and HB 2948, legislation allowing heavier trucks on roadways.

Ms. Price, with no other items to be added to the agenda, said that the floor was open for a motion.

Ms. Mallek **moved** to adopt the final agenda as amended with the additional discussion about sending a letter on the transportation bill.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

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

Mr. Andrews stated that the work on Plank Road would be proceeding on Monday to repair the bridge to make it safer for emergency travelways. He said that a community meeting was held last Friday with community members, VDOT, and County representatives. He said that he also attended an open house on AC44 phase 2 at Walton Middle School, which served as an excellent chance to interact with staff about what was proposed for phase 2. He said that there was another open house scheduled for Monday at Murray Elementary School at 5:30 p.m. which he encouraged citizens to take advantage of.

Mr. Gallaway stated the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) was working on a long-range transportation plan and would be starting their community outreach and engagement portion of the plan over the summer. He said that transportation was always on people's minds, and he encouraged everyone to pay attention to when those public meetings were so they could learn about long-range transportation as that organization worked their input in.

Ms. Mallek stated that yesterday was the 79th anniversary of D-Day, June 6, 1944. She said that on the left of the screen was Carl "Chubby" Proffitt, and on the right was Frank Peregoy, who were local young men who fought during WWII. She said that Mr. Proffitt had been awarded the Service Cross, the military's second-highest honor. Ms. Mallek gave the history of Technical Sergeant Peregoy's and Mr. Proffitt's actions during the June 1944 invasion of Omaha Beach during WWII.

Ms. Mallek said that on May 22 and 23, she attended the EPA (Environmental Protection Agency) local government advisory committee meeting in Washington, D.C. She said that elected officials from around the country met to discuss many items on the EPA's agenda, such as the PFAS (polyfluoroalkyl substances) framework, implementation of the federal infrastructure funding packages, and electrification of the transportation grid. She said that there was a tabletop exercise on risk communications led by Agriculture Secretary Jeff Witte from New Mexico, and lessons he and his staff learned from their crisis situation of PFAS contamination in dairy herds from biosolids. She said that David Tungate from the Rivanna Water and Sewer Authority (RWSA) participated virtually, and everyone learned about the challenges and successes from others.

Ms. McKeel stated that last week she attended the CBIC (Charlottesville Business Innovation Council) gala event, at which they gave awards for innovation in the business community and in

education. She said that she had the pleasure of presenting the educator of the year award to Kevin Huff, an instructor at Albemarle High School's engineering center. She said that many of them had attended graduations for the more than 1,000 children graduating from high school in the community. She said that she hoped that some of them would be able to stay in the community and find jobs, and she hoped they would work on finding career pathways for them.

Ms. Price stated that last week she had the opportunity to attend a work session with 35 other Virginians at the White House complex in Washington, D.C. for a three-hour communities in action work session, and it was great to be with a number of people she had worked with over the last several years, including Senator Jennifer Boysko, Loudoun County Board of Supervisors Chair Phyllis Randall, and from the Virginia Council on Women Christina Hagan, among others. She said that she would provide an after-action report to the Board after the conclusion of the meeting. She said that tomorrow afternoon she would return to Washington, D.C. for a Pride celebration on the grounds of the White House.

Ms. Price said that, as Ms. McKeel mentioned, it was a great time of year with graduations, and they had a display with information pertaining to seven of those graduations to the side of the auditorium.

Ms. Price said that since their last meeting, there was an Albemarle County Police Department (ACPD) awards ceremony and family banquet, and what was most heartwarming to her was the sincere esprit de corps among their officers, family, and support staff. She said that the County had the best police force imaginable.

Ms. Price said that she attended senior project presentations at Monticello High School, and that they had a special meeting to celebrate the groundbreaking of the new courts complex that morning.

Ms. Price said that they had a great meeting last week with the Defense Affairs Committee and representatives from the Secretary of the Commonwealth's Office for Military and Veterans Affairs regarding progress on protecting Rivanna Station and the substantial \$1.2 billion of annual economic impact.

Ms. Price said that many members of the community had raised questions about the smoke, haze, and smell they were experiencing, which was due to wildfires in Canada and Nova Scotia and not from local fires. She said that as the wind was blowing it down into their area, it did show them and remind them that climate impacts affected all of them, and there were no borders, boundaries, or walls that precluded that. She said that it was being monitored by the Albemarle County Fire Rescue Department ACFR, but she reiterated that these were not local fires. She noted that personnel from a consulting firm hired by the County was in the auditorium testing the quality of the video and audio communications being recorded and transmitted to the public.

Agenda Item No. 6. Proclamations and Recognitions.
Item No. 6.a. Proclamation Recognizing Juneteenth Day.

Ms. Mallek **moved** to adopt the Proclamation Celebrating Juneteenth as she read it aloud.

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

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

Proclamation Celebrating Juneteenth

WHEREAS, on June 19, 1865, more than two years after the Emancipation Proclamation was signed to free all enslaved people, enslaved Americans in Galveston, Texas, were finally told that they were free from the bondage of slavery and were, for the first time, recognized as citizens of our Nation; and

WHEREAS, Black Americans came to commemorate this day as Juneteenth with celebrations across the country, building new lives and a new tradition that we honor today; and

WHEREAS, the Board of Supervisors recognizes the cultural and historical significance of emancipation and the universally cherished values of liberty and justice; and

WHEREAS, the County of Albemarle, in keeping with the core principles of the United States of America, believes that all persons are created equal and possess unalienable rights to life, liberty, and the pursuit of happiness.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize June 19, 2023, as Juneteenth to celebrate freedom, the centuries of struggle and progress for civil rights, and to commit towards ensuring an equitable, inclusive community for all.

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Mr. Jesse Brookins, Office of Equity & Inclusion (OEI) Director, introduced Ed Brooks, Program Manager of Albemarle County Parks and Recreation. He said that he would classify Mr. Brooks as a griot, or keeper of stories in the community and the way they galvanized their people. He said that he was the most appropriate person to receive this proclamation today.

Mr. Brooks said that the comment was made, "I had to carry a gun," at the Brooks household several years ago as they gathered around the dinner table with their three children. He said that they normally had these discussions, and this comment was made by his wife Tracy as she related how she was chosen and received the honor of playing the role of Harriet Tubman in grade school at Tacoma Elementary in Washington, D.C. He said that he responded and said "yeah, that makes sense. You have to have a gun when you're traveling through the wilderness, fighting off bears and different critters." He said that her response was, "No, actually, you don't know. I had to carry the gun because it was for my enslaved companions." He said that the response was that anyone who ventured to escape from slavery with Harriet Tubman could not return, and he was fascinated by that.

Mr. Brooks said that having read stories where, in a few military cases, the generals burned the bridges behind them, which was not the greatest loyalty act that could be happening, he was intrigued and became interested in reading the biography of Harriet Tubman more than once. He said that he had not known a lot about the institution of slavery, but as he read through her autobiography, he began to understand that someone who returned 13 times to help family and friends escape to freedom. He said that what was not known was that on her first attempt with her brothers, they actually turned back, and that was when she swore that she would never, ever allow that to happen again.

Mr. Brooks said that today they knew the history of the triumphs that she went through to bring people out of slavery. He said that he brought that up as a prelude before talking about Juneteenth on a national and local level, because the Civil War was about the ending of slavery. He said that last year for Father's Day, his son gave him a book by Charles River Editors called "Juneteenth: The History and Legacy of the Holiday that Commemorates the End of Slavery in the South." He said that they did celebrate the arrival of General Gordon Granger in Galveston, Texas on June 19, 1865, because it was a great day.

Mr. Brooks said that there were a lot of things that led up to that, and some things that he did not really know as President Lincoln grappled with this catastrophic war to end the institution of slavery in the United States, the 1862 Battle of Antietam was when the draft copy of the Emancipation Proclamation was first read, and gave a bit of credence to the fact that there was a victory in the war, although technically a tie, the south did retreat and he did draft the Emancipation Proclamation that actually freed the slaves in the areas in rebellion only, and was only in name because they had to win the war.

Mr. Brooks said that he did not know that there was a conference in Hampton, Virginia, in December 1864 where Lincoln and Jefferson Davis met and Davis did not want to preclude at all, he wanted the two states to exist, and Lincoln said that could not happen. He said that he declared in his annual message to Congress on December 6, that Jefferson Davis would accept nothing short of severance of the Union, precisely what they could not and cannot give, and his declarations to this effect were explicit and often repeated, that he could not voluntarily accept the Union, and they could not voluntarily yield it, and the issue between them could only be tried by war and decided by victory.

Mr. Brooks said that on March 3, 1865, Sheridan came to Charlottesville and University of Virginia officials and City officials surrendered at that point, freeing 14,000 enslaved people in Charlottesville and Albemarle County. He said that April 3 was the fall of Richmond, April 9, Robert E. Lee, the most respected commander in the Confederacy surrendered at Appomattox, and on April 15, President Lincoln was assassinated at Ford's Theater. He said that all of these events led up to June 19 as this terrible war did end, and the 13th Amendment was ratified in 27 of the 36 states by the end of December.

Mr. Brooks said that relaying a bit of those local facts to Virginia as well as to the City of Charlottesville, it should be mentioned that the Juneteenth Celebration had actually been in Charlottesville since 2000, and he was honored to stand on behalf of the Yancey Community Center in Albemarle County and to receive this proclamation. He said that he was doing so standing as a native of this community, having returned that there were many organizations that honored Juneteenth and still were working to create equitable inclusion spaces, telling them the full history narratives. He said that he would like to recognize some of the friends and organizations, including Ms. Maxine Holland, Latasha Leavy, and Tamara Turner.

Mr. Brooks said that it was not lost on them that they had the pictures in the entry hallway of the Union Mills Community at Riverview Farm, and those pictures meant a lot. He said that the placing of the historical marker at the lynching death of John Henry James at the County Courthouse and the September 2020 vote to remove the confederate statue at the courthouse were huge. He said that they were the first local body in Virginia under the new Virginia statute to remove this by vote, and its removal meant a lot in terms of justice for the community.

Mr. Brooks said that for the Yancey Community Center, where he now serves as the program coordinator, he wanted to recognize the Yancey Advisory Panel members who were moving the community forward on health and wellness. He said that the heritage and history exhibit was in the lobby and had a lot of information. He said that he attended Yancey Elementary School after attending Scottsville Elementary, when Yancey became an integrated environment in 1967, 10 years after the

Brown v. Board of Education decision.

Mr. Brooks said that he had merged into the Department of Parks and Recreation from the Department of Equity and Inclusion, and they were moving the ball in terms of Simpson Park and other things they were doing. He invited everyone to celebrate the tour of the African American historical sites in Scottsville on Saturday, June 24, 2023 at Union Baptist Church on Hardware Street Extended, and would end at the Scottsville Museum. He said that this was coordinated through the Preservation Piedmont Board and was open to all members of the public. He said that before he was in his current position, he was at Monticello for five years and wished to recognize his colleagues in attendance from that organization.

Mr. Brooks said that he had also been to James Monroe's Highland, and the full historical narrative was told to encompass the history of enslavement. He said that this coming Saturday was Descendants' Day at Highland from 11 a.m. to 4 p.m. and Yancey would be there for the second year in a row. He said that the Yancey Advisory Panel had just begun to discuss the Morven property, which was originally bestowed to Thomas Jefferson's adopted son, William Short, who did not believe in slavery, so he never allowed for slavery during his time period to exist there.

Mr. Brooks said that the University of Virginia had the monument to enslaved workers, and the Department of Diversity, Equity, and Inclusion and UVA Equity Center used the Albemarle County equity profile to give actual outcome numbers to use to attract the community. He said that the Ivy Creek Nature Area at Riverview Farm was a great collaborative between the County of Albemarle and the City of Charlottesville. He said that there was a historical marker there for Hugh Carr, and a lot had been done to recognize his acquisition of 200 acres after being an enslaved person on the Wingfield Plantation.

Mr. Brooks said that he had already mentioned Preservation Piedmont. He said that the Daughters of Zion Cemetery contained many descendants of the Riverview Farm community. He said that the Virginia Humanities had done a lot with grants in this area to promote equity and inclusion, including his position with Yancey. He said that the United Way of Greater Charlottesville had envisioned and opened up spaces that had not before been opened.

Mr. Brooks said that the Charlottesville Area Community Foundation, Albemarle County Schools, PVCC (Piedmont Virginia Community College), the Scottsville Museum, the Town of Scottsville, and the Charlottesville-Albemarle Historical Society were other community partners he wished to thank. He said that the Jefferson School African American Heritage Center was the place for the Juneteenth Celebration in Charlottesville that happened on the official weekend of June 15 through 17. He said PVCC allowed the Juneteenth Festival to be held there from 2001 to 2015.

Mr. Brooks said that the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) helped create Discover Black Cville, which he was proud to serve on the committee for. He said that the Albemarle Chihamba African Arts Festival would be in its 33rd year in Charlottesville. He said that the Center at Belvidere, Piedmont Environmental Council (PEC), Tom Tom Festival, and Charlottesville-Albemarle NAACP (National Association for the Advancement of Colored People) were other partner organizations that contributed. He said that there were many other church and fraternal organizations that had contributed to the community as they knew it today, and they appreciated that.

Mr. Brooks said that the quotes that had driven this country through the enslavement period, it was the freedom spirit that drove Harriet Tubman from "we hold these truths to be self-evident, that all men are created equal," they remembered "four-score and seven years ago," after the Gettysburg battle, and it held true that while President Lincoln was not an abolitionist by any means, he grew to understand that the nation could not be divided. He said that "one nation, under God, indivisible, with liberty and justice for all," was how he wished to end his remarks.

Mr. Brooks accepted the Proclamation.

Mr. Andrews thanked Mr. Brooks for his remarks. He said that there had been many achievements but progress continued to correct some of these wrongs. He said that hearing Mr. Brooks' recounting of the history of the area reminded him that Charlottesville had not always been on the best side of that history, but it also reminded him that they were a community that was working together in many respects and created some great things.

Mr. Gallaway said that Amanda Gorman had been on his mind due to what was going on in Florida, and he was baffled at how her poem had been deemed inappropriate for some to read. He said that he could not think of a greater honor than being referred to by Mr. Brooks as a keeper of stories. He said that Ms. Gorman's poem opened with "when day comes, we ask ourselves where can we find light in this never-ending shade, and won't it be nice when we can finally celebrate a Juneteenth when the shade is behind us and there is no longer any shade there." He said that this would take a lot of effort and a lot of work, and what Mr. Brooks had reviewed, to come out of the shade and look at that light was wonderful, but when a young, outspoken Black woman had her poem banned, that shade was still pretty dark.

Mr. Gallaway said that it was unfortunate that they still had to contend with this. He said that the end of her poem said, "When day comes, we step out of the shade, aflame and unafraid, the new dawn blooms as we free it, for there is always light if only we are brave enough to see it, then we are brave enough to be it." He said that Mr. Brooks, his organization, and those he recognized were brave

enough to stand, move forward, and look to the light. He said that he hoped he would see the day when that shade did not exist any further.

Ms. Mallek said that growing up here, she missed the complete education story of the history, and many people in the audience had gone through the same situation. She said that 20 years ago, she learned things that she should have learned in 1965. She said that she learned about Juneteenth from Ruby Stratford Boston and many other members of her citizenry at the many African American parishes around the White Hall District where families had gathered and buried their ancestors for more than 100 years. She said that there was so much more work to do, and she appreciated all the comments today, and she looked forward to reading Mr. Brooks' history again in the minutes.

Ms. McKeel thanked Mr. Brooks for his words and reminders of what was being done in the community. She said that she was astounded when she looked at Galveston Bay, Texas in 1865. She said that they were talking about letting 250,000 enslaved people know that they were free, which was not a small enclave of people that had somehow been missed. She said that the immense number of people impacted really affected her. She said that Juneteenth marked the country's second Independence Day and was celebrated by the African American community all over the country.

Ms. McKeel said that she suggested that many in the country were not even aware of Juneteenth's existence and did not even understand it, so it was very important to get the word out, because this needed to be celebrated. She said that in closing, it had been said that the historical legacy of Juneteenth showed the value of never giving up hope, which was hard to do sometimes during these trying times. She said that they had to remember through Juneteenth that they could not give up hope, and it would get better, but they all had to step up to the plate to make it better.

Ms. Price said that she could not think of a better recipient of the proclamation than Mr. Brooks. She said that in the 3.5 years she had been a Supervisor, the work he did to take the Yancey Community Center and turn it into a hub for the region was absolutely incredible. She said that it was true that it took a village, and she was proud of their community for being aware of where they were even though they had further to go.

Ms. Price said that she appreciated the remarks of the other Supervisors, and she thought of the last few years in which she had time to look at many white community members and tell them to open their eyes and take action to make this a more inclusive country. She said that until the majority took their part seriously, no minority would be fully accepted into the community. She said that while she was extremely proud of their community, they still had work to do, and she thanked Mr. Brooks for the lesson he gave them. She said that she looked forward to Saturday, June 24 at Union Baptist Church, founded in 1865. She thanked the members of the public who came to share in this proclamation.

Item No. 6.b. Proclamation Celebrating LGBTQ Pride Month.

Ms. Price **moved** to adopt the proclamation celebrating LGBTQ Pride Month.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

Proclamation Celebrating LGBTQ Pride Month

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

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

WHEREAS, Albemarle County's stated mission is to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds; and

WHEREAS, the Board of Supervisors is committed to supporting through its actions and its partnerships the promotion of an equitable and inclusive Albemarle County that allows all members of our community to grow and thrive; and

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

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

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Mr. Brookins said that Ms. Greta Fleming-McCauley had been nominated by the LGBT Affinity Group to receive this proclamation. He said that Ms. Fleming-McCauley was born and raised in Earlysville, Virginia in Albemarle County, and was now married to her wife Karen, and had been working with the County for two years in the Department of Social Services (DSS).

Ms. Fleming-McCauley said that she was honored to accept this proclamation on behalf of the LGBTQIA community. She said that she began with Albemarle County Social Services a little over two years ago as a specialist, serving both the family support and bright stars teams in child welfare. She said that she stepped out of a dark place and finally shared that she was gay 17 years ago with her parents, brothers, and closest friends. She said that she lost family, lost friends, and lost a part of herself in that process.

Ms. Fleming-McCauley said that her mother stood on her back porch, insisting that being gay was a perverse choice, and that her knight in shining armor was going to rescue her. She said that her mother could not understand that she had already saved herself, which was progress. She said that she was an expert at disappearing into the shadows to ensure her presence did not offend anyone, and she kept her distance. She said that she and her wife got married long before it became legal in Virginia and certainly never thought they would be alive to see that day. She said that she invited her parents, and they quickly declined, along with the rest of her family, which was heartbreaking.

Ms. Fleming-McCauley said that in 2014, when gay marriage became legal in Virginia, they decided to have a small backyard bonfire to say their vows with an officiant, sign the papers, and make their union legal. She said that their kids took part in that ceremony, and it was a night she would never forget. She said that when the officiant announced the brides, she turned around and tears were pouring from her eyes; her parents had come, which was progress.

Ms. Fleming-McCauley said that in the past year, her mother's dementia had become pronounced, and recently when they were in a medical facility, on the wall was a beautiful display of supportive material to celebrate the LGBTQIA community. She said that her mother stopped in her tracks, looked over at the board, and said, "is that what I think it is? Is that for those gay people? They're all going to hell." She said that she pulled out her rainbow keyring gently in front of her and said to her, "Mom, I'm gay," and her mother stared at her as if she was trying to remember and eventually threw her hands in the air and shared explicit words with the entire hallway. She said that she hugged her mom while she cried, and her mom told her she was sorry she had forgotten.

Ms. Fleming-McCauley said that time and age had a way of altering the thought process, rewinding, glitching, and losing valuable moments in history. She said that she had a plan to place copious amounts of frames around her house filled with happy memories, a reminder of how much she was loved and to remember who she loved, but also a way to remind herself that when she forgets that she made the choice to accept and love us. She said that she would not allow the disease to darken all her years of beautiful progress.

Ms. Fleming-McCauley said that the keychain was part of the recent swag giveaway for the recent and first Albemarle County Diversity Fair. She said that everyone was so receptive, eager to talk, ask questions, and show support, but as she was handing them out, she realized she had never carried or worn anything in support of the LGBTQIA community. She said that the reason for this was being the target of a hate crime was real, and it was real scary, but she was finding it very difficult to encourage others to shine bright and be proud and be an ally while continuing to hide that very beautiful part of herself.

Ms. Fleming-McCauley said that she committed and put it on her keychain, and while it may seem like an insignificant step to some, for her it was intentional and an awakening. She said that today, she was speaking in front of all of these people, sharing an intimate part of her own journey, and she too was making progress. She said that her life was much different before she opened the door at 1600 5th Street, because she had never worked in an environment that was safe, and the only safe place was her home where she could live her truth and her best life, and in those walls her wife and their three children were a normal family.

Ms. Fleming-McCauley said that she was proud to say now that she had a second home with Albemarle County, where her office was covered in family photos, coworkers asked how her wife was, and she could finally be her complete self, which was a proud gay woman. She said that she no longer felt ashamed and got to be the best version of herself, which was a gift that she intended to give every human that walked through their doors. She said that it was her mission to promote, create, and sustain a safe place of acceptance, tolerance, and growth. She said that Albemarle County was making progress, and she asked that they keep moving forward. She wished everyone a Happy Pride.

Ms. Fleming-McCauley accepted the Proclamation.

Mr. Andrews thanked Ms. Fleming-McCauley for sharing her story. He said he had prepared some comments about some backlash they had recently received. He said that he was proud that the community did not have that backlash present there and hoped that they could continue to move forward with the progress.

Mr. Gallaway said that it had been noted by Amanda Gorman that the majority of book bans involved characters of color or who talked about race in some way, along with figures of the LGBTQ community or touched upon those themes, and that it appeared the message to young readers was that it was inappropriate to be African American, gay, or an immigrant. He said that it had been wonderful attending the County's graduations to see such a diverse group of young people receive diplomas. He said that it was perverse for people to tell any of those young people as they went out into the world that they were somehow inappropriate.

Mr. Gallaway said that it was perverse when, through one's own limited religious or political views tried to say that universal love was restrictive in leaving some people out of that context. He said that it was extremely inappropriate to create confines within the concept of love in order to exclude people. He said that Richard Rohr talked about this concept of universal love and how it was arrogant and egotistical to try to define what an all-loving God was, and he believed it to be perverse. He said that he hoped that people struggling with their identity could figure out how to be brave and come out of the shade and live in the light as who they were.

Ms. Mallek said that their country had so many challenges, and to become the best version of their selves, they needed everyone using each of their particular gifts in whatever way they could to work together to make it better. She said that she hoped they would continue with the small steps in progress made in the past 20 years to the present to continue that work.

Ms. McKeel thanked Ms. Fleming-McCauley for sharing her and her family's experience. She said that she had reviewed who in history who may be included in modern terms as LGBTQIA, and in her research she found Florence Nightingale and Sally Ride. She said that it was fascinating to be able to identify two women from different times who most people were very familiar with but had no idea that they were members of the LGBTQ community. She said that she also had some data from the National Resource Center on LGBT Aging, which indicated that nationally there were 3 million people identifying over the age of 50, and that was projected to be 7 million by 2030.

Ms. McKeel said that 34% worried that they would need to hide their identity when needing to access senior housing, and 5.3% felt isolated, and as caregivers, 21% of older LGBT people had provided care to family and friends, compared to only 6% of older adults. She said that LGBT people had become caregivers at higher rates and made up of 9% of all caregivers in the United States. She said that overall, they were more likely to face poverty, homelessness, and have poor physical and mental health. She thanked the Albemarle County employees who were in the LGBTQ community and educating the public on the positive aspects of being different and being role models to the larger community. She thanked Ms. Price for her public service to the County as a member of the LGBTQ community and making it easier for other LGBTQ community members to step forward and serve.

Ms. Price thanked the Board, the County staff, and the community. She said that they lived in a community where people could be themselves. She said that as she was closing her computer to come to this meeting, she saw a news feed of a brawl outside of a school board meeting in California where anti-LGBTQ individuals engaged in a fight with those who were there to support equal treatment under the law. She said that when she moved to Albemarle County in 2016, not knowing a soul, she did so with the hope of simply living a quiet existence while still engaging in public service.

Ms. Price said that it was not and had never been her desire to make her being transgender a major point of discussion, and having what was called passing privilege, many of her friends in Virginia Beach had said that the best part of her move was that no one needed to know that she was transgender. She said that she knew that they said that with the best meanings in their heart, but there was another message there, which was that she should be ashamed or embarrassed that people would know that she was transgender, and this was a dark side of being closeted.

Ms. Price said that initially when she moved here, she tried that, quickly learning that she would either have to obfuscate or outright lie about her past. She said that by doing that, she was simply taking herself out of one closet and putting herself in another. She said that in 2019, she was approached and asked to run for the open seat for the Scottsville District on the Board of Supervisors, and shortly after obtaining the party nomination, the head of the Albemarle Democratic Party asked to meet with her, and at that time asked if she was going to run as a transgender candidate.

Ms. Price said that her answer was no, she would not run as a transgender candidate, but she would not run away from being a candidate who was transgender. She said that she would not run as a Navy or Episcopalian candidate, although she belonged to both of those groups. She said that those were simply parts of who she was and was not her total identity. She said that for the past three years on this Board, she had specifically declined to be the Supervisor to move for the passage of a proclamation for LGBTQ Pride because she did not want to be known as the transgender Supervisor but strived to be the best Supervisor she could be, believing that quiet competence would win.

Ms. Price said that this year was different, in that she both requested and exercised the privilege of the chair to move as the Supervisor to adopt the proclamation. She said that today, the

transgender community was particularly the target of hateful attacks by so-called Christians, their white Christian nationalism, and the Republican Party. She said that if people did not believe her, she asked them to read the chapter beginning on page 31 of the 2016 Republican Party platform, which was readopted without change in 2020 and declared to remain in effect until 2024. She said that listed was great American families, education, healthcare, and criminal justice, disavowing of marriage equality, opposing anti-discrimination legislation, relying upon firmly held religious beliefs to support their alternate version of reality.

Ms. Price said that they opposed equal treatment under the law without regard to sexual orientation or gender identity or race or ethnicity or religion or any other demographic. She said that since January of this year, more than 400 anti-trans bills had been filed by Republicans, more than the number introduced in the last four years combined, and more than 50 of those had been enacted into law in the last four months alone. She said that no longer content with limiting the care provided for minors, legislators were now going after adults, even attempting to legally require detransition.

Ms. Price said that they were effectively trying to eliminate transgender individuals as a matter of law, regardless of facts and science. She said that there was good news, such as yesterday in Florida, a federal district court judge enjoined the enforcement of those provisions of the Florida law banning transgender healthcare that were being challenged in court. She said that she must note that other provisions had not reached a decision-making stage. She said that the judge said in his ruling, which followed a similar ruling in Arkansas, "The elephant in the room should be noted at the outset: Gender identity is real."

Ms. Price said that he went on to say that many people, those who believed transgender individuals chose their gender, disapproved of all things transgender and so opposed medical care that supported the existence of a transgender person. She said that the medical defendants in that case explicitly acknowledged that this view was wrong and that pushing individuals away from their transgender identity was not a legitimate state interest. She said that the judge concluded that any proponent of the challenged statute and rule should put up or shut up, ultimately finding all challenged sections of the Florida law to be unsupportable.

Ms. Price said that from now until the second week of November of this year, they in Virginia had the opportunity and the responsibility to elect those officials who represent their entire constituency and not just a select few, with the entirety of the General Assembly up for election. She said that nationally in 2024 it was a major year with the President, all of the House of Representatives, and a third of the Senate up for election.

Ms. Price said that she urged them to help those who supported both freedom of religion and freedom from religion, those who sought to unite and not divide. She said that she asked them to recall, "We hold these truths to be self-evident: That all people are created equal, that we are all endowed by our creator with certain unalienable rights, and among these are life, liberty, and the pursuit of happiness." She said that she implored them all to do as Dr. Martin Luther King, Jr. did and chose love, for hate was too great a burden to carry, and everyone should be free to be themselves.

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

Ms. Nancy Koenig, Scottsville District, stated that she appreciated the opportunity to discuss commercial solar projects in the area. She said that as a good steward, she wanted to keep good air and water quality, and to use the land and other God-given resources so that they would be forever beneficial to them and their community. She said that she was being proactive as the project which she would refer to had not yet been proposed, but thought this would be good information regarding the use as they discussed it in their upcoming work session on commercial solar projects. She said that her neighbors had begun negotiations with commercial solar company to use 500 acres of their land which bordered her 6.4-acre sheep farm as well as other houses.

Ms. Koenig said that these 500 acres were currently under agricultural use for rye, corn, and other products for raising stock. She said that she had five categories that made their proposal undesirable with respect to good stewardship. She said that the first one was the economic impact to the agricultural environment; predicted and resulting changes in farming communities caused by the loss of land, it was highly unlikely that the land would ever be able to be farmed again, and the supporting businesses for that agricultural use would no longer be available.

Ms. Koenig said that the second category was that solar farming was an inefficient use of prime farmland, because they did not want to degrade their ability to produce their own food in their own country. She said that the third category was regarding stormwater management, because the solar panels had been deemed impermeable surfaces by the DEQ (Department of Environmental Quality), and therefore there would be runoff that would not be beneficial to the community.

Ms. Price requested Ms. Koenig leave her written remarks with the Clerk to be submitted as part of the record.

Ms. Koenig said that she would send them by email.

Mr. Peter Krebs, Piedmont Environmental Council (PEC), said that Biscuit Run Park, projected to open this fall, would be a real game-changer for the community. He said that at nearly 1,200 acres, Biscuit Run was vast, mostly wooded and located where thousands of residents and businesses were located, providing everyday access to fresh air. He said that unfortunately, although many Southwood residents would be able to see the park from their homes, they would not be able to get there easily by walking or biking because Biscuit Run itself was deeply incised and highly eroded. He said that the County had allocated funding for a pedestrian bridge from Hickory Street that would provide access but not until 2027 or later.

Mr. Krebs said that with the grant from the Jean Ann Foundation and in close cooperation with County staff and Habitat for Humanity and others, PEC hired Line + Grade to determine the optimal location, design approach, and cost for a bridge that would allow people to walk or bike to the park from Hickory, Southwood, and the 5th Street Corridor. He said that he had delivered that report electronically and had some summary copies available. He said that combined with the County's developing greenway network and the VDOT-funded 5th Street trail hub project, there was an exciting convergence happening in the southern neighborhoods of the County.

Mr. Krebs said that the project team worked closely with FES (Facilities Environmental Services), which had received funding for stream restoration for that exact same portion of Biscuit Run. He said that that work should be underway in 2025. He said that they requested that they bring that bridge project forward two years to 2025 to synchronize the restoration of the stream and the design and construction of the bridge that would cross it, and by doing so, the County could save hundreds of thousands of dollars, minimize environmental impact, and would make the park available to thousands more people several years sooner.

Mr. Krebs said that to do this, they would have to adjust some out-year CIPs, because the bridge was funded but not for the year 2025, and also would have to direct FES and Parks to work closely together, which they were in the habit of doing. He said that in order to unlock philanthropy and other outside sources, the County would need to commit to doing this. He said that this was an opportunity within a constrained budget environment to find synchronicities between existing projects and to prioritize climate action and equitable access to the outdoors.

Mr. Don Long, Chair of the Economic Development Authority (EDA) and White Hall District resident, said that unfortunately, he was unable to be present for the announcement of the Rivanna Futures project, but he wanted to commend the Board for its leadership in that project and to say as Chair of the EDA that he was fully supportive of the project and was ready to get to work and do what the Board wished to support that project. He thanked the Board for their leadership.

Ms. Christine Putnam, Natural Heritage Committee Chair, stated that she lived in the Scottsville Magisterial District, where her property was surrounded by the Woodridge Solar Project. She said that the Natural Heritage Committee was appointed by the Board of Supervisors to advise on biodiversity and natural resource protections. She said that this morning, she sent the Board a letter with specific recommendations for what she hoped would be a model solar ordinance based on best land use management practices. She said that the ground had not yet been broken on the Woodridge project, but the landscape had already changed.

Ms. Putnam said that there were trucks and heavy equipment parked across from her driveway, and she could hear the sound of beeping and the drone of heavy equipment typical of what was heard in an industrial zone. She said that this was just the start of a multiyear process which would bring disturbance and destruction. She said that her point was that utility-scale solar installations had impacts that needed to be carefully regulated and monitored.

Ms. Putnam said that she hoped the Board would do whatever it could to support community-based solar projects with smaller installations on rooftops and over parking lots so that the energy generated was distributed locally. She said that there was no question that with the advent of AI, data centers would continue to grow, and with it there would be an insatiable appetite for more energy. She said that as a result, there would be more pressure to use green fields, forests, and agricultural land for solar electrical generation.

Ms. Putnam said that Albemarle County needed to have a robust utility-scale solar ordinance with a standard that aimed to improve the land over time rather than degrade it. She said that this ordinance should include strong water protection language, limitations on land disturbance, only allowing projects that did not require extensive grading, participation in the Virginia pollinator smart program to ensure that native plants would populate disturbed areas and provide allowances for wildlife passage. She said that solar was an important part of addressing climate change, but they must make sure they did it right in Albemarle County.

Ms. Leah Jung, Natural Heritage Committee member and White Hall District resident, said that the committee was composed of all volunteers and had the task of advising the Board of Supervisors and County staff on recommendations for implementing the County's biodiversity action plan. She said that the biodiversity action plan was adopted a while back as a part of the Comprehensive Plan, and it was going to be updated along with the new Comprehensive Plan update as well. She said that she was present to discuss the bobcat study, which had been mentioned in an article in C-Ville Weekly and in

coverage on NPR and NBC 29 News.

Ms. Jung said that the biodiversity action plan included considerations for protecting wildlife habitat and land that connected those important habitat areas. She said that the questions were how they did that, what areas they were talking about, and which animals they were talking about. She said that the project mentioned in C-Ville was a product of the Natural Heritage Committee, in which she spent over three years researching the concepts, working with Virginia Tech and a Smithsonian research facility in Front Royal, and the project was finally able to get going. She said that the project would not only provide information on wildlife movement in the County but was already providing a lot of positive media coverage and goodwill across the County for the Board for Supervisors.

Ms. Jung said that in the handouts for the Board was a copy of a map that showed some of the data points from the first bobcat caught for the project. She said that the bobcat was caught in February above the Sugar Hollow Reservoir and was found to be moving entirely along the Mormons River, then back and forth across the mountain ridges. She said that these were well-accepted movement characteristics of much wildlife, in which they stayed away from people and used river areas to travel and travel along the ridges.

Ms. Valerie Long, White Hall District, stated that she was an attorney with the law firm Williams Mullen and was present to speak about the work session being held about the solar facility policy. She said that her firm worked with a lot of solar developers and renewable energy providers not only in Charlottesville and Albemarle areas but around the state and with colleagues who worked in other states as well. She said that they had a lot of experience working on those and were so fortunate to be able to work with Hexagon Energy on the Woodridge project that was approved by the Board.

Ms. Long said that it was requested that the Board reach out to the local renewable energy community, which included 12 local companies with a tremendous amount of experience and industry knowledge that could provide helpful input on some of the concepts being discussed today. She said that that had not yet happened, but they had hoped there would be an industry roundtable of some sort so that staff, Board members, and Planning Commission members could discuss in depth the issues and ensure that the County's goals in the climate action plan were met in supporting utility-scale solar facilities and working with those developers to create policies.

Ms. Long said that they wanted to ensure that the policies were workable, reasonable, and could actually further the County's goals in supporting utility-scale solar. She said that it was of concern that many concepts included in the memorandum ran counter to those goals and would be too inflexible, so they welcomed the opportunity to provide that feedback in a formal setting such as this current meeting or in a less formal format. She said that this was similar to the work being done on the wireless policy and affordable housing policy for the County, in which there needed to be a process including developers to ensure that the policies worked to further the County goals.

Agenda Item No. 8. Consent Agenda.

Ms. Mallek **moved** to approve the consent agenda.

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

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

Item No. 8.1. Approval of Minutes: July 21, and August 4, 2021.

Ms. Mallek had read the minutes of July 21, 2021 and found them to be in order.

Ms. McKeel had read the minutes of August 4, 2021 and found them to be in order.

By the above-recorded vote, the Board approved the minutes of July 21 and August 4, 2021.

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 \$1,875,481. 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 #2023046

Sources:	Local Revenue	\$504,554
	Albemarle and Western Albemarle High School Turf Field Replacement Funds' \$157,972 fund balances	
Uses:	Capital Project: School Maintenance/Replacement Program	\$662,526
Net Change to Appropriated Budget:		\$662,526

Description: This request is to appropriate \$662,526 to the School Capital Maintenance/Replacement Program for the following uses:

- \$504,554 in rent payments from the Piedmont Regional Education Program (PREP) for their use of the Ivy Creek facility from FY 20 to FY 23. This will support maintenance and upgrades at the Ivy Creek facility.
- \$157,972 from the current fund balances in the turf field replacement funds to support the replacement the synthetic turf fields at Albemarle High School and Western Albemarle High School.

Appropriation #2023047

Sources:	Capital Project: ACE (Acquisition of Conservation Easements) Program (currently appropriated)	\$16,000
Uses:	Community Development Department	\$16,000
Net Change to Appropriated Budget:		\$0

Description: This request is to appropriate \$16,000 from the Capital ACE Program to the Community Development Department for a Cost of Community Services Study. The study is in response to the Board of Supervisors direction given at the June 15, 2022 meeting for staff to provide an analysis of the fiscal costs and benefits of the ACE Program.

Appropriation #2023048

Sources:	Local Revenue	\$133,046
	County Government Capital Fund's fund balance	\$16,954
Uses:	Capital Project: Darden Towe Bathroom Modernization	\$150,000
Net Change to Appropriated Budget:		\$150,000

Description: This request is to appropriate \$150,000 in combined revenue from the City of Charlottesville and County Government Capital Fund's fund balance to complete the bathroom modernization project at Darden Towe Park. The increased revenue will be used to cover construction cost increases that have raised the overall price of the project.

Appropriation #2023049

Sources:	Federal Revenue	\$47,500
Uses:	Department of Social Services – Office of Housing	\$47,500
Net Change to Appropriated Budget:		\$47,500

Description: This request is to appropriate additional federal revenue for the Mainstream 5-year (MS5) program, which were granted to the Albemarle Office of Housing (ACOH) with the intent of increasing the number of utilized Mainstream 5-year vouchers. ACOH will hold a Landlord Outreach Event, direct additional funds towards client navigation, and increase security deposits and pay sign-up bonuses to landlords for MS5 families.

Appropriation #2023046

Sources:	Local Revenue – City Share	\$15,455
	General Fund – Parks and Recreation Department (currently appropriated)	\$34,545
Uses:	Darden Towe Park Fund	\$50,000
Net Change to Appropriated Budget:		\$15,455

Description:
This request is to appropriate \$50,000 to the Darden Towe Park Fund. Pursuant to the funding agreement, the County's share is \$34,545 and is recommended to be provided from savings in the General Fund Parks & Recreation Department budget, and the remaining \$15,455 will be provided by the City of Charlottesville's cost share.

This funding will provide for increased expenses across several expense types driven primarily by increased supply costs.

Appropriation #2023051

Sources:	General Fund's Fund Balance	\$1,177,474
	Local Revenue - Interest Revenue	\$3,218,000
	Local - Taxes	\$11,301,578
	State - Non-	\$110,424
	Categorical Aid	\$(11,850,408)
	Capital Fund's	\$(3,872,011)
	Fund Balance	\$(85,057)
	Housing Fund's Fund Balance	
	Water Resource Fund's Fund Balance	
Uses:	None in FY 23	\$0
Net Change to Appropriated Budget:		\$0

Description: This request is to appropriate \$1,177,474 of FY 22 General Fund year-end undesignated funds, and \$14,630,002 in local tax, interest, and state non-categorical aid revenue from revised FY 23 revenue projections, for the following uses, pursuant to the information shared with and direction from the Board of Supervisors during the FY 24 budget development process.

- \$11,850,408 to the Capital Budget. There is a corresponding reduction in the planned use of fund balance of this fund in FY 23. This funding is programmed to support the Adopted FY 24 – 28 Capital Improvements Program.
- \$3,872,011 to the Housing Fund. There is a corresponding reduction in the planned use of the Housing Fund's fund balance in FY 23. This funding will add to the Housing Fund Reserve, bringing that total to \$4,742,447, which will be programmed in future fiscal years. The balance of the Housing Fund remaining at the end of FY 23 will be recommended to be re-appropriated to FY 24.
- \$85,057 to the Water Resources Fund. There is a corresponding reduction in the planned use of fund balance of this fund in FY 23. This funding will be available to be programmed in future fiscal years.

This proposed use of the General Fund's fund balance will not reduce the County's 10% unassigned fund balance or 2% Budget Stabilization Reserve; however, it does reduce the amount of undesignated funds that would be available for other uses.

Appropriation #2023052

Sources:	General Fund – Department of Social Services (currently appropriated)	\$212,465
Uses:	Opioid Settlement Fund	\$212,465
Net Change to Appropriated Budget:		\$0

Description: This appropriation request is to amend appropriations #2023015 approved by the Board of Supervisors on 9/7/2022 and #2023023 approved on 12/7/2022. Those appropriations were written based on the reporting guidance from the state at the time and were intended to support the HARTs team. Based on updated guidance from the state, this will shift Opioid Settlement funding from the General Fund to the Opioid Settlement Special Revenue Fund. The Opioid Settlement Special Revenue Fund will be used to support opioid abatement programming based on eligible uses and requirements and funds will be released based on programming proposals approved by the County Executive.

Appropriation #2023053

Sources:	State Revenue	\$626,400
	Children's Services Assistance (CSA) Fund's Fund Balance	\$373,600

Uses:	CSA Fund	\$1,000,000
Net Change to Appropriated Budget:		\$1,000,000

Description: This request is to appropriate \$626,400 in state revenue and \$373,600 in Children Services Act (CSA) fund balance to the CSA Fund. The purpose of CSA is to provide high quality, child-centered, family-focused, cost effective, community-based services to high-risk youth and their families. The CSA Fund exists due to a 1993 Virginia Law that provides for the pooling of 8 specific funding streams used to purchase services for high-risk youth. These funds are returned to the localities with a required state/local match and are managed by local interagency teams. The state reimbursement rate depends on the service provided.

Because of the historical volatility in year-to-year CSA expenditures, a fund balance exists in this fund to provide a designated funding source if needed in order to mitigate additional General Fund or School Fund costs in the event that expenditures are projected to exceed the budget and/or are unable to be reimbursed as much as projected by state revenue. The FY 23 CSA projection is anticipated to exceed the budget primarily due to a 14% increase in expenditures for mandated programs.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023046; #2023047; #2023048; #2023049; #2023050; #2023051; #2023052; and #2023053 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.

* * *

APP#	Account String	Description	Amount
2023051	3-9010-99000-352000-510100-9999	SA2023051 GF Year End to Capital	-\$11,850,408.00
2023051	3-9010-99000-351000-512004-9999	SA2023051 GF Year End to Capital	\$11,850,408.00
2023051	4-1000-99000-493000-939102-9999	SA2023051 GF Year End to Capital	\$11,850,408.00
2023051	3-1000-99000-352000-510100-9999	SA2023051 GF Year End to Capital, Housing, Water Resources Fund	\$1,177,474.00
2023051	4-1000-99000-493000-935201-9999	SA2023051 GF Year End to Housing Fund	\$3,872,011.00
2023051	3-5801-99000-351000-512004-9999	SA2023051 GF Year End to Housing Fund	\$3,872,011.00
2023051	3-5801-99000-352000-510100-9999	SA2023051 GF Year End to Housing Fund	-\$3,872,011.00
2023051	3-5802-99000-352000-510100-9999	SA2023051 GF Year End to Water Resources Fund	-\$85,057.00
2023051	3-5802-99000-351000-512004-9999	SA2023051 GF Year End to Water Resources Fund	\$85,057.00
2023051	4-1000-99000-493000-935202-9999	SA2023051 GF Year End to Water Resources Fund	\$85,057.00
2023051	3-1000-99000-315000-150101-9999	SA2023051 Interest Revenue Update	\$3,218,000.00
2023051	3-1000-99000-322000-220130-9999	SA2023051 Comm Sales and Use Tax Update	\$110,424.00
2023051	3-1000-11000-311000-110155-1000	SA2023051 RE Revenue Update	\$7,912,352.00
2023051	3-1000-12000-312000-120360-1000	SA2023051 BPOL Revenue Update	\$1,088,859.00
2023051	3-1000-12000-312000-121000-1000	SA2023051 TOT Tax Revenue Update	\$360,361.00
2023051	3-1000-12000-312000-122000-1000	SA2023051 Meals Tax Revenue Update	\$1,940,006.00
2023052	3-5811-99000-318001-150101-9999	SA2023052 Distributor (\$35,093 from pt1, \$36,881 from pt2)	\$71,974.00
2023052	3-5811-99000-318001-189941-9999	SA2023052 Jansen/J&J	\$140,491.00
2023052	3-1000-51100-318000-189900-1573	SA2023052 Reduce revenue from original appropriation	-\$212,465.00
2023052	4-1000-51100-453000-344320-1573	SA2023052 Reduce Professional Facilitation	-\$5,000.00
2023052	4-1000-51100-453000-345700-1573	SA2023052 Reduce Other Prof. & Technical Services	-\$166,372.00
2023052	4-1000-51100-453000-551100-1573	SA2023052 Reduce Education-Registration & Fees	-\$22,547.00
2023052	4-1000-51100-453000-551200-1573	SA2023052 Reduce Education-Meals & Lodging	-\$8,773.00
2023052	4-1000-51100-453000-551300-1573	SA2023052 Reduce Education-Travel	-\$8,773.00
2023052	4-1000-51100-453000-601200-1573	SA2023052 Reduce Books & Subscriptions	-\$1,000.00
2023052	4-5811-99000-499000-999999-9999	SA2023052 Opioid Fund Contingency	\$212,465.00
2023053	3-5320-51100-324000-240109-9999	SA2023053 Reimbursed funds from the state	\$626,400.00

2023053	3-5320-51100-352000-510100-9999	SA2023053 Use of fund balance to cover local costs	\$373,600.00
2023053	4-5320-51100-453400-581001-9999	SA2023053 Anticipated additional expenditures	\$1,000,000.00

Item No. 8.3. Fiscal Year 2024 Appropriations.

The Executive Summary as forwarded to the Board states that on May 12, 2010, the Board of Supervisors adopted ZTA 2009-09 - a zoning text amendment to establish county-wide certificates of appropriateness, to allow expedited review of certain categories of development in the Entrance Corridors. For each category of development, the Architectural Review Board (ARB) adopts a set of criteria against which proposals are reviewed. Applications received under any category of development are reviewed by staff according to the ARB-adopted criteria, without being heard at an ARB meeting. This process streamlines development review and allows for quicker review times. Previously, as part of the Board adoption of ZTA 2019-06 to establish the Rio29 Form-Based Code (FBC), a new category of county-wide certificate was added for new structures, site changes, or reuse of existing structures in the Rio29 FBC Overlay District. (See Attachment A for a current list of county-wide certificates of appropriateness.) During the review of ZMA-2010-18 (Crozet Square), staff recognized that the county-wide certificate of appropriateness process also could be used to streamline the review of development proposals for sites subject to public-private partnerships.

Establishing a category of county-wide certificate of appropriateness for development in project areas subject to public-private partnerships would provide a streamlined review process. For each category of county-wide certificate, the ARB must establish design criteria against which the subject development will be reviewed for consistency. Those criteria would be established on a case-by-case basis for each public-private partnership. If the Resolution of Intent (ROI) were adopted, the ZTA would be scheduled for review first by the Planning Commission and then by the Board.

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

Appropriation #2024001

Sources:	Reserve for Contingencies (currently appropriated)	\$102,598
	Transfer from School Fund (currently appropriated)	\$116,415
Uses:	General Fund – Police Department	\$219.013
Net Change to Appropriated Budget:		\$0

Description: This request is to appropriate \$102,598 from the Reserve for Contingencies, and \$116,415 from Albemarle County Public Schools (ACPS) budget, to the Albemarle County Police Department to provide funding for costs associated with a new School Resource Officer (SRO). As part of the FY 24 Adopted Budget, ACPS included funding for the operating expenses of the SRO program which includes (but is not limited to) Salaries, Benefits, Overtime, and SRO specific training. The remaining one-time expenses which includes (but is not limited to) vehicle expenses, uniforms and clothing, communication equipment, and technology equipment, will be paid for by the Albemarle County Police Department, through the reallocation of previously appropriated Reserve for Contingencies funding. This request will also result in an increase of one new full-time equivalent position for the Albemarle County Police Department.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2024001 is 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.

* * *

APP#	Account String	Description	Amount
2024001	4-1000-31100-431000-110000-9999	SA2024001 SRO Salary	\$72,000.00
2024001	4-1000-31100-431000-210000-9999	SA2024001 SRO Benefits	\$5,508.00
2024001	4-1000-31100-431000-221000-9999	SA2024001 SRO Benefits	\$11,102.00

2024001	4-1000-31100-431000-231000-9999	SA2024001 SRO Benefits	\$8,644.00
2024001	4-1000-31100-431000-232000-9999	SA2024001 SRO Benefits	\$240.00
2024001	4-1000-31100-431000-241000-9999	SA2024001 SRO Benefits	\$965.00
2024001	4-1000-31100-431000-432104-9999	SA2024001 SRO Operating Costs	\$680.00
2024001	4-1000-31100-431000-520300-9999	SA2024001 SRO Operating Costs	\$480.00
2024001	4-1000-31100-431000-600100-9999	SA2024001 SRO Operating Costs	\$200.00
2024001	4-1000-31100-431000-530900-9999	SA2024001 SRO Operating Costs	\$784.00
2024001	4-1000-31100-431000-600800-9999	SA2024001 SRO Operating Costs	\$4,600.00
2024001	4-1000-31100-431000-331500-9999	SA2024001 SRO Operating Costs	\$2,071.00
2024001	4-1000-31100-431000-345200-9999	SA2024001 SRO Operating Costs	\$5,120.00
2024001	4-1000-31100-431000-379400-9999	SA2024001 SRO Operating Costs	\$471.00
2024001	4-1000-31100-431000-530700-9999	SA2024001 SRO Operating Costs	\$448.00
2024001	4-1000-31100-431000-600900-9999	SA2024001 SRO Operating Costs	\$1,582.00
2024001	4-1000-31100-431000-601011-9999	SA2024001 SRO Operating Costs	\$1,120.00
2024001	4-1000-31100-431000-345700-9999	SA2024001 SRO One-Time Costs	\$200.00
2024001	4-1000-31100-431000-800500-9999	SA2024001 SRO One-Time Costs	\$75,324.00
2024001	4-1000-31100-431000-345100-9999	SA2024001 SRO One-Time Costs	\$930.00
2024001	4-1000-31100-431000-379000-9999	SA2024001 SRO One-Time Costs	\$131.00
2024001	4-1000-31100-431000-601100-9999	SA2024001 SRO One-Time Costs	\$5,980.00
2024001	4-1000-31100-431000-800125-9999	SA2024001 SRO One-Time Costs	\$5,498.00
2024001	4-1000-31100-431000-610300-9999	SA2024001 SRO One-Time Costs	\$9,435.00
2024001	4-1000-31100-431000-800700-9999	SA2024001 SRO One-Time Costs	\$5,500.00
2024001	4-1000-94000-499000-999990-9999	SA2024001 Transfer from Reserve for contingencies	-\$116,415.00
2024001	3-1000-31100-351000-510307-9999	SA2024001 Transfer from Schools	\$102,598.00

Item No. 8.4. Resolution of Intent for ZTA for a New Category of County-wide Certificate of Appropriateness.

The Executive Summary as forwarded to the Board states that on May 12, 2010, the Board of Supervisors adopted ZTA 2009-09 - a zoning text amendment to establish county-wide certificates of appropriateness, to allow expedited review of certain categories of development in the Entrance Corridors. For each category of development, the Architectural Review Board (ARB) adopts a set of criteria against which proposals are reviewed. Applications received under any category of development are reviewed by staff according to the ARB-adopted criteria, without being heard at an ARB meeting. This process streamlines development review and allows for quicker review times. Previously, as part of the Board adoption of ZTA 2019-06 to establish the Rio29 Form-Based Code (FBC), a new category of county-wide certificate was added for new structures, site changes, or reuse of existing structures in the Rio29 FBC Overlay District. (See Attachment A for a current list of county-wide certificates of appropriateness.) During the review of ZMA-2010-18 (Crozet Square), staff recognized that the county-wide certificate of appropriateness process also could be used to streamline the review of development proposals for sites subject to public-private partnerships.

Establishing a category of county-wide certificate of appropriateness for development in project areas subject to public-private partnerships would provide a streamlined review process. For each category of county-wide certificate, the ARB must establish design criteria against which the subject development will be reviewed for consistency. Those criteria would be established on a case-by-case basis for each public-private partnership. If the Resolution of Intent (ROI) were adopted, the ZTA would be scheduled for review first by the Planning Commission and then by the Board.

By the above-recorded vote, the Board adopted a resolution of intent for a ZTA for a new category of County-wide Certificate of Appropriateness:

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
COUNTY-WIDE CERTIFICATE OF APPROPRIATENESS**

WHEREAS, Albemarle County Code § 18-30.6.4 identifies both the types of certificates of appropriateness that the Architectural Review Board is authorized to issue, including county-wide certificates of appropriateness, and the categories of structures, sites, improvements, or architectural elements that are eligible for county-wide certificates of appropriateness; and

WHEREAS, the Albemarle County Board of Supervisors desires to establish a new category of county-wide certificate of appropriateness to enable efficient architectural review of development applications for properties on which the County has entered into a public-private partnership;

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-30.6.4 and any other relevant section(s) of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

Item No. 8.5. SE202300006 347 Greenbrier Drive PWSF Special Exception.

The Executive Summary as forwarded to the Board states that the applicant has requested a special exception to modify County Code §18-5.1.40(b)(2)(c), which requires that antennas be mounted so that the closest point of the back of the antenna be no more than 12 inches from the facility and that the farthest point of the back of the antenna be no more than 18 inches from the facility. This special exception request is to increase the distance of the back of the proposed antenna from 12 inches to 37.5 inches from the existing lattice tower.

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

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve the special exception, provided that the back of no antenna project more than 37.5 inches from the subject facility, structure, or building.

By the above-recorded vote, the Board adopted a resolution to approve SE202300006 347 Greenbrier Drive PWSF Special Exception.

**RESOLUTION TO APPROVE
SE 2023-00006 347 GREENBRIER DRIVE
PERSONAL WIRELESS SERVICE FACILITY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2023-00063 347 Greenbrier Drive Personal Wireless Service Facility ("PWSF") application and the attachments thereto, including staff's supporting analysis, any comments received, all of the relevant factors in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the proposed special exception would not have adverse visual impacts.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c) as to Parcel ID 061W0-03-00-00700, provided that the back of no antenna may project more than 37.5 inches from the subject facility, structure, or building.

Item No. 8.6. SE202300011 - Starbucks Parking Special Exception.

The Executive Summary as forwarded to the Board states that the applicant requests a special exception to reduce the minimum number of parking spaces otherwise required by County Code §18-4.12.6, which requires restaurant uses to provide 13 parking spaces per 1,000 square feet of gross floor area. This special exception request is pursuant to County Code § 18-4.12.2(c), which permits modifications to the parking requirement. The applicant requests a special exception to provide 32 spaces rather than the required 60 spaces, based on a study of Institute of Transportation Engineers (ITE) trip generation data for coffee shops with drive-through windows. The applicant has also indicated site constraints hinder adding more parking spaces to the site. (Attachment A).

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the proposed special exception.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment C to approve the proposed special exception:

**RESOLUTION TO APPROVE
SE202300011 STARBUCKS PARKING**

WHEREAS, upon consideration of the staff reports prepared in conjunction with the special exception proposal and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the relevant factors in Albemarle County Code §§ 18-4.12.2(c), 18-4.12.6, and 18-33.9, the Albemarle County Board of Supervisors hereby finds (i) that the public health, safety or welfare would be equally or better served by the proposed modification and (ii) that the proposed modification would not otherwise be contrary to the purpose and intent of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, the Albemarle County Board of Supervisors hereby approves SE202300011 Starbucks Parking to modify Albemarle County Code § 18-4.12.6 to reduce the minimum required parking on Parcel 046B4-00-00-001D1 from 60 spaces to 32 spaces.

Item No. 8.7. SE202300017 St. Anne's Sports Field Lighting Height Increase.

The Executive Summary as forwarded to the Board states that the applicant requests a special exception to add four (4) light poles to an existing turf field (see Attachment A). Under the applicable R1 Residential district regulations (County Code § 18-13.3), maximum structure height is limited to 35 feet. This request is to modify (increase) the maximum permissible height for the proposed light poles from thirty-five (35) feet to seventy (70) feet, pursuant to County Code §18-4.17.5.

Please see Attachment B for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve the special exception, subject to specified conditions.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment E to approve the special exception, subject to specified conditions:

**RESOLUTION TO APPROVE
SE 2023-00017 ST. ANNE'S
SPORTS FIELD LIGHTING**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 202300017 St. Anne's Sports Field Lighting application and the attachments thereto, including staff's supporting analysis, any comments received, all of the relevant factors in County Code §§ 18-4.17.5 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that the maximum permitted height of a pole supporting an outdoor luminaire lighting an athletic facility under the applicable district regulations would prevent the luminaire from providing sufficient illumination of the facility for its safe use, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the maximum structure height limitation of County Code § 18-13.3 as to Parcel ID 06000-00-00-05700, subject to the conditions attached hereto.

* * *

SE202300017 St. Anne's Sports Field Lighting Special Exception Conditions

1. The maximum permissible height of the poles supporting outdoor luminaires at the athletic facility is seventy (70) feet.
2. All outdoor lighting must meet the specifications, or equivalent, included on the plans titled "St. Anne's-Belfield School Multiuse" prepared by Musco Lighting and dated October 20, 2022.

Item No. 8.8. Albemarle County 2023 1st Quarter Certificate of Occupancy Report, **was received for information.**

Item No. 8.9. Albemarle County 2023 1st Quarter Building Activity Report, **was received for information.**

Agenda Item No. 9. **Work Session:** Commercial Solar.

The Executive Summary as forwarded to the Board states that on June 14, 2017, the Board of Supervisors amended the Zoning Ordinance to allow solar energy systems by special use permit in the Rural Areas. On September 21, 2022, the Board authorized staff to engage a consultant to consider possible amendments to the regulations for solar energy systems. On February 28, 2023, the Planning Commission held a work session to discuss solar facilities. The Commission identified several topics for additional research (including industry data, potential land use conflicts, and environmental concerns), and provided general comments, which are included in the consultant's documentation (Attachment A, pages 12-16).

Since 2017, the County has approved four special use permits for solar energy systems with a total capacity of approximately 161 MW. The Zoning Ordinance has no regulations specifically addressing solar facilities, and the Comprehensive Plan provides limited guidance on the siting of these types of facilities. During the review of prior applications, the County has begun to develop standards for solar facilities. The consultant's memorandum (Attachment A) contains background information on solar systems and outlines potential best practices for the review of solar facilities for the Board's consideration. The consultant has also identified several areas where feedback from the Board is needed (see pages 16 and 17 of Attachment A), including maximum areas for use by commercial solar, design standards, and general siting standards. The Board might also consider the issue of siting agreements

and revenue share agreements. Though these agreements are not land use issues, they will ultimately be part of any recommendations brought forward to the Board. Staff and the consultant believe that adoption of regulations specific to solar facilities is appropriate. Guidance from the Board is requested prior to the drafting of proposed regulations for discussion at future public meetings.

Staff requests that the Board provide direction for the preparation of a Zoning Text Amendment to address commercial solar facilities.

Mr. Bill Fritz, Development Process Manager, said that Mr. Michael Zehner with the Berkley Group would be giving the presentation for this work session.

Mr. Zehner, Director of Planning in Community Development with the Berkley Group, said that the group was hired by the County to assist in developing regulations for utility-scale solar projects. He said that they hoped to gather perspectives and feedback from the Board on the work thus far in order to begin the process of developing actual regulations. He said that the memo provided to the Board had the relevant detailed information, so he would summarize in some areas.

Mr. Zehner said that he would talk about solar projects the County had to date for the benefit of the Supervisors and the public, then would discuss existing regulations the County had, and best practices.

Mr. Zehner said that the goals of the session were to identify aspects of solar facility development or regulatory topics where the Board wanted additional information, to understand Board perspectives with regard to principal opportunities or areas of concern potentially resulting from the development of solar facilities, and to seek input from the Board on potential regulatory provisions.

Mr. Zehner said that utility-scale solar projects principally included megawatt (MW) or greater. He said that a good rule of thumb was that 1,000 kilowatts equals 1 megawatt, and generally 7-10 acres per megawatt in terms of the site development standard. He said 1-5 megawatts was generally medium scale, and anything over 5 megawatts was large scale.

Mr. Zehner said that solar projects included panels and racking to support the panels, inverters to convert current, substation, switchyard, generator lead lines to tie it into the transmission system, battery storage, and fencing.

Mr. Zehner said that solar was the fastest-growing energy source in the world, and capacity from solar in the U.S. had grown from 2GW in 2010 to approximately 130GW installed in mid-2022. He said that this related to a decrease in cost of equipment, private sector demand, instability in availability and costs of fossil fuels, state policies and incentives, and economic and financial opportunity.

Mr. Zehner said that within the state context, Virginia's installed solar capacity increased from 17MW in 2014 in Virginia to 3,845MW in 2022. He referenced the 2018 Virginia Energy Plan and the 2020 Clean Energy Act, required Dominion Energy and AEP to produce 100% of electricity from renewable sources by 2045 and 2050 respectively, with a capacity of 16,100 MW.

Mr. Zehner said that those state and federal policies manifested themselves locally, and that had been seen in Albemarle County with the four projects considered in the County. He said that these projects had been discussed with staff to a degree, and he believed the genesis of their project here was to create more defined standards for projects, predictability, and ensure that this process was done the way the County wished it to.

Mr. Zehner said that solar facilities were an intensive land use, with unique land use and specific impacts. He said that they often were sited on agricultural, timber, and forested lands where the value of the property allowed for this level of development. He said that they required unique standards due to the conditions they brought through development, operations, and design. He said that some may consider solar facilities an industrial land use because it was most often developed on agricultural and forestal lands, that could result in a change for a lot of people.

Mr. Zehner said that they did not often compete with residential land uses, but it did sometimes conflict with some people's ideas of residential development. He said that it was certainly more industrial in appearance than a rural and pastoral landscape, which was a consideration he would discuss in terms of some of the best practices as well. He said that infrastructure, environmental, and visual concerns included impacts to roadways and traffic safety, reduction of wildlife mobility, alteration of existing topography and terraforming, impacts to soil conditions, erosion and sedimentation, impacts to water quality, removal of existing forested and agricultural areas, and potential for contamination.

Mr. Zehner said that the visual impacts affected the rural character and scenic viewsheds from roads or from natural and cultural resources. He said that agricultural impacts included soil compaction, removal of topsoil, occupation of large areas of land for up to 40 years, the impact on future reversion to agricultural uses, and alteration of site topography's potential impact of stormwater flow and water infiltration. He said that there were options for agrivoltaics, integrating agricultural uses with the solar uses. He said that many projects were placed in portions of existing farms with the other area of the farm continuing in use.

Mr. Zehner said that stormwater management concerns included that the panels created semi-

permeable cover, the soil compaction created infiltration coefficients similar to concrete, needing to incorporate stormwater and sediment basins in projects, ability to retain existing vegetation, enhancement of setbacks from wetlands, restriction of total development until the site and soil stabilized, and encouraging planting of native and pollinator-friendly species.

Mr. Zehner said that decommissioning of a project at the end of its life had concerns around the facility lifespan, disposal impacts and recycling, and requirements for applicants including a decommissioning plan, cost estimates, and bond or security. He said that decommissioning plans were a statutory requirement for solar projects, and it was recommended they be defined in regulations in terms of those requirements. He said that the potential for contamination was a concern raised by the County, and this was because there was presence of toxic materials in solar panels. He said that it was recommended there be management of damaged and end-of-life panels and that there be practices for storage and removal of those, as well as battery energy storage systems, which had their own issues of fire safety.

Mr. Zehner said that the economic and administration impacts were that it was certainly an income source with tax revenue and revenue sharing and site agreements, but the administration impacts and operational impacts should also be considered. He said that these were large sites that carried a lot of organizational requirements in some cases in terms of inspections to ensure that sites were maintained.

Mr. Zehner said that for the existing County regulations, the Albemarle County Zoning Ordinance defined "solar energy system" and allowed the use subject to a special use permit. He said that he suggested there be clearly defined regulations and standards that created consistency for all projects and provided predictability for developers, the County, and the public.

Mr. Zehner said that in terms of regulatory best practices, general and application procedures included defining the use, determining zoning, establishing procedures and minimum application content including the special use permits and 2232 review, siting agreements, and revenue sharing. He said that it was normally suggested the 2232 review process be separate from the use permitting process and that it go before the Planning Commission to determine if the project was in accord with the Comprehensive Plan.

Mr. Zehner said that regulatory best practices for minimum development standards included minimum and maximum area of facilities or rated capacities, maximum lot or site coverage and/or minimum percentage of open space, minimum distances from towns or cities or developed areas, minimum distances from other facilities, minimum distances from identified natural, historic, cultural, or similar resources, street and property line setbacks specific to the use, maximum height including the lowest edge of panels, and total density of facilities, either county-wide or within a defined area.

Mr. Zehner said that other minimum development standards to be considered included landscape buffers and screening, landscaping and groundcover of native and non-invasive species, fencing and security measures, wildlife corridors, lighting, signage, noise, transmission lines and other support infrastructure, groundwater monitoring, coordination with local emergency services, and maintenance. He said that these were all items that his consulting group had seen and had recommendations for in terms of ordinance requirements.

Mr. Zehner said that if they were not in standard, it was recommended they be addressed in permits themselves to some degree.

Mr. Zehner continued that construction mitigation and decommissioning had best practices associated as well, including mitigation efforts of phasing, timelines, staging and storage, and transportation routes, and decommissioning practices established as part of a community's ordinance.

Mr. Zehner said that this presentation was reviewed with the Planning Commission on February 28, and their comments were provided in summary in the memo given to the Board. He said that he would be happy to address any of those comments and felt that they had a great discussion with great feedback given. He said that there were 12 different questions asked, and all members were able to give insight and feedback in response to all of those questions. He said that based on their feedback and discussions with staff, they created together summary position statements that would hopefully prompt discussion and feedback from the Board of Supervisors and were related to the 12 questions provided in the memo, with hypothetical answers to prompt feedback as well.

Mr. Zehner said that these summary position statements included allowing utility-scale solar in the Rural Areas (RA) by special use permit and allowing shared- and community-scale solar in other districts with standards. He said that the second was that there should be a limit to the percentage of rural land devoted to solar and each individual project should be limited in size, the third was that development standards should be developed for projects, the fourth was that utility-scale projects should be within 1 mile of existing transmission lines, and lands historically used for timber production were preferred over projected requiring clearing, with projects that should not disturb a significant amount of prime soils or prime agricultural land that had been historically used for agricultural production.

Mr. Andrews said that there were many different issues around land use and the types of land, and the developers of this industry should certainly be involved when they began getting into the details of this process. He said that in regards to the utility-scale projects within 1 mile of existing transmission lines, he had no issue with that except that it was a market and economics driven decision, so he was

unsure of when a developer would want to be placed far away from a transmission line and who bared the cost in that situation, and if that was necessary to be regulated or if it would be regulated in other ways. He said that he was unclear on the County's position in some of these regulatory procedures.

Mr. Andrews said that examples given for Maine and New York included more densely situated megawatts in acreage, so he was unsure of what the space necessary was for the solar projects and situated agricultural production with them. He said that when it came to regulating and decommissioning, rather than working from strictly the land use perspective there was potential that they could limit the materials allowed in the panels in order to curb contamination, but also should give deference to the industry in terms of how it would be changing in the future. He said that there was discussion of panels as being solid waste but also that they could reuse panels, so he was uncertain of what the possibilities were.

Mr. Andrews said that they must focus on whether they were talking about power versus energy when discussing the emissions of the panels. He said that the summary position statements were not something he disagreed with, but he was unsure if they were necessary. He said that a lot of this was about making sure they knew the definition of utility-scale solar and what they were regulating as opposed to shared and community solar. He said that he did not know why they would limit the percentage of rural land devoted to solar up front, but if they were doing a special use permit and expected certain things to happen, they may want to monitor it as they went, but he was unsure of where it was going and if it was meaningful to start up front with that percentage.

Mr. Andrews said that the development standards for buffers and other items would be helpful to standardize for developers. He said that he was very concerned about the types of soils, which was why the details of maps must be used to determine where these types of activities could take place. He said that he did not understand what minimum distances of facilities from one another would accomplish that could not be accomplished some other way, but if he understood the purposes then perhaps he would understand it better. He said that to some extent, the buffer setback from municipal Development Area boundaries, he had a little more sympathy with where that was coming from, as well as historical sites and natural resources, although he was not as comfortable on agricultural and forestal districts because those served a different purpose.

Mr. Andrews said that this became complicated when it came to land use, and he worried that they were doing this in a vacuum and not doing it with all the maps and all of the players in front of them. He said that in the memo, it was phrased that there should be a finding that addressed potential impacts toward development of lands with a significant percentage of prime agricultural soils or lands that had been recently utilized for agricultural production, and he was very interested in the findings. He said that he was leery of blanket prohibitions, though he understood that they needed to preserve good agricultural lands during this process. He said that the incentives were a big and important part of this as well.

Mr. Gallaway said that in the Board's discussion of the material used for artificial turf fields, they were given detailed information on how the material would be decommissioned and reused at the end of its lifecycle, but he didn't have that level of understanding for solar. He said that the contamination piece was there, and whether or not it could occur when it was damaged or not was still in question. He said that he did not anticipate receiving that answer today, but it was one that they had spent a lot of time in the past for other topics, and that needed to occur with this topic.

Mr. Gallaway said that with the list of five summary position statements, it seemed that if all of this process would be set up to be a special use permit, many of the statements had positions that depended on the situation. He said that if standards ended with the determination that it depended on the situation, they were requiring everything to come through a special use permit, and it was unclear why the standards were necessary in that form. He said that there should certainly be development standards, but he was not interested in going through and trying to figure out limitations if they were then going to determine that in a certain area those limitations did not matter or did not pertain.

Mr. Gallaway said that this was reminiscent of when they put up limitations for homestay uses, then when someone came through the special use permit, they said well, not here. He said that he agreed with the third summary position statement, but the others left him feeling that their statements depended on specific situations. He said that they had to determine if it could be figured out in a special use process or if they should define a line, then decide where the four votes were on positioning that line.

Ms. Mallek said that there were some elements where they really needed an ordinance; that there needed to be a good decision about site funding versus machinery and tools, which the General Assembly had taken away from them, and how the County benefits would be achieved. She said that there were many development standards mentioned in passing which would be really good to have out there first so that an applicant could look at that and see what they could and could not do. She said that the problem was that all of these things were tied in together, and while if it were every brown field and rooftop, she would support it wholly—but outside of those circumstances, things became more complicated for all of the reasons mentioned by public speakers, and all of the things listed in the third statement were involved in that.

Ms. Mallek said that if they were saying that a County building should have a mile setback from the facility, then that should be the buffer for all those other categories, because she did not see the difference as far as impacts were concerned. She said that she was still floundering with the format that they currently had, and she would wait to discuss her further comments and questions. She said that the decommissioning and bonding should be established firmly before they began to entertain more projects

that were brought forward as profit-creating things that should have boundaries that the Board which represented constituents should take on and not make issue-specific decisions to best benefit the applicant.

Ms. McKeel said that she agreed that this was a lot of information, but it was also their first time addressing much of it, so she was trying not to panic about what she did not know yet. She said that she agreed with the other Supervisors' comments. She said that she was constantly seeing reported throughout the state and country the impacts on communities and neighborhoods where there had not been regulations or the following of regulations. She said that she was not against solar but wanted to make sure they were doing what needed to be done. She said that it was critical to have a roundtable discussion with stakeholders in the community, and while she did not know if she herself needed to be present, they must definitely have their concerns heard.

Ms. McKeel said that oftentimes, the Board ventured into discussions in which they found that they did not have the state enabling authority, so it was important for her to know from the beginning and understand what the authority was so that they did not waste time. She said that she agreed with Mr. Andrews that she would like to see maps because she felt somewhat in the dark.

Ms. McKeel said that she appreciated the consultants' approach and their report that captured what the Planning Commission said. She said she appreciated the consultant saying industrial, and that they took on some of the things that she had been worried about and recognized them out in the open. She said that it would be important for them to have the flexibility to adapt their policies as the industry changed, because some of those changes would improve the industry. She said that she agreed wholly with the third summary position statement, but some of them, she felt, needed more information and data.

Ms. Price said that she would like to see maps of the current, existing high-power lines that went through the County, because having these projects within close proximity was both economically the most viable and important to avoid further clearing of land for the easement right-of-way to connect the site to the high-power lines. She said that it would be an important data point to have before getting further into the issue. She said that on page 5 was the discussion about identifying the prime agricultural lands in the County, and she would like a map that showed her that, because she totally agreed that they should not even be considering taking prime agricultural land and converting that into industrial solar installations.

Ms. Price said that she was less concerned with the tree farmland than the agricultural land, recognizing that they had very viable and valuable forestry industry in the County that must be sustained, so she did not want all of that to be lost as well. She said that the Hexagon Solar site was a plan she supported because she concluded under the totality of all of the facts that it was reasonable for the County, but that was because the acreage involved was a relatively small percentage of the total acreage of land involved, and the substantial buffers around it. She said that as a County, they had an obligation to be producers and not just users of power or energy, but she did not want Albemarle County to be the equivalent of the landfill site from which people from all over the rest of the country were relying on using their land for electricity for them.

Ms. Price said that some of it would go in all different directions. She said that Hexagon reportedly would produce enough energy for about half of the households in Albemarle County, and she would not be opposed to a second comparable site, but in terms of a large number of those, she would not be interested in that. She said that they must take a look at GIS (Geographical Imaging System) maps and identify the prime agricultural land, waterways, the location of high-power transmission lines, the rough volume of acreage that would be amenable to those sorts of industrial sites, and look to put some sort of reasonable cap, trying to focus their attention more on specific scenarios of how to make feasible connections. She said that beyond a couple of large sites, she would be much more interested in putting facilities on the tops of buildings and similar locations to avoid deterioration of the rural area.

Ms. Price said that in question 5, the question about no installations within 400 feet from a residential structure on an adjacent property, she felt that one house in the middle of the woods was not the same as a residential neighborhood in terms of impacts. She said that the rolling terrain and beauty of the County became a part of these concerns as well. She said that this was a great start, she concurred with Ms. McKeel's comments, and she appreciated the speaker from the community that part of the conversation and work product had to be with those who engaged in this as their business in order for input to be had from everyone and for them to make the best decisions.

Ms. McKeel said that she would be very interested to see maps for all of the land use in the County in order to make a decision.

Mr. Andrews said that this broke down into the where questions, and the appropriateness of a site and how it was done, once it was chosen to do it. He said that Hexagon was a good starting model for the types of projects they expected to include protecting the area around it and set aside for decommissioning and things like that.

Ms. Price asked if the Supervisors wished to address the questions posed by the consultant.

Ms. Mallek said that in the last few years, there were high voltage improvements to their two major transmission lines, one from Columbia to Doods and the other from Gordonsville to Forest Lakes. She said that for the benefit of the ratepayers of Dominion, who currently had to pay the expense of connecting a remote solar installation to the grid, which she thought was wrong, that that was a reason that the proximity to those lines was important. She said that she heard wonderful comments about doing

their fair share. She said that Rockingham County had predicted its demand for the next 20 years because they had their own utility and were able to get access to that information, whereas she failed to get it from Dominion. She said that they then figured out how many acres would be necessary for them to do their thing, because they did not want to be the collecting spot for everybody else.

Ms. Mallek said that it was valid for solar installations in those more remote places to offset their own use, and that they should be doing that and getting federal funding to accomplish that because there was huge money to reimburse and to incentivize businesses of all sizes, and municipalities to offset their energy consumption with that. She said that there were other possibilities than having one large site, and all the sites would not come in application form with the buffer that the first installation had. She said that they had set the bar high, and she was happy with that as the minimum moving forward and gave them a good plan. She said that the Hexagon applicants said that they would benefit from an ordinance because it helped them to not have to do so much individual work with builds to set it out to begin with. She said that she would send the remainder of her comments to everybody.

Mr. Zehner said that he would welcome the Board's written input, and they would sort it from there and figure out next steps with staff. He said that the map they had for the distance requirement showed in light blue the one-mile and two-mile distance buffers. He said that the way they normally saw regulations work would mean the entire facility would not be confined within that one-mile or two-mile radius, but sometimes would extend beyond that distance.

Ms. McKeel said that this community was trying to figure out transit and electrification of buses for schools. She said that she did not want to ignore that and find out that they had siloed it and had to go back after focusing on this specific solar use.

Mr. Zehner said that their scope was focused on utility scale, but they tried to ensure they did not preclude those accessory type uses that were valuable to the community.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 3:20 p.m. and reconvened at 3:32 p.m.

Agenda Item No. 10. **Presentation:** Rivanna Station Futures 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. This economic development project has been referred to as Project Falcons. Staff noted during that meeting that at the Board's next regular business meeting, staff would provide an update on next steps for the project.

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

Staff's presentation will include an overview of the budgetary impact and financing strategy for the purchase of 462 acres for \$58 million.

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

Mr. Trevor Henry, Deputy County Executive, said that he would give an update on the action of the Board from a couple of weeks before. He said that the primary goal of today was to walk through the feasibility study process with an engineering focus, which would be led by Mr. Lance Stewart, the Facilities and Environmental Services (FES) Director, and the interim CFO Jacob Sumner would talk about the financing and the modeling done to support this project, and then he would discuss partner engagement work from the prior week and next steps. He said that the County was in a contract acquisition state, and that they made their escrow deliverable within the contract terms, and the 90-day due diligence period was underway. He said that they had the ability to extend the terms of the contract as they reviewed a couple of weeks before.

Mr. Lance Stewart, Director of Facilities and Environmental Services (FES), said that he would describe the due diligence period, most of which would be managed by his department in coordination with others. He showed a slide that listed the following purposes of a feasibility study: to assess the condition and uses of the land, assess the condition and obligations associated with existing improvements, develop conceptual infrastructure models to inform cost and benefit analysis, and confirm that the land was appropriately developable prior to closing.

Mr. Stewart said that the work being done by the County was his and the legal team's review of the parking agreement between the property owners and the people at Rivanna Station, , staff's review of the lease of the farmhouse rented on the property, learning who is responsible for the agricultural use on the property and reviewing any agricultural lease that exists, and looking into the construction of the NGIC expansion and any agreements related to that. He said that the structures included a farmhouse, sheds, an abandoned mobile home, a vacant home, and a gazebo, which he and his team would assess in detail to understand what sort of obligations the County would have in terms of leases or agreements or obligations inherited that would require them to demolish, repair, or improve specific structures.

Mr. Stewart said that the consultants working on this project were Line + Grade, led by Daniel Hyer, who could answer difficult questions. He said that his team of seven consultants from local firms that were known and trusted by the County, and their work had already begun. He said that Mr. Hyer debriefed the team after the Board's meeting two weeks before, and by May 30, the surveyors were in the field. He said that surveying would likely take the full 90 days and would include soil mapping and drainage area mapping particular to this project because they anticipated subdividing one of the parcels where they retained half and the other half stayed with the owner based on the fall line of one of the drainage areas.

Mr. Stewart said that the consultants would perform the phase 1 environmental site assessment, geotechnical subsurface investigations, analysis of threatened and endangered species, cultural resources, and parcel boundary line adjustment alternatives. He said that the County Attorney's Office would coordinate the title examination of each of the parcels. He said that they were identifying a conceptual road layout and utilities coordination, with identification of impacts of road and utility alignments to natural, environmental, or water resources, preliminary coordination with VDOT and utility providers, and this would all ultimately inform the feasibility analysis.

Mr. Andrews said that he would like to know, because they were in the middle of Comprehensive Plan revisions which included land use, and because of the timing of all the 90-day processes, whether that would be included as a part of this process.

Mr. Stewart said that he would have to return with that information. He said that at this point, they were working under the assumptions of the existing zoning and the area outside of the Development Area and the land uses were as they were determined now, which was a mix of residential blends and mixed use nearer the Rivanna Station property. He said that they were assuming that they were working under the existing Comprehensive Plan, but he understood that some consideration was given to future work as part of the comprehensive planning process to look at this, but he was not the lead on that.

Mr. Henry said that the leadership of Community Development had been briefed on this work and did it just before it was public. He said that there was an initial discussion around how they connected on the Comprehensive Plan work, and they did not have a final conclusion on that. He said that there was the work planning that was occurring for this work as well as other tools that could be utilized in the Zoning Ordinance toolkit to improve military-related businesses in this corridor, so that full suite of opportunities would be evaluated, but he could not give the exact timing and sequence of that today.

Ms. Price said that she had publicly been responding to questions she had received about this acquisition to ensure that people understood that the decision was fully in the County's hands, and this was part of the due diligence before the County was to make a final decision to close the deal, and it was not anything that could have been done earlier in time.

Mr. Jacob Sumner, Interim Chief Financial Officer, stated that he would review the financing plan. He said that for the \$58 million purchase of land that the County was considering, they were looking to finance it through a Bond Anticipation Note (BAN). He said that this was a short-term borrowing that was typically issued in advance or in anticipation of a more permanent financing structure, which would typically be a debt paid over a long period of time such as 20 years. He said that the BAN was much shorter, and the current BAN structure being considered had a 5-year maturity.

Mr. Sumner said that this gave them some flexibility in structuring this deal so that they could have deliberate conversations with some of the partners and engage with others before looking at a more permanent financing structure. He said that after working with their financial advisors and looking at what a \$58 million BAN that was structured with a 5-year maturity may look like, they found the debt service on that would be approximately \$3.1 million annually. He said that in the FY24 5-year CIP plan about \$14.4 million included in the economic development funding for public-private partnership project.

Mr. Sumner said that there was currently \$2 million already appropriated, and starting FY25 and all the way through FY28, there was an additional \$3.1 million programmed, which would be the funding source to pay the debt service for this BAN. He said that there were a few options, which included paying off the BAN with a more permanent borrowing, essentially converting it from a short-term financing to a more typical long-term financing, which would be the 20-year time horizon. He said that the amount they would actually be financing would be contingent on how many of the partners they were able to bring into the project, and whether that was the \$58 million in full that would be converted to long-term debt or a lower or lesser amount would be contingent on the work done over the next several years.

Mr. Sumner said that once they landed on a dollar amount that they did convert to a long-term debt, it was rolled into the debt service modeling and was a part of their debt ratios and would compete with other debt structures and financing that they may need in the future as they looked to fund capital projects. He said that another option at the maturity of the BAN would be to extend with another BAN issuance if they needed more time before converting it to longer-term maturity.

Mr. Sumner said that from a processing standpoint, the BAN was a public sale, so they would be engaging with the bond market, and with that would be typical and customary activities they would engage with when issuing bonds, including drafting preliminary official statements, working with rating agencies and obtaining ratings from them, and bringing before both the Board of Supervisors and the Economic Development Authority bond resolutions which they would recommend as part of working through the deal.

Mr. Sumner said that the Economic Development Authority would be the issuer of the BAN on behalf of the County, which was a structure recently used by the County for financing of capital projects. He said that the financing should follow the lead of due diligence, so they wanted to ensure they were farther along in their due diligence of some of the results Mr. Stewart mentioned before they got some of the financing activities going.

Mr. Andrews asked if the BAN service was anticipating taking principal down at all or interest only on the five years.

Mr. Sumner said that it was interest only. He said that BAN gave them flexibility as well as the timing of converting it to long-term debt gave them the flexibility in that debt service payment by being interest only.

Mr. Gallaway said that he appreciated that they were trying not to get ahead of the due diligence but also not beginning until it was completed. He said that they had to show that this scale and importance of this project had to go as smoothly as possible and they could not have gaps while waiting for the system to work through these things.

Ms. Price said that she agreed this was part of the due diligence and work to ensure they made the best decision.

Mr. Henry said that this action gave the County site control and allowed it to be in the public domain. He said that this gave them time for the funding process to get the appropriations necessary, and they had engaged with the Secretary of Veterans and Defense Affairs and other stakeholders with a level of information they could not explain until it was made public. He said that they were spinning up to have engagement with the rest of the stakeholders as the processes synchronized throughout the year.

Mr. Henry said that the week before, the Secretary's Office had sponsored a series of listening tours throughout the state for all military communities and wanted to engage what they called strategy-to-action for facilities and communities. He said that they had been through most of the state and planned to wrap that up soon. He said they would collect all of that work and would develop recommendations, which would be reported and would be shared, and would inform the Secretary's Office as it engaged with the state heading into next year's budget process. He said that this work was not the first time that they had been to this region. They had come in 2014 and this was on their radar since then. He said that the next steps for this would be due diligence, financing, and continued partnership development, with a public meeting scheduled on June 21.

Ms. Mallek said that it was important to address the full need of 100 acres for this facility so that they would not end up with less.

Ms. Price said that the key points from the 2014 and 2018 reports were noted as being fulfilled by Albemarle County, and that was a testament to the work that staff and the Board had done.

Mr. Steve Rosenberg, County Attorney, said that the June 21, 2023, 6 p.m. meeting of the Board was a public hearing for limited purpose. He said that when the Board adopted its resolution on May 24, it approved acquisition of the entire 462 acres of land and authorized the County Executive to take further actions necessary to complete the acquisition. He said that there was no further action required by the Board to acquire the land, and it should be clarified that at this juncture, the County had not yet acquired the land and only signed a contract to acquire the land. He said that for the next several months, the County would perform what was described as due diligence, and if anyone who had purchased a house recalled a home inspection being performed before accepting a deed to the house, the County was currently in a similar position by performing tests, studies, and investigations of the land.

Mr. Rosenberg said that this was done before it actually decided to acquire the land and completed its acquisition, and once the County acquired the land, it may make many uses of it, including public uses such as educational facilities and military installations, both of which were part of the intelligence community innovation acceleration campus, conceptualized by the Board and County staff. He said that under certain conditions, the County may also use the land as what was referred to in the state code as a facility site, a category that included a very narrow set of uses. He said that for those types of uses, public uses and facility sites, the County needed to do nothing more, and once the County's due diligence was completed, it may proceed to accept the deed to the land and no public hearing was required.

Mr. Rosenberg said that if however the County desired to include as a part of campus business an industrial use that complemented these uses or to preserve that possibility if it had not yet decided to do so, state law required that the Board must first, prior to the acquisition of the land, conduct a public hearing about its potential business and industrial development. He said that therefore, to preserve all options as the concept of the campus was further pursued and refined, staff had recommended the Board conduct such a public hearing.

Mr. Rosenberg said that though no further action beyond the conduct of the public hearing was required, they would have for the Board's consideration on June 21, 2023, after the public hearing was closed, a resolution reaffirming the Board's resolution adopted on May 24, 2023, and setting forth potential uses of the land once it was acquired by the County, including both the uses for which no public hearing was required, and business and industrial development.

Mr. Rosenberg said that in summary, the public hearing was not about whether to acquire the land, and that action had already been taken and the decision had already been made subject to completion of the due diligence. He said that the public hearing was about whether to facilitate certain uses of the land, specifically business and industrial development once it was acquired.

Agenda Item No.11. **Presentation:** Board-to-Board, A Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Ms. Katrina Callsen, Chair of the Albemarle County School Board, stated that she would begin with an update on the Bellwether instructional audit. She said that they had conducted the audit and provided results, but they had not dove into them yet, as they were going to be presented tomorrow during a work session, and likely would have another work session on the topic. She said that they were available on the electronic School Board to view, with five key points identified that they could work on, and they were excited to do that work. She said that the focus was going to be elementary, reading, math, and algebra, which were the foundational skills that helped people be successful in their school careers and beyond.

Ms. Judy Le, Vice Chair of the Albemarle County School Board, stated that there was a new Assistant Superintendent for Instruction who they would be welcoming on July 1 to help them through a lot of the work identified by Bellwether and that they had been discussing for a while. She said that Dr. Shandra Hayes was joining them effective July 1 and succeeding Debbie Collins who announced her retirement earlier this year. She said that Dr. Hayes came from Chesterfield Public Schools, the fifth largest school division in Virginia with nearly 65,000 students. She said that she was the Director of Equity and Student Services for Chesterfield Public Schools.

Ms. Le said that she personally met Dr. Hayes during the interview process and was very excited about her joining their school system. She said that it was impressive how she saw each student as a whole person, and one of her initiatives was to get a grant to create a laundry service for students, which went beyond the statistical relationship of a student's test scores. She said that Dr. Hayes was currently overseeing professionals in counseling, including school psychologists, social workers, health services, equity, and ESOL (English to Speakers of Other Languages), and would be a strong person to have in their personnel. She said that she would be responsible for all curriculum and instructional decisions, working with principals on staffing plans, and would be working through student performance assessments and goals. She said that Dr. Hayes would be trying to align their district-wide efforts to ensure they were all moving in the same path.

Ms. Le said that Dr. Hayes received her ED (education degree) from Virginia Tech and held a master's degree in secondary science education from the City College of New York, with an undergraduate degree from Eastern Carolina University in secondary science education.

Ms. Le said that they had appointed four new elementary school principals, many of them from within the division, and those positions would also begin July 1.

Ms. Callsen said that beginning next year, there would be no more double-backs, which was the term for when a bus driver completed a route, dropped children off at school, and then completed another route, which often resulted in delays and lost instructional time. She said that they were continuing to prioritize filling their vacancies, however, there were still shortages. She said that their biggest push this year was to make sure that families were aware of the shortages so that they knew what was coming and have parents prepare.

Ms. Callsen said that they were moving away from the opt-out transportation system and doing opt-in, requiring all families to identify their transportation needs before June 30 unless they moved to the district after that, so that it would allow for more adequate planning. She said that they were also potentially consolidating the number of bus stops and allowing for more community bus stops rather than picking up at people's homes, and they were expanding their current walk zones to 1 mile for elementary students and 1.5 miles for middle school and high school students.

Ms. Callsen said that lastly, if there was not an assigned bus driver for a route, they would not be offering bus services for that route. She said that those who were required to have bus service were those with special needs and homelessness would still have bus service. She said that asking bus drivers to fill in for specific needs created a cyclical effect of people doing jobs that were not sustainable over long periods of time, and they must be respectful of what they could accomplish with the bus drivers they had, and hope that as they filled in many of those positions they would be able to provide increased service.

Ms. Callsen said that they were proceeding with Center 2, and a location was selected and being announced tomorrow.

Ms. Le said that in May, Delegate Sally Hudson visited Grier Elementary to recognize the ACPS (Albemarle County Public Schools) Nutrition Team, and she was glad for them to be recognized in the General Assembly Resolution. She said that Christina Pitzenberger oversaw the 100 workers who served almost 9,000 meals per day. She said that when schools were closed during the pandemic, that team served over 100,000 healthy meals, and they could not overestimate how important those meals were to the people receiving them.

Ms. Callsen said that they had openings for many advisory committees, and she invited the public to please go to their website and check them out. She said that the long-range planning advisory committee, school health advisory board, and ACES (Advisory Committee for Environmental Sustainability) had openings, and they were always looking for new applicants. She said that she invited all Supervisors to attend whichever meeting they would like but tomorrow would be the deep dive into the Bellwether report. She said that they hoped to invite Chair Price and Vice Chair Andrews to a lunch soon with herself and Vice Chair Le to have conversations.

Mr. Gallaway asked if the process of dropping students from bus routes after missing a certain number of days would continue.

Ms. Callsen said that it was correct, that would still be the case, however they were still doing the opt-in system because it was leading to a lot of uncertainty in the beginning of the school year in which there were many people on the list who were not utilizing the transportation.

Mr. Gallaway said that they must be accountable for the different transportation needs of children, for example children who split time between houses that had different transportation needs to reach school. He asked if there was a transportation-related attendance issue and how that was accounted for and if it was held against the student.

Ms. Callsen said that she would have the Transportation Department follow up with specific answers, but she did not imagine that they would penalize students for things such as that. She said that the most important thing was conveying to the school whatever the transportation need was that could be adequately predicted, because if they did not return the transportation form and were not on the list by June 30, the requests were waitlisted.

Ms. Mallek asked if the survey out now would be the time for family information, such as weeks on and off, so that it was already in their database.

Ms. Callsen said yes.

Ms. Mallek said that she was glad they were looking at doing neighborhood rather than private road bus stops, because it had been a difficulty for bus drivers to handle the hundreds of extra miles that came with stopping at each house.

Ms. McKeel said that the Bellwether report was from a consultant for the purpose of looking at achievement gap issues. She asked if Ms. Callsen could explain that report more.

Ms. Callsen said that ACPS had been working with Bellwether, a nonprofit educational consulting firm, to provide a division-wide audit of their educational programming, practices, and resources. She said that Dr. Haas and the Board called for this audit as a strategy so that they could have an independent study of the historical pattern of achievement gaps between Black and White students in reading and math and the gaps that they were not making progress in reducing.

Ms. McKeel said that they had been struggling with these achievement gaps for decades, so they clearly needed to try something new.

Ms. Callsen said that Bellwether had been a wonderful consulting organization and had data-backed research and techniques that helped her support their work and visions for solving this problem.

Ms. McKeel said that part of the struggle with the buses was that there had been 9,000 families signing up for the bus service but only 5,000 people using it, and that created a huge problem.

Ms. Le said that there had been 3,000 students signed up who were regularly not showing up and could not be planned around.

Ms. McKeel asked what ACES stood for.

Ms. Callsen said that it was the Albemarle Committee for Environmental Sustainability. She said that it was the Schools' response to the climate action plan and had the purpose of ensuring the goals of the plan were met. She said that they also were trying to make sure that experts beyond their own knowledge were able to give them input. She said that the first presentation by the group would be this fall and she would provide the Board with an update nearer to that time.

Ms. McKeel said that she served on that committee. She said that it was a great collaborative effort between the boards to work on climate change issues.

Ms. Price said that she commended the School Board and Administration for the graduation events held over the past week, and for allowing students to have expression during these ceremonies. She said that she wanted to acknowledge the challenges they faced with regard to the transportation issue, which was both a supply chain and a personnel issue. She said that they all bore responsibility, and people needed to do that by making clear their transportation needs to the school.

Ms. Mallek asked if there was any information about the savings in utility costs for the schools which had large solar arrays on the roof, such as Monticello High School.

Ms. Callsen said that she could provide follow-up information to the Board and the public.

Ms. McKeel said that the weather station data from Albemarle High School was used in her area, and she appreciated it being available there.

Mr. Andrews said that there was also the Solid Waste Alternatives Advisory Committee (SWAAC), which looked at composting and had talked about schools for some time.

Ms. Le said that she would love that.

Agenda Item No.12. Closed Meeting.

At 4:30 p.m., Mr. Andrews **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, Agricultural and Forestal District Advisory Committee, Community Policy and Management Team, Crozet Community Advisory Committee, Pantops Community Advisory Committee and Jefferson Madison Regional Library Board.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

Agenda Item No.13. Certify Closed Meeting.

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

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

Agenda Item No. 14. Boards and Commissions.

Item No. 14.a. Vacancies and Appointments.

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

- **REAPPOINT** Ms. Barbara Barrett and Mr. Barry Blumenthal to the Region Ten Community Services Board with said terms to expire on June 30, 2026.
- **REAPPOINT** Mr. Louis Falzer, Mr. Michael Fraser, Ms. Judith Joyce, Mr. Henry Light, Mr. Richard Ruffin, Mr. Michael Spatz, and Ms. Ida Lee Wootten to the Pantops Community Advisory Committee, with said terms to expire on June 30, 2025.
- **APPOINT** Mr. Mike Haas to the Agricultural and Forestal District Advisory Committee, to fill an unexpired term ending April 17, 2024.
- **APPOINT** Mr. Peter Morville to the Jefferson Madison Regional Library Board, with said term to expire on June 30, 2027.
- **REAPPOINT** Mr. Anthony D. Townsend to the Jefferson Madison Regional Library Board, with said terms to expire on June 30, 2027.

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.

ABSENT: Ms. LaPisto-Kirtley.

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

There was no report.

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

There were none.

Agenda Item No. 17. **Public Hearing: EMS Agency Permit for Non-Emergency Medical Transport.** To receive public comment on its consideration of the requests to grant commercial Emergency Medical Services permits to two private emergency medical services agencies, pursuant to Virginia Code § 32.1-111.14. The two proposed permits would be for the Delta Response Team, LLC. and the Kiwi Emergency Medical Services, LLC and would allow them to provide non-emergency transport services within the County.

The Executive Summary as forwarded to the Board states that in Virginia, Emergency Medical Services (EMS) agencies need to have a permit from the Virginia Department of Health, Office of Emergency Medical Services (OEMS) to operate in the state. OEMS oversees the certification and regulation of ambulance services, as well as the training and certification of emergency medical personnel. Although OEMS is responsible for the licensure of EMS agencies, according to Virginia law (Virginia Code § 32.1-111.14), the Board is authorized to grant permits that allow these agencies to have a base of operations in Albemarle County.

Permits for commercial EMS agencies, as distinguished from volunteer companies in the Coordinated Fire and Rescue System (Coordinated System), are not contemplated in the cost recovery framework addressed in County Code Section 6-502. A permit granted by the Board pursuant to Virginia Code § 32.1-111.14 for private EMS agencies would allow these agencies to provide services to residents of Albemarle County that are not routinely provided by ACFR and the Coordinated System. Further, a permit granted by the Board is required for these agencies in their regulatory compliance with OEMS.

In Fall 2022, two private EMS agencies reached out to staff to inquire about obtaining a permit so that they might station ambulances in Albemarle County to provide non-emergency transport services in response to calls within the County. Non-emergency medical transport (NEMT) is not response to 911 calls, but rather non-urgent, medically supported transport that is generally pre-scheduled. NEMT services are usually intended for medical appointments or other forms of non-emergent care.

Private ambulance companies are regulated by OEMS and are required to go through the same inspection and permitting process ACFR completes to operate in the state. OEMS sets standards for ambulance equipment and staffing levels and conducts regular inspections of ambulance services to ensure compliance with these standards. An OEMS license allows EMS agencies to transport patients within Albemarle County, a permit from the Board is only required for agencies who have a base of operations within the County. The County has the authority to revoke an agency's permit at any time if they fail to maintain their good standing with OEMS. OEMS will still provide oversight of private ambulance companies that obtain permits to have a base of operations in Albemarle County. OEMS is the agency responsible for investigating complaints and taking enforcement actions when necessary to protect public health and safety.

ACFR, upon receiving these requests, consulted with the County Attorney's Office to develop a permitting process to allow commercial EMS agencies to operate in the County. Commercial EMS agencies that wish to be permitted in Albemarle County must complete the EMS Agency Permit Application.

The permits for agencies are subject to the following conditions:

- Agency's Virginia OEMS license is current;
- Agency certifies vehicle liability insurance through its application to OEMS; and
- Agency is in good standing with the Virginia SCC; and
- Agency will obtain or maintain a business license with Albemarle County, if required.

The following applications have been received, reviewed, and processed by ACFR for the operation of NEMT services:

- Delta Response Team
- Kiwi Emergency Medical Services

Issuing permits for these agencies to provide non-emergency medical transport services will have no budget impact, as ACFR does not provide these services.

Staff recommends that, after the public hearing, the Board issues permits to allow Delta Response Team and Kiwi Emergency Medical Services to provide non-emergency medical transport services within the County.

Mr. David Puckett, Deputy Chief of Albemarle County Fire Rescue (ACFR), stated that the matter before the Board was consideration of two pending applications for non-emergency medical transport permits. He said that this was different from the 911 services that ACFR provided, and typically consisted

of scheduled patient transports, including inner facility, hospital to hospital, or nursing home to hospital, scheduled medical services like dialysis, and returning a patient home after being discharged. He said that it was important to note that the decision before the Board tonight was limited to whether the applicant could establish a base of operations in Albemarle County, not whether they could provide service.

Mr. Puckett said that private ambulances located outside of Albemarle frequently provided service in Albemarle as they picked up and dropped off residents. He said that the Office of EMS (Emergency Medical Services) in the Virginia Department of Health required an agency to seek approval from each locality where the agency had a base of operations within. He said that this base could be as simple as staging an ambulance in a parking lot or could be a bona fide facility they operated out of. He said that although the regulation requiring this permit had been in place for some time, the Office of EMS had increased awareness and enforcement in recent years.

Mr. Puckett said that since this was the first request the County had received, it was necessary for ACFR in coordination with County Attorney's Office to develop a process to evaluate applicants. He said that a non-emergency medical transport permit in Albemarle required the following conditions be met: They must be currently licensed by the Office of EMS, have liability insurance, be in good standing with the Virginia SCC, and if approved, will obtain or maintain a business license with Albemarle County if required. He said that the permit would be good for two years but could be suspended or revoked if the conditions were not met.

Mr. Puckett said that the Office of EMS was the regulatory agency responsible for EMS delivery, and all EMS agencies in Virginia must be licensed by the Office of EMS. He said that they have established regulations that govern all aspects of EMS, including personnel training requirements, criminal background checks, EMS vehicle types, marking, and insurance coverage, and equipment standards. He said that EMS agencies were required to have a medical director under whose license they operate and participate in a quality assurance program overseen by the medical director.

Mr. Puckett said that the Office of EMS inspects an agency every two years as part of the renewal process. He said that the Office of EMS was also responsible for enforcing the regulations and for investigating complaints regarding EMS agencies and can impose fines, suspend an individual provider's ability to practice, or revoke an agency's license.

Mr. Puckett said that the County's proposed permitting process relied heavily on the regulatory process already in place with the Office of EMS. He said that the two applicants being considered tonight were the Delta Response Team, providing services to Sentara Martha Jefferson and staged ambulances at Pantops and Proffitt Road campuses, and Kiwi EMS, which was to open a physical location on Brook Court. He said that both organizations were in good standing with the Office of EMS and met all conditions of the permit.

Mr. Puckett said that non-emergency medical transport was an essential service because ACFR did not have the capacity to provide non-emergency medical transport services in addition to 911 services. He said that if available, additional non-emergency transport providers may relieve stress on the 911 system and be utilized in mass casualty incidents. He said that staff recommended approving both permits.

Ms. Mallek asked what Lifecare ambulances were classified as.

Mr. Puckett said that the regulation requiring this was from 1984, but it was not well-known of enforced, so the Office of EMS had recently begun to enforce it.

Ms. Mallek confirmed that they just had not been folded into the regulation yet. She said that she had recently seen a Kiwi ambulance on Georgetown Road, so it appeared they were already in operation.

Mr. Puckett said that was correct. He said that they operated out of Charlottesville currently.

Ms. Price asked what type of care could actually be provided in the non-emergency medical transport vehicle.

Mr. Puckett said that the Office of EMS established a few levels of care, basic life support and advanced life support, and depending on the level of care required, that determined the training and equipment provided on the ambulance. He said that most of these vehicles had a mix of capabilities, so if they were to reach out to them for mutual aid during a mass casualty event, it would be about what was available that they could provide while using the best of their abilities.

Ms. Price said that something was better than nothing, and particularly something identified as a medical transport, which would have lights and enhance their ability to more rapidly take an injured person from location to location.

Mr. Puckett said that they would dedicate local services to treating those more severely injured.

Ms. Price opened the public hearing and asked the Clerk if there were any speakers signed up for the public hearing.

Ms. Borgersen said there were none.

Ms. Price asked if there was any further discussion or action from the Board. Hearing none, she closed the public hearing and said that the matter was back before the Board for any comments or for a motion.

Mr. Steve Rosenberg, County Attorney, requested there be two separate motions to approve each resolution separately.

Ms. Price clarified that there would be one permit for each provider for a total of two.

Mr. Rosenberg said that was correct.

Ms. Mallek said that she knew the need for this service in the community was great.

Mr. Andrews **moved** that the Board grant the commercial EMS agency permit to Delta Response Team LLC.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

**RESOLUTION TO GRANT COMMERCIAL EMS AGENCY PERMIT:
*DELTA RESPONSE TEAM, L.L.C.***

WHEREAS, Virginia Code § 32.1-111.14 authorizes a local governing body to grant permits to medical services agencies to operate within its jurisdiction; and

WHEREAS, Delta Response Team, L.L.C. (Delta) has submitted an application to Albemarle County Department of Fire and Rescue (ACFR) for a permit to provide non-emergency medical transport services in Albemarle County, in compliance with requirements of the Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, ACFR staff have reviewed the applications and determined that Delta has a current license with the OEMS, thereby meeting the minimum liability insurance coverage requirements for an OEMS license, and is in good standing with the Virginia State Corporation Commission; and

WHEREAS, granting a permit to Delta will allow it to provide valuable services to residents of Albemarle County that are not routinely provided by ACFR or the Coordinated Fire and Rescue System.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board that a permit is granted to Delta Response Team, L.L.C. for a period of two years to provide non-emergency medical transport in Albemarle County, subject to the following conditions:

1. Delta will have at all times an active license issued by the OEMS;
2. Delta will maintain minimum liability insurance coverages as required by the OEMS;
3. Delta will maintain its registration with the Virginia State Corporation Commission; and
4. Delta will obtain or maintain a business license with Albemarle County, if required.

The County Executive is empowered to issue a permit for Delta in a final form approved by the County Attorney.

BE IT FURTHER RESOLVED that, if at any time during the term of the two years, Delta's OEMS license, liability insurance coverage, SCC registration, or Albemarle County business license, if applicable, is revoked or suspended or if Delta fails to comply with federal, state, or local law or regulation, the County Executive is empowered to suspend temporarily the permit granted by this Resolution and is required, as soon as practicable, to bring the matter before the Board for consideration of revocation or further suspension of the permit.

Mr. Andrews **moved** that the Board grant the commercial EMS agency permit to Kiwi Emergency Medical Services LLC.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

**RESOLUTION TO GRANT COMMERCIAL EMS AGENCY PERMIT:
KIWI EMERGENCY MEDICAL SERVICES, L.L.C.**

WHEREAS, Virginia Code § 32.1-111.14 authorizes a local governing body to grant permits to medical services agencies to operate within its jurisdiction; and

WHEREAS, Kiwi Emergency Medical Services, L.L.C. (Kiwi) has submitted an application to Albemarle County Department of Fire and Rescue (ACFR) for a permit to provide non-emergency medical transport services in Albemarle County, in compliance with requirements of the Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, ACFR staff have reviewed the application and determined that Kiwi has a current license with the OEMS, thereby meeting the minimum liability insurance coverage requirements for an OEMS license, and is in good standing with the Virginia State Corporation Commission; and

WHEREAS, granting a permit to Kiwi will allow it to provide valuable services to residents of Albemarle County that are not routinely provided by ACFR or the Coordinated Fire and Rescue System.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board that a permit is granted to Kiwi Emergency Medical Services, L.L.C. for a period of two years to provide non-emergency medical transport in Albemarle County, subject to the following conditions:

1. Kiwi will have at all times an active license issued by the OEMS;
2. Kiwi will maintain minimum liability insurance coverages as required by the OEMS;
3. Kiwi will maintain its registration with the Virginia State Corporation Commission; and
4. Kiwi will obtain or maintain a business license with Albemarle County, if required.

The County Executive is empowered to issue a permit for Kiwi in a final form approved by the County Attorney.

BE IT FURTHER RESOLVED that, if at any time during the term of the two years, Kiwi's OEMS license, liability insurance coverage, SCC registration, or Albemarle County business license, if applicable, is revoked or suspended or if Kiwi fails to comply with federal, state, or local law or regulation, the County Executive is empowered to suspend temporarily the permit granted by this Resolution and is required, as soon as practicable, to bring the matter before the Board for consideration of revocation or further suspension of the permit.

Agenda Item No. 18. Public Hearing: SP202200001 Misty Mountain Camp Resort.

PROJECT: SP202200001 Misty Mountain Camp Resort

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 07100-00-00-00300

LOCATION: 56 Misty Mountain Rd

PROPOSAL: Special use permit amendment to permit 158 total campsites (increasing by 53), to permit 19 cabins, and to permit year-round cabin use (30-day occupancy limit) rather than prohibiting cabin use from November 15 to March 15.

PETITION: Day camp, boarding camp under Section 10.2.2.20 of the zoning ordinance on a 414.93-acre parcel. No dwelling units proposed.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT(S): Entrance Corridors Overlay District, Flood Hazard Overlay District, Steep Slopes Overlay District

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

The Executive Summary as forwarded to the Board states that at its meeting on January 10, 2023, the Planning Commission (PC) voted 6:0 to recommend approval of SP202200001, with the four conditions recommended in the staff report, provided that the following conditions were added:

1. Other than the owners or their employees or agents, no one may reside or camp on the Property for more than 180 days in any calendar year.
2. The proposed new bath house may not be located within 150 feet of any adjacent parcel.

The Commission further recommended that staff work with the applicants to determine appropriate locations for screening and security fencing, to make the new campground layout more compact, and to increase visual buffering, before the Board of Supervisors hearing.

The PC staff report, action letter, and minutes are attached (Attachments A, C, and D).

Since the PC hearing, the applicants have provided a revised conceptual plan (Attachment B) to show a more compact design of the proposed new camping area in the southeastern portion of the property. The proposed bathhouse location in that area has been moved to the west side of the new campground area, in order to increase the distance between the bathhouse and the neighboring

properties to the east. Also, notes on the conceptual plan regarding the location and design of screening fences have been revised by the applicant's following discussion with the adjacent landowners.

A proposed resolution is provided as Attachment E and reflects several updates to conditions. The date of the conceptual plan identified in Condition 1 has been changed to refer to the revised plan that incorporates changes. Conditions 5 and 6 have been added to address PC recommendations. Also, after additional public input was received following the PC hearing, staff has added the standard condition used for Rural Areas special use permits, specifying that any new lighting fixtures on the property must be full-cutoff fixtures. This requirement is now included as Condition 7. Thus, the final recommended conditions of approval are as follows:

1. Development of the camp use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "Misty Mountain Camp Resort Redevelopment – Concept Plan - Overview," prepared by Line + Grade, and dated 02/21/2023. To be in accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:

- Maximum number of RV and tent campsites is 158.
- Maximum number of camping cabins is 19.
- Location of screening fences must be as shown on the Conceptual Plan.

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

2. No new campsites may be established within the 100-year floodplain.
3. Prior to commencing the expanded use, the permittee must provide contact information for onsite campground management to all owners of parcels within 1,000 feet of the exterior boundaries of Parcel 07100-00-00-00300 and to the Zoning Administrator. The notice must include:
 - A telephone number at which the on-site campground manager may be contacted at any time when the campground is in operation, and
 - The County's zoning complaint hotline telephone number (currently 434-296-5834), identified as such.
4. The expanded use must not commence until the campground's water and septic systems have been approved by the Board of Supervisors pursuant to Article I of Chapter 16 of the County Code.
5. Other than the owners or their employees or agents, no one may reside or camp on the Property for more than 180 days in any calendar year.
6. The proposed new bath house may not be located within 150 feet of any adjacent parcel.
7. Any new outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties.

Staff believes that the changes to the conceptual plan and additional conditions address PC and neighbor concerns. Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP202200001, subject to the conditions contained therein.

Mr. Gallaway **moved** that the Board adopt the resolution as presented in Attachment E to approve SP202200001, subject to the conditions contained therein as amended to add a condition for a telephone number at which the onsite campground manager may be contacted at any time when the campground is in operation. The manager must respond and attempt in good faith to resolve any complaint(s) within 60 minutes of being contacted. The manager may initially respond to a complaint by requesting guest(s) to take such action as is required to resolve the complaint.

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

Mr. Scott Clark, Natural Resource Manager, stated that this was a special use amendment request for upgrades and expansion to an existing campground on Route 250 West, just west of the Crozet interchange. He displayed a location map of the Misty Mountain Camp Resort on the screen, with Route 250 near the top of the screen, the corner of an agricultural and forestal district in yellow to the top left, and the blue area denoted Stockton Creek. He displayed an aerial photograph of the existing campground, with the more developed portion of the open campground nearest Route 250, with a swimming pool and activity areas.

Mr. Clark said that there was an existing road that crossed a bridge on Stockton Creek and came up to an existing campground on the southwest corner of the property, with farm and open space parcels to the north, west, and south sides, but on the east side there were a few residential parcels adjacent to the area in the southeast portion where the proposed expansion was. He said that the proposal was for 158 total campsites, increasing by 53, going up to 19 cabins from 16, and changing the condition that formerly limited cabin use from basically the summer months to year-round. He said that campgrounds were permitted in the RA (Rural Areas) zoning district only by special use permit under the "day camp, boarding camp" category in Section 10 of the Zoning Ordinance.

Mr. Clark displayed an overview of the conceptual plan, which had been revised since the Planning Commission hearing. He said that the entrance would be changed and improved under this

proposal. He said that the applicant had secured a design waiver, so that they did not require a left turn lane. He said that some of the incoming traffic would be better-accommodated in the site through use of parallel parking lanes. He said that for registration, there was some additional parking by the office building. He said that there were some spaces within the floodplain, but they were the existing spaces, not the newly proposed spaces. He said that there were three additional cabins proposed, and the camp spaces that crossed the 25-foot setback would be repositioned to comply with the setback regulation. He said that finally, the expansion area in the southeastern corner of the property would have spaces around the road as well as a bath house.

Mr. Clark said that they had an online community meeting in March 2022, where attendees raised concerns about issues with the former campground operation including noise and trespassing by campers, and concerns about expanded use and its visibility and groundwater impacts. He said that there was a deferral period while the applicants modified their application before going onto the Planning Commission.

Mr. Clark said that the special use permit criteria reviewed determined that there was no substantial detriment. He said that for visibility and trespassing, there was proposed screening fences around the western, southern, and eastern campground areas on the upper portion. He said the applicants had worked with neighbors to establish standards for fences to block visibility and to prevent campers from going across the line. He said that the owners had already placed warning signs regarding trespassing onto adjacent properties in the campground. He said that noise was addressed with a recommended condition that allowed property owners within 1,000 feet to directly contact an on-site manager rather than having to contact the police or waiting for a zoning enforcement officer, and the campground currently had quiet hours from 10 p.m. to 8 a.m.

Mr. Clark said that another significant concern for detriment to the adjacent properties was groundwater use. He said that this information presented had come from the applicant's studies and calculated groundwater use and recharge rates for this property to have a surplus of about 11,000 gallons per day of recharge over usage on the site. He said that the engineer's memo stated that there was no foreseeable impact on the groundwater supply for neighboring parcels due to this surplus of recharge over use at the maximum occupation permitted on the site. He said that further on groundwater, proposed Condition 4 required that the expansion not commence until the on-site water and septic systems had been approved under Chapter 16 of the County Code, and Chapter 16 permitted central water and septic systems only by Board approval based on recommendations from the county engineer, and permitted the county engineer inspection of the construction and operation of those systems to ensure they were operating properly. He said that if this special use permit were approved, the Board would see it again after the county engineer's review of the water and septic system before the use could actually change.

Mr. Clark said that regarding the harmony standard, the VDOT design waiver had been obtained to avoid changing Route 250 for the left turn lane by accommodating the incoming traffic more within the site. He said that there were campsites existing in the floodplain, and the original special use permits from the 1980s and 1990s prohibited new sites in the floodplain but the previous owners built those sites anyway. He said that there was no significant safety issue observed by staff with these sites, as there was ready access and exit from that floodplain area, and nothing new was proposed to go into those areas. He said that the bridge across Stockton Creek had been a structure there for many years and connected to the road to the upper campground.

Mr. Clark said that this was a commercial use in the Rural Rrea that would have impacts, but the placement of the expansion area would help limit impacts on water resource because it was quite a ways from the creek and was not near the floodplain. He said that it also helped with scenic resources because it was as far as possible from the entrance corridor and the scenic highway. He said that similarly, when the item was before the Agricultural Forestal District Advisory Committee, they voted unanimously to find that the proposal did not conflict with the purposes of the districts, again because the use was at the farthest end of the property from the adjacent district.

Mr. Clark said that in January, the Planning Commission voted 6 to 0 to recommend approval with two new additional conditions, one that limited the overall stay for any given person during the year to prevent the misuse of the cabins as rental properties for longer-term stays, and the proposed new bath house, which was originally about 100 feet from the adjacent property line, be located at least 150 feet away. He said that the Commission further recommended that staff work with the applicants to determine appropriate locations for screening and security fencing, to make the new campground layout more compact, and to increase visual buffering. In addition, staff added a condition requiring full-cutoff lighting fixtures to limit impacts on adjacent properties.

Mr. Clark said that the applicant had revised their plan to move the bath house from 90 feet from the nearest property boundary to 570 feet from that boundary and had moved the nearest campsites from 35 feet to 63 feet away and 90 feet to 115 feet from the nearest property boundary lines. He said that there was an existing bamboo fence on the southern part of the property, and proposed was a 6-foot chain-link fence on the northeastern corner of the property and a 9-foot wooden fence proposed for the southeastern corner and on the western edge of the property. He said that the location and design of the fencing was an essential aspect of the plan that needed to be maintained to be in compliance.

Mr. Clark said that staff recommended the Board adopt the Resolution to approve SP202200001 subject to the listed conditions.

Mr. Andrews asked if winter camping was allowed but not in the cabins.

Mr. Clark said that was correct.

Mr. Andrews asked if those were requested to be opened to winter use as well.

Mr. Clark said that was correct.

Mr. Andrews asked if all campsites were full hookups for campers.

Mr. Clark said that he believed so.

Mr. Andrews asked how many sites were in the floodplain.

Mr. Clark said that there were a couple dozen campsites that were in the floodplain.

Mr. Andrews said that the numbers they were analyzing had to be compared with what existed and what was originally approved. He asked how it happened that so many campsites ended up in the floodplain, and what the County's usual recourse was in a situation such as this.

Mr. Clark said that the enforcement system in the County was by complaint, and during the 1980s and 1990s when the expansions occurred, he was unsure of anyone who had complained. He said that once it was built and in place, they would not have been out there checking unless someone called and said something was wrong at the campground. He said that it did not require heavy construction to create those campsite spots with hookups, so the previous owners did that quite a bit.

Mr. Andrews said that those owners must realize that there was an issue when requesting permits from the County.

Mr. Clark said that the new owners were aware of the issue when they reviewed the history of the property. He said that the sites were already there, and what they could do now was try to make the site as acceptable as it could be rather than leaving it in its nonconforming state.

Mr. Andrews asked if the current permit dictated where the campsites would be within the campgrounds.

Mr. Clark said that he was unable to find any detailed layout plan, and there were no conditions that said anything other than not to put them in the floodplain.

Mr. Andrews asked if they wanted additional campsites they had to come back, but if they simply wanted to move the campsites from one place to another, it would not require that.

Mr. Clark said that in the case of a campground that was conforming with its conditions and was not expanding, he supposed they could move sites, but there would be vegetation impacts, so that would be a zoning administrator's call as to whether that was enough of an expansion of impacts that they would need to amend.

Mr. Andrews asked if the presence and use of campfires and smoke generated by campfires were considered at any point in this process.

Mr. Clark said that he had attempted to find how campfire impacts on adjacent properties could be measured but had not found any information about quantifying campfire and campgrounds' effects on properties within a several-hundred-foot radius. He said that other than knowing that the smoke rose during most weather conditions, he could not offer exact impact assessments.

Mr. Gallaway asked when the current applicant acquired the property.

Mr. Clark said that it was approximately three years ago to his knowledge.

Mr. Gallaway said that one of the conditions was the phone number being sent out for on-site management.

Mr. Clark said that was correct.

Mr. Gallaway asked if there was a stipulation as to when they needed to respond to the complaints similar to what existed in the homestay ordinance.

Mr. Clark said that was not in the condition, but they could try to insert something to that effect in the condition.

Ms. Mallek asked why the current spaces could not be removed. She said that the previous owners had assured the County that they would bring everything into compliance, so she took issue with the proposal as it stood. She asked if the area proposed for a playground was currently used for that purpose.

Mr. Clark said that he believed it had been used in the past for group tent camping in the woods but had not been developed yet.

Ms. Mallek asked if that area would be deforested to be used as a playground.

Mr. Clark said that it would not be completely deforested.

Ms. Mallek said that if the entire area were to be deforested, it would be 300 feet of open area on a slope. She asked if the rectangles along the western border were existing campsites.

Mr. Clark said yes. He said that when they were originally built, they were pushed into the 25-foot setback and too close to the adjacent property.

Ms. Mallek asked if these were vehicles backed up against this property line currently.

Mr. Clark said that they were campsites.

Ms. Mallek asked where the big bus campers were placed.

Mr. Clark said that the larger RVs tended to be in the front section because it was easier to access, but occasionally truck campers and smaller trailers were in this upper section.

Ms. Mallek asked if the loops to the right were other campsites existing there now.

Mr. Clark said yes, those were existing campsites that were not being changed, but the three new cabins and spaces were shown in dark lines because work was being done to them, where campsites would be built and the campsites along the western border would be moved inward.

Ms. Mallek asked if the roadway loops were already present.

Mr. Clark said that they were already there.

Ms. Mallek said that the bridge already existed.

Mr. Clark said yes.

Ms. Mallek asked if it was heavy duty enough to hold the big buses.

Mr. Clark said that he was not an engineer, but it was a stout concrete structure.

Ms. Mallek said that if those larger vehicles were able to access the rest of this site and had their generators running all night, it was a concern.

Mr. Clark said that, in his experience visiting the site, most of the largest RVs had been down in the front section.

Ms. Mallek said that it appeared there was a steep slope, but she thought that there was no greater than 3% slope allowed for drain fields, so it was unclear to her how that would work. She asked if there was a three-strikes rule for the complaints for this use similar to the homestay operation, because otherwise it had no effect on the impact.

Mr. Clark said that it had not been proposed, but if the Board were interested, it could be put in the conditions.

Ms. Mallek said that one of the biggest concerns with noise was that when problems could not be solved immediately, people had to deal with the issue for an extended time. She said that the accountability phase may be something to consider. She said that this was a 30% increase in units proposed, so she was unclear as to how this was an amendment as opposed to an entire new application due to its differences in impact level. She said that the groundwater information was provided by the applicant, so she would ask them about that information. She said that the bath house was moved closer to the stream and was uphill from the stream, and she would like to know what runoff issues would be controlled in regard to the effects of septic on the stream quality.

Mr. Clark said that any expansion of an existing use was done through an amendment, although the process was the same as a new special use permit. He said that even if it had been a five-space campground and they wanted to put up 5,000 spaces, it would be processed and called an amendment but was essentially the same review process.

Ms. McKeel clarified that this was the procedure for an amendment to a special use permit. She asked if Mr. Clark could also explain the floodplain issue as it related to this use. She asked if a flash flood happened, who was responsible.

Mr. Clark said that it was the owner's responsibility to notify whoever was occupying the campground at the time to leave.

Ms. McKeel asked if that was if there was a warning of a flood.

Mr. Clark said yes. He said that he did not know that there was a law specifically for that.

Ms. McKeel asked if the property owners would be responsible for damage to the tents and RVs.

Mr. Clark said that it was not unusual for older campgrounds to be in floodplain areas. He said that this floodplain was a floodplain from a fairly incised stream, so it was a ways down from the top of the bank and was not a frequently flooded wetland that would normally be seen on a creek like this, but was fairly dry at the top. He said that it was not ideal for the previous owners to have placed those campsite spots in the floodplain, but they were not located in a wetland, and were located in fairly dry, gravelly pasture.

Ms. McKeel said that was helpful. She said that it was not the fault of the current owners, but it was always frustrating when they found that people had been doing something they were not supposed to be doing, and she understood they operated by complaint, but it was very frustrating.

Mr. Clark said that they had a situation in which they had to mitigate some longstanding violation or error through conditions of a new permit.

Ms. McKeel said that she had read about storage tanks for water in the report. She asked if there would no longer be storage tanks.

Mr. Clark said that he would let the applicant explain that point. He said that part of the reason why there was the condition to not begin the expansion until the water and septic systems were approved was because there were two staging areas, the site itself and then assuming some form of special use permit was approved, they must complete all the engineering on the water and septic and come back for further approval.

Ms. Price said that she appreciated the movement of the buildings away from the property lines, which alleviated some of her concerns with regard to proximity to the adjacent properties. She asked if the bamboo fence would remain.

Mr. Clark said yes.

Ms. Price asked what the height of the fence was.

Mr. Clark said that he did not know, but the applicants had a photograph in their presentation.

Ms. Price said that she appreciated changing from a chain-link fence to a wooden fence in the southeast area to improve privacy and noise and would be more difficult to climb over. She asked about the area to the right of the image on slide 15 marked with T1, 2, 3, 4, 5, and 6.

Mr. Clark stated that there was a tent-only area on the south side of the creek that was heavily wooded and not developed at all, where people parked and carried their tents.

Ms. Price asked what the other camping areas near the stream were.

Mr. Clark said that they were flat gravel paths used by vans, RVs, and trailers.

Ms. Price asked about the other longer sites.

Mr. Clark said that they were other RV sites.

Ms. Price asked what the campsites were up to the right of the image.

Mr. Clark said that to the east of the entrance road, there were all RV sites.

Ms. Price said that she accepted that there were things that happened in the past that should not have happened with regard to development within the floodplain. She said that she suspected that it was a combination of multiple factors to include that unlike today, where 20% of all properties were visually inspected by the County, back then it was not happening. She said that she was extremely concerned with not just allowing new sites into the floodplain but the continuation of campsites in the floodplain. She said that on August 19 and 20 of 1969, 27.35 inches of rain fell in less than five hours in Nelson County during Hurricane Camille.

Ms. Price said that in 1999, 14.8 inches fell with Hurricane Floyd, and in the southeast, the average record for 24-hour rainfall was somewhere between 20 to 25 inches. She said that she was extremely concerned about putting people in any residential setting that was in a floodplain. She said that this was an expansion not necessarily within the floodplain but with 50% of cabins from 105 to 158 sites, and 19 cabins, and also expanding five additional months of the year, which increased the potential of danger for those campsites within the floodplain.

Ms. Price opened the public hearing.

Ms. Kendra Moon, Line + Grade Civil Engineering, said that she was present on behalf of Misty Mountain this evening. She said that she would move quickly over the things that Mr. Clark had already touched on and would leave time to answer the questions that were brought up. She said that she would start with the proposal overview, then would get into project specifics, and would end with how they have attempted to minimize impacts on neighbors.

Ms. Moon said that the campground had existed for over 40 years, and that they were proposing an increase in the number of cabins and campsites. She said that she recalled the campsites in the floodplain being an issue during the Planning Commission hearing, and Francis McCall looked up something on the spot that indicated it was resolved that the sites were allowed in the floodplain. She said that if someone could pull up the notes from the Planning Commission hearing, it would be very helpful in discussing that topic.

Ms. Moon said that they proposed that the campsites would be used for no more than 180 days in a calendar year, and they wanted to bring the existing campsites and cabins into conformance because some were built outside of setback lines, and although 10 cabins were permitted with the previous special use permit, 16 were built.

Ms. Moon said that Misty Mountain Campground was a net benefit to the public in that it provided a unique experience for campers to immerse themselves in nature and take part in community activities. She said that it provided outdoor recreation for people of all ages, especially children, with hiking trails, a stocked fishing pond, Stockton Creek running through the property, a jump pad, playground, dog park, and pool.

Ms. Moon said that it was consistent with the Comprehensive Plan in that it promoted preservation of natural resources, and its location in the Rural Area was important because this type of experience that it provided would not be available in an urban area. She said that the health and quality of the environment was important to the experience of camping and important to Misty Mountain to maintain that. She said that roughly 12 acres of the site would remain forested. She said that the lower campground area was mostly existing, with some improvements to access as well as proposed screening vegetation along the lower western side and some proposed vegetation along the stream.

Ms. Moon said that this concept was based off of GIS (Geographical Information System) topography, it was a conceptual design knowing that they would have to come back in with field topography and field surveyed trees for a much more detailed design. She said that not all campsites were full hookup, with half of the upper sites not connected to sewer, but they did have water and electric.

Ms. Moon said that as far as the bridge, she did not have a structural analysis of it, but there were RVs that did come and go over the bridge frequently and that could be something they could look in to.

Ms. Moon said that this property was acquired in 2021 by the current owner.

Ms. Moon showed an aerial image showing the lower campground in the mostly cleared area and noted that they could not see the upper campground area because it was hidden amongst the trees. She said that the new campsites would be similar in that they would not be seen, and they were going to try to preserve as many trees as possible. She said that the tree survey was in, but they had not done a final design to move the campsites.

Ms. Moon said that for traffic impacts, there would be an increase in 15 trips to the site during the peak hour, or a 1.6% increase overall on Rockfish Gap Turnpike traffic during the peak hour. She said that the entrance would be upgraded to meet commercial entrance standards, and would be widened to accommodate large trailers checking in.

Ms. Moon said that the central sewage and water systems were required to be approved by the Board, and this request had not yet been submitted. She said that the existing flat area was cleared, and while it may not look very flat on the maps, it was almost level at the site, and it was a cleared turf area with a fence around it. She said that a drain field was put in almost 20 years ago that was permitted through VDH (Virginia Department of Health) and never used, so there were two existing drain fields already. She said that trees had been cleared in the past, and there was a small dirt road coming through there, and they would do their best to utilize existing roadways and flat, cleared area as much as possible.

Ms. Moon said that additional areas were cited by a soils expert for drain fields if additional fields were needed, but the VDH permit had not been finalized yet. She said that the stream was probably 1,000 feet away from the stream, and that the effluent from the bath house would be piped to the drain field, so the bath house location nearer to the stream should not be of concern, and the drain fields far exceeded the setback requirements from a stream. She said that there was no foreseeable issue with locating these drain fields in this location.

Ms. Moon said that as far as water, two new wells had been drilled with sufficient yield to support the site, and water storage tanks were currently used and would be used at the new campsites to offset peak demands and minimize impact on groundwater availability. She said that they had originally submitted a study for the entire watershed area, and the feedback they received was that it was not site-specific, so they revised the analysis to look at water recharge on the site and found that there was a surplus.

Ms. Moon said that the overall project area had been condensed since its conception, with about 15 campsites removed from the southwestern portion of the site, and the overall footprint of the proposed area had been reduced, and the distance from neighboring properties had been reduced as well. She said that the 9-foot-tall screening fences were proposed along the southern and eastern property, as well as the western where campsites were being brought into conformance with the setbacks. She said that the bamboo fence did not cover the entire back property, and some of it was old barbed wire and mostly

vegetation.

Mr. Andrews said that he was confused as to how many of the sites were tent sites versus RV sites, and what the differences were in terms of amenities for the sites. He asked if all of them had water and electricity regardless and only some had sewer hookup. He said that he was never clear on what the breakdown was there.

Ms. Moon said that all of the new sites would be full hookup, and she was unsure of what the existing sites had. She said that there were eight existing tent sites.

Mr. Andrews asked if the tent sites had water and electricity hookups.

Ms. Moon said no.

Mr. Andrew Baldwin, owner of Misty Mountain Campground, said that he was available to answer more detailed questions about the campground.

Mr. Andrews asked if the property had needed to haul water in the past.

Mr. Baldwin said they did. He said that they had a low-yield well in the lower campground when they purchased the property, and that well during Saturday peak hours had a difficult time keeping up with the drainage on the current storage tanks, so they drilled a new well and were going through the Office of Drinking Water for testing and providing the analysis to hook up that well to the existing storage tanks so that they adequately kept up with peak hours of demand on the weekend.

Mr. Baldwin said that the campground was full from March through the first of November, and then people cleared out for the winter, although it was becoming a more popular year-round thing to do. He said that since he and his partner purchased the campground, they had attempted to take every proper step to bring the park into compliance, not only fixing many of the issues there but taking proper engineering steps to be able to keep up with that park in the future.

Mr. Baldwin said that there were considerable steps that had to be taken to ensure this was an asset in the future, because he was certain the next sophisticated buyer who looked at these things would want to analyze these things top to bottom. He said that there had been a lot of discussion about the floodplain, and Mr. McCall had found that campsites were allowed in the floodplain under the ordinance today. He said that perhaps the site plan was not approved properly or taken with the right steps, they were under the impression that that was the case today, and Mr. McCall could support that information.

Mr. Andrews asked if they notified campers that they were camping in a floodplain.

Mr. Baldwin said that it was not typically discussed with campers when they checked in. He said that they were campsites and when it rained and flooded, many people did not come there, and the issue was resolved by leaving. He said that he had not seen a situation since Hurricane Camille, which had been discussed, and that it actually filled up his family lake in Nelson County. He said that even in a situation like that, people had multiple hours to leave. He said that in case of a major storm, they would notify people staying there that there was a major storm system coming to the area and they should be aware of it.

Mr. Andrews said that many of the planned new sites were on the other side of the creek.

Mr. Baldwin said yes, at a high elevation.

Mr. Andrews asked if the bridge had ever flooded.

Mr. Baldwin said that three of the issues of noncompliance were the three cabins on the hill deemed by federal floodplain analyses to be in the floodplain, and he could assure the Board that during an event like Hurricane Camille that the lower campground would have been underwater before those cabins on the mountain had a chance to see water. He said that they had the analysis done again and had that floodplain line revised so that it was understood from the County perspective that those cabins were not in the floodplain nor was it possible for them unless it was a very extreme storm for them to be reached.

Mr. Andrews asked if the bridge could be flooded.

Mr. Baldwin said that if people were staying up in the higher elevation of the campground, it would be impossible for water to get up there during a major storm.

Mr. Andrews said that many campsites were proposed close to neighborhoods. He asked if there had been any discussion of restricting campfire use for any of the times.

Mr. Baldwin said that the fall and winter were popular times for fires, and they did have individual small contained fire pits in the lower campground and had had no issues with campfires during their ownership of the property. He said that there were many sites on the campground that had fires and they had had no issues to speak of during either winter or summer. He said that they would take it into consideration to have a restriction, as there were a few neighbors to the site. He said that everything implemented into the application was per the request of the neighbors. He said that these were meetings

they had on site to try to understand their concerns, and they had a zero tolerance for trespassing outside of the campground.

Mr. Andrews asked if a weather condition caused the smoke to drift to the neighbors if they would be able to use that phone line to do something.

Mr. Baldwin said that they could call Misty Mountain during that time, and they had an emergency management team that took 24-hour responsibility so that if there was an issue at night they could be called on their personal cell phones. He said that the primary manager lived next to the new area being built, so there was management on site 24/7.

Mr. Gallaway asked if the fences around the property belonged to Misty Mountain or neighbors.

Mr. Baldwin said that the bamboo fence was actually just an old barbed wire fence in a forested area, and he was unsure of who put that yellow line in there. He said that a few campsites had been proposed for that area, and after meeting with the property owner of the farm behind and understanding from his perspective how much of an impact that would be, not to mention some of the prettiest trees on the stretch of the property were on that back line in that ravine, so there was no reason to try to force that into this whole thing. He said that it made sense conceptually, but on site it did not make sense, so they opted to keep the wooded vegetation there.

Mr. Baldwin said that the boundary line on the Brody property had already been screened with cypress trees that were 50 feet tall, but they were putting in an additional fence there because it was requested by Mr. Brody, and was a further step to ensure people did not walk through the woods onto his property no matter what.

Mr. Gallaway asked if there was a well-defined weather alert system for campers.

Mr. Baldwin said no, it would just be management reaching out. He said that they would be very close, and it was a very hands-on approach with managers and staff heavily involved with the campers on Fridays and Saturdays when it was usually crowded. He said that most people came in on Friday afternoons and left Sunday morning. He said that they did away with the long-term stay individuals who had been allowed under the previous ownership for significant periods of time. He said that they wanted it to be a family-friendly park and not a stay.

Mr. Gallaway asked how they handled current complaints and what the expectation was of the management team if a complaint came in.

Mr. Baldwin said that anything that would require police to be involved was immediately done. He said that his manager was the retired fire chief of Charles City County and was already involved with the Crozet department and was friends with everyone there and local police officers, so they had a good and open line of communication through him. He said that they had had certain instances in the past year where police had to come to escort people out of the property.

Mr. Baldwin said that they dealt with it professionally and adequately. He said that they had had those conversations but was not something shared with people when they came because people were invited there for a fun and family-based experience. He said that his management team was good at noticing bad actors, and they had removed certain situations quickly and refunded their money because they figured out quickly that they were there to disrupt.

Mr. Gallaway asked if the attempt to bring the site into compliance was to bring the units inside the setback and also to request three new cabins to the 16 existing cabins under the original approval for 10 cabins.

Mr. Baldwin said that three of those cabins actually were already in existence and they believed were built without the County's knowledge in the past. He said that they were attempting to bring these nonconforming structures into compliance after reviewing the previous permits and information with staff and the community.

Mr. Gallaway asked if it was the applicant's view that conforming to the setbacks and number of cabins was the way to become compliant.

Mr. Baldwin said yes.

Mr. Gallaway asked if the tent sites in the floodplain was not viewed as a compliance issue.

Mr. Baldwin said no.

Ms. Mallek asked if the three cabins that were now built were permitted.

Mr. Baldwin said yes. He said that that was how the issue of the three cabins in the floodplain came up.

Ms. Mallek asked if those were the ones on the hill.

Mr. Baldwin said that was correct.

Ms. Mallek asked if those were in the floodplain too.

Mr. Baldwin said yes. He said that the floodplain had been redefined since then and they were no longer in it.

Ms. Moon clarified that the three cabins that Mr. Baldwin was speaking about were nearer the front of the property and had been resolved as not being part of the floodplain. She said that there were three other proposed cabins near the southwestern portion of the property.

Mr. Baldwin said that was correct. He said that the shaded boxes between the new proposed cabins were there and existing now, and they requested up to three additional cabins, which he was unsure if they would build, and the three in the area deemed in the floodplain that was no longer counted as the floodplain.

Ms. Mallek said that the storage tank was being filled from the well, so it was not coming from off-site and was impacting the groundwater just as much as someone running a spigot but not all happening at once.

Mr. Baldwin said that was correct, and they identified the best aquifer to use as their new well. He said that the analysis was on how much peak demand water could be used, so that storage tanks were drawn down instead of wells.

Ms. Mallek said that the groundwater was still being used, so it was impacting the whole region. She said that she was glad that they had redone a survey based on the property as opposed to the entirety of Greenwood. She said that the application discussed an average of six people per site, but the water use talked about 180 gallons per site per day, and that math did not add up for her as opposed to the USGS (United States Geological Survey) average of 80 to 100 gallons per person per day. She said that she would like to know more about the water use that was proposed.

Ms. Moon said that while 80 to 100 gallons per day was per person per household, this was a different use because it was not running appliances and assuming every person took a shower, and they were making conservative assumptions. She said that she was fairly certain their estimate of 30 gallons per day per person was from VDH and their water use table, but she would return with verification of that information.

Mr. Baldwin asked if Ms. Mallek was referencing household use or campsite use.

Ms. Mallek said that she was referencing average residential water use. She said that she was trying to understand the discrepancy in the numbers. She said that if there were two people per campsite on average, they were looking at 300 people on site all the time, or over the weekends for sure, which was a very large neighborhood and impact, perhaps more than what was anticipated 40 years earlier when the campground was approved as far as the impact on the neighbors. She referenced the destruction from previous rain events and said that a proposed campground in Howardsville that was denied due to the fact that people could not get out safely if the storm came in the middle of the night. She said that she had grave concerns over maintaining any of those previously installed campsites in the floodplain.

Ms. Mallek said that she could find nothing in the minutes that said that they were allowed, however there was some discussion over campsites in floodplains all around but not necessarily in Albemarle, and there was a long discussion among the Planning Commission about there being rules about this for these danger purposes and they should not be encouraging people to put themselves in harm's way for this reason.

Ms. Moon said that page 27 of the meeting minutes from the Planning Commission meeting stated that Francis McCall said that the special use permit that they were requesting would bring the site into compliance with zoning regulations, and he said that recreation such as this was a permitted use in the floodplain if requested and applied for. She said that he said that the Board had previously denied new campsites to be installed in floodplains. She said that he said that recreation such as this was a permitted use in the floodplain was requested and applied for, and this would bring them into compliance with zoning.

Mr. Clark said that he received further clarification from zoning that the original special use permits from Mr. McCall's interpretation did not say no campsites at all in the floodplain, but it said no additional campsites in the floodplain. He said that there was some number, but because there was no plan for the campground, they did not know how many there were, but there was a condition in the older special use permit that said that they had some and could not have any more. He said that it was not that there were none permitted at all, but that it should not be expanded on, however they did not know that original number.

Ms. Mallek asked if in the 1992 permit they had no idea how many permits should be on site.

Mr. John Pritzlaff, co-owner of Misty Mountain, said that before a certain time with special use permits, they did not submit the site plan, so it was just stated as a number of units, but there was no reference to location or any of that. He said that some of this was bringing it up to date and conforming to the existing use versus an unknown.

Mr. Baldwin said that as they met with the health department per request and reviewed a lot of the misinformation spread by previous employees, they had worked with staff and the health department at length to try to straighten out a lot of those things. He said that they continued to resolve an issue with the lower septic field and were expanding upgrades and design that was soon to come back to the Board. He said that they were working with Commonwealth Engineering to design what would be the upper park drain field and improving situations in the lower campground, because it was realized soon after they bought the property that that was an issue.

Ms. McKeel said that they had a number of employees on site.

Mr. Baldwin said yes, there was a married couple in the main house and another employee in the lower house, so they had three on-site 24/7 employees.

Ms. McKeel asked if they were there 24/7.

Mr. Baldwin said yes.

Ms. McKeel said that there was an annual music festival. She asked if they would be notifying the neighbors when that event happened.

Mr. Baldwin said yes. He said that it ended up being about 200 or 300 people, and the special use permit allowed up to 1,000. He said that they were still bound by the sound ordinance, so they shut things down at 10:30 p.m. or 11 p.m. for the night. He said that this year, September 17 was the current hold date for the festival.

Ms. McKeel asked if the event lasted multiple days.

Mr. Baldwin said that it was two nights, Friday and Saturday.

Ms. McKeel asked if they notified the neighbors so they were aware the event was taking place.

Mr. Baldwin said that he was unsure if his management had reached out to neighbors or not. He said that they typically ran a radio ad and were very public in announcing it. He said that they certainly needed to inform the neighbors.

Ms. Price said that it was understood that the current owners acquired issues that were not of their own creation. She asked if Ms. Moon would like to finish her comments about the bamboo fence.

Ms. Moon said that the bamboo fence was a mistake on her part and was actually existing barbed wire in that area. She said that it was proposed to replace a portion of the barbed wire fence with the 9-foot screening fence to disturb as small of space as possible.

Ms. Price asked if the 9-foot-fence would cover one complete side and portions of the two ends.

Ms. Moon said that it would be in select areas and would not cover the entire property.

Ms. Price asked if it would be a U-shaped 9-foot fence around the areas that had the most campsite spaces.

Ms. Moon said that there would be existing trees and vegetation in the area where the barbed wire fencing currently existed.

Ms. Price asked if there would be no fencing in that area.

Ms. Moon said that there would be no fencing because they did not want to limit wildlife in that entire portion of the site.

Mr. Baldwin said that the location of the fencing was placed at the request of the property owner.

Ms. Price asked how campers were notified that the property line should not be trespassed over.

Mr. Baldwin said that the entire property line had signs on trees every 70 feet around the property and could not be missed.

Ms. Moon said that about the water use per campsite, the VDH website stated that the average was 100 gallons per day per campsite for a luxury camp with flush toilets, so they were estimating 180 per campsite and VDH said 100. She said that it was conservative based on the data they had.

Ms. Price invited members of the public who had signed up to speak.

Ms. Virginia Rovnyak, Samuel Miller District, said that she and her husband were adjacent landowners to the Misty Mountain Campground. She said that she urged the Board to deny this special use permit. She said that she was concerned about the smoke and exhaust fumes that would come their way from the new 53 RV sites, which were on a gentle slope that descended to their property. She said

that she had written to them detailing the dangers of smoke to the residents of Castlebury Court, several of whom were at particular risk from the harms of smoke. She said that they should not be subjected to this.

Ms. Rovnyak said that Ms. Firehock of the Planning Commission stated in an email that the trees would absorb the smoke, but she did not believe this would solve the problem as the leaves were high on tall trees and the prevailing winds from the west would bring the smoke to them before it rose to the treetops. She said that although the RV site was well-forested now, many trees and much underbrush would have to be cut down to make room for the 53 RV sites, for the bath house, and for the road loop serving them. She said that the trees and underbrush were barren for about six months of the year, and it seemed obvious to her that they were going to get smoke and exhaust fumes.

Ms. Rovnyak said that this past week, states along the east coast, including Virginia, had been warned about poor air quality and health hazards due to smoke from wildfires in Canada. She said that if wildfires hundreds of miles away were health hazards, then fires on adjacent properties were certainly health hazards. She said that an article in today's Washington Post reported on a court case in which the judge came down against toxic secondhand smoke. She said that their neighbor had severe asthma and adding these campsites would force them to move. She asked if that was fair. She said that her husband and she were in their 80s, so they were among those most at risk from smoke, and she asked if it was fair for them to be forced out. She asked if they would buy a house bathed in smoky area.

Ms. Rovnyak said that there was also a potential threat to their water supply, and the applicant had provided no information on the impact on their wells during an extended drought. She said that storage tanks only mitigated daily peak usage and did nothing in drought. She said that they had lived in the County for over 50 years and there had been several periods of very extended drought. She said that it was a significant risk that their wells may fail due to the heavy use of the campground.

Ms. Rovnyak said that lastly, she was concerned about noise, because this was a rural area and they came out there for peace and quiet. She said that with 53 RV sites facing them, there would be a lot of noise from RV doors, bath house doors, car doors, engines running, dogs barking, people talking, and radios. She said that they would go from rural peace and quiet to urban noise levels, which would be of major impact.

Mr. James Rovnyak, Samuel Miller District, said that he urged the Board to reject the proposal. He said that he and his wife were adjacent owners and seriously impacted by the 53 new RV campsites in the proposal. He said that they were directly opposite their border. He said that on the issue of safety, in the public meeting he expressed alarm at the presence of the cross-section of the public on the ground on their boundary with no fence between them, and subsequently, the Hunts and Rovnyaks met with the owner and agreed on details of security fencing important to all of the Castlebury Court subdivision.

Mr. Rovnyak said that the fencing was clear in the presentation by Mr. Clark, however, on the conceptual plan, it only appeared in tiny print that if the project went forward to please add a required condition to the seven already there. He said that in the transmittal summary, for example it could read as follows, Number 8, "Fencing on the border with Castlebury Court lots 71-4E and 71-4F shall be maintained in accord with the two maps on the concept plan."

Mr. Rovnyak said that on the issue of noise and smoke, they would get noise from the hub of daily activities and construction of the clearing to make way for the new facilities. He said that Section 4.18 of the County code recognized noise as a serious hazard to health, welfare, and quality of life.

Mr. Rovnyak said that on water supply, he wrote in his letter about the misinformation and inconclusive information that they had received on the wells in Castlebury Court. He said that their wells were adjacent to a much larger well system, and it was known that a larger well system could impact home wells, and they did not know and the Misty Mountain owner did not know if their wells may be connected in such a way that in a period of drought, their wells could go dry. He said that it was a substantial risk to the five homes in Castlebury Court.

Mr. Rovnyak said that on property values, it was obvious that these factors would impact their property value, as the owner would expand his business and, in the process, take money out of the neighbors' pockets when they sold. He asked the Board to reject the proposal.

Mr. Dan Hunt, Samuel Miller District, stated that he was an adjacent property owner on Castlebury Court. He said that earlier in the week he had forwarded some information to Mr. Andrews because he lived in his district, and he had asked it to be shared with the Board as well. He said that he wanted to cover two things, first the issues that they had come up with going back to the community meeting in March 2022, and many of those issues had never been addressed. He said that the other purpose of the material he sent Mr. Andrews was to talk about the issues with the process they had gone through. He said that he was blown away that they were standing before the Board of Supervisors and so many of these issues had brought up had never been addressed fully. He said that he had no presentation other than the material he sent out earlier.

Mr. Hunt said that one of the issues he raised was noise. He said that Supervisor Gallaway had commented earlier about the noise issue, and the Planning Department had totally mischaracterized that issue. He said that it was not about the occasional loud camper who needed to be reported, but about

cutting down hundreds of trees, cutting out new roads, putting up 53 RV campsites, having recreational vehicles driving around day and night, packing in 150 people along their borders. He said that it would create a huge noise issue. He said that when he closed on his house in 2001, his son and he drove out after the closing and got to the driveway and got out of the car and were greeted by a huge amount of noise back in the woods.

Mr. Hunt said that there were five or six vehicles trying to get up and down this very steep trail back there, with a lot of yelling and profanity, and he found out that it was Jeep Week. He said that while that was one event that ended after a week, allowing 53 vehicles 365 days per year meant that that would be happening all the time at the corner where their properties were. He said that a 115-foot setback would not control the noise. He said that the other thing he wished to comment on was the water issue, which had also been mischaracterized.

Mr. Hunt said that their whole point all along was what happened during the next drought.

Ms. Price stated the applicant had five minutes for rebuttal.

Mr. Baldwin said that he understood the neighbors' concerns. He said they had met multiple times with neighbors to discuss the issues, and they continued to fine-tune the water research. He said they had increased the height of the fencing to prevent trespassing onto neighboring properties. He said there was a Noise Ordinance in the County, and times for things to be shut down. He said they lived and abided by those laws and would implement them to the best of their ability. He said they wanted to be good neighbors. He said that they would attempt to keep as many trees as possible, and their goal was to improve and enhance the site. He said the neighbors dealt with over 20 years of the wild west, but that many of those behaviors were no longer allowed.

Mr. Andrews asked whether there was a way to limit campfire use in the area close to residences.

Mr. Baldwin said they would take the suggestion into consideration. He said that a fire was held at the community center almost every night on the weekends. He said that most camp patrons attended the fires to hear live music and socialize. He said that fires were often not used on the campgrounds long into the night. He said that campfires were part of the camping experience, so they did not want to prohibit fires entirely.

Mr. Andrews asked whether the new well had been fracked.

Mr. Baldwin said that they produced about 10 to 12 gallons per minute of water from the upper well and about 30 gallons per minute from the lower well, and that was adequate to fill the storage tanks.

Mr. Andrews asked whether the well was hydraulically fracked.

Mr. Baldwin said that they may have fracked the upper well, but he would have to review the information.

Mr. Andrews said that he understood that the more one fracked, the more likely they were to draw from other areas.

Mr. Baldwin said that the fracking had been unsuccessful if it was performed because there had been no significant changes in the flow rate. He said the well was drilled off a fractured trace analysis.

Mr. Gallaway asked how many people would be able to attend the music events.

Mr. Clark responded that the music event had a three-day limit on the weekend and attendance figure. He said that the earlier campsite permits had a campsite total, but they did not have the original layouts to know where the spaces were.

Mr. Gallaway asked whether the 1,000-person limit related to the campsites or music events.

Mr. Baldwin responded that the 1,000-person limit applied to the total amount of people allowed on the property.

Mr. Gallaway clarified that there would be a 500-person limit for the music events.

Mr. Baldwin said that the 500-person limit was specific to the music event.

Ms. Mallek asked for clarification on how the RVs were operated and whether generators were used.

Mr. Baldwin said that the campsites offered electrical, water, and sewer hookups for the RVs, and they would not need to use generators.

Ms. Mallek asked for clarification regarding the condition to leave 12 acres of the site forested.

Mr. Baldwin responded that everything below the new proposed site, which did not have a campsite, would be forested.

Ms. Mallek asked how 12 acres would remain forested.

Mr. Baldwin said that everything below the new proposed area, all the area surrounding and in between, everywhere you see from the creek up that does not have a campsite on it was in forest, and the spaces between the campsites would have trees.

Ms. Moon responded that from her stormwater management perspective, the 12 acres of forest would remain contiguous and untouched. She said that the rest of the site would have tree canopy coverage, and it would appear forested, but there would be campsites between the trees.

Ms. Price asked whether each individual campsite would have a campfire ring.

Mr. Baldwin responded that there were small metal campfire rings which were mandatory for use at most sites.

Ms. Price asked whether playing music outside of an enclosed space was permitted on the campground.

Mr. Baldwin said that it was permitted at a lower, manageable level, and that anything loud would be shut down by management.

Ms. Price said that there would be notice, and that there were ordinances to address noise violations, and the applicant indicated quiet hours would be from 10 p.m. to 8 a.m. She noted that the busiest times would be the weekends when homeowners were home.

Mr. Baldwin responded that was why they pushed the lines in and wanted to keep as much natural buffer as they could. He said that he had not received any notification or call regarding a daytime noise issue. He said that the neighbors who lived next to the lower campground where most of the campground activity occurred, and those neighbors had never complained of any noise, and their proximity was closer than those who lived on Castlebury Court.

Ms. Price asked how high flood waters would have to be before the bridge crossing was impacted.

Mr. Baldwin responded that it was probably a foot above the bank, so it would take an eight or 10 foot right in the creek, and it was constructed from reinforced concrete.

Mr. Clark pulled up the slide depicting the aerial image of the site and the proximity of the campsites to Castlebury Court.

Ms. Mallek asked for information about the tree survey.

Mr. Baldwin said that the tree survey had been completed.

Ms. Mallek asked if it identified what trees would remain and if it would be included in the site plan.

Mr. Baldwin responded that it identified trees greater than eight to 10 inches. He noted the existing tree canopy on the site and the amount of forested land between the site and the neighbors. He said that they already had a clear open field for a good portion of the new sites and would try to make that the common area. He said one could see on the slide where that was and how much woods were between them and the neighbors, and they were trying to keep as much of that natural border as they could. He said that the full-time site manager lived on the campsite year-round and would be able to better monitor the upper campground after the improvements were completed.

Ms. Price asked the County Attorney whether approval of the current application which did not specifically address the campsites in the flood plain would effectively approve those campsite uses in the flood plain.

Mr. Steve Rosenberg, County Attorney, invited the Zoning Administrator to speak to that issue.

Mr. Bart Svoboda, Zoning Administrator, responded that the permit for consideration would replace anything that came prior to it, so any drawings or site plans would replace or bring up to speed all of those other things. He said yes, it would take care of that.

Mr. Andrews clarified that if the permit was not approved, then the site was still in a gray-area related to permitted uses because the use was not technically permitted.

Mr. Svoboda said that was correct. He said that the last special use permit approval was used to determine the permitted uses. He said that the things that they have asked for were calculated from that point in time forward. He said that if the permit was not approved, then the last effective special use permit would be the controlling document. He said that for the campsites in the flood plain, the 1994 permits and permits from the 1980s that referenced no additional would be used. He said that the campsites in the floodplain were there prior to these current approvals, so those were okay. He said that the cabins that were in the floodplain, you either had to move the floodplain, which they did, or move the cabin. He said that you would also need the SP to do that, the current SP to come into compliance, so

even though the cabins were no longer in the floodplain, if they were not permitted under the last approved special use permit, then they would have to be removed because there was no authorization for them to be there.

Mr. Andrews noted that the applicant had proposed improvements that would be required as part of approval, so if they did not approve the permit, then those improvements would not be required, and the neighbors might not see those improvements.

Mr. Svoboda said that was correct.

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

Mr. Andrews said that he spent almost every summer of his childhood camping in tents. He noted the proposal included improvements to the site. He said that the expansion was almost 50% more RV sites or campsites, and they were all proposed closer to the neighbors. He said that he was unsure whether he could support the proposal.

Mr. Gallaway suggested adding to the conditions a requirement that the site manager address complaints and issues within 60 minutes, knowing that the ordinances were the backup. He said that campfires were expected on a campsite, and there were fires every weekend even in the development area. He said that the fire ordinances were designed to regulate open fires. He noted that he had received clarification regarding the flood plain issue. He suggested adding the fencing as a condition.

Mr. Herrick responded that Condition 1C discussed compliance with the site plan and addressed the fencing. He said that the fencing was a major element shown in the site plan, and the facility had to be built in accordance with the site plan.

Mr. Gallaway said he supports the proposal, but more clarification could be provided with a time limit on responses to complaints. He said that the time limit would help manage the impacts to surrounding sites.

Ms. Mallek said that she recognized the proposed improvements, but that the scale of the increase was out of proportion for the site. She said she was disappointed that there had been no offer to remove the sites from the flood plain. She noted that flooding was becoming more common. She said that the County still struggled to manage the burn ordinance. She noted the health impacts from fire particulates.

Ms. Mallek said that camping was not allowed during the winter because the trees lacked leaves to screen the site, and if winter camping were allowed, it should only be permitted a few weekends out of the year like they did with homestays. She said that there should be a three-strike rule for the use, and that it would be on the manager, not on campers. She noted that there were 36 sites in the flood plain and expressed concerns about the scale. She said she had trouble supporting the matter.

Ms. McKeel said that there would be improvements for all parties, such as the lighting and fencing, and the stacking of traffic off of the road and having it where it belonged. She said she thought they had accommodated the bathhouse as best as they could. She said she agreed with Mr. Gallaway's suggestion regarding the time requirement for complaint response. She said she did not know how a three-strike rule would work. She said she was not ready to deny the request because of potential campfire smoke. She said she was glad the site would be brought into compliance, and the flood plain issue had been addressed. She said that the 24/7 was an absolute for neighbors and noted that the County had ordinances to address other complaints.

Ms. Price said that the applicant had made several improvements. She said she was not concerned about the impacts of campfires and supported the communal fire area. She said that the smoke from campfires was unlikely to create a health hazard due to the size of the site. She said she supported moving facilities farther from the boundary. She expressed concerns about noise impacts from the increased number of campsites. She said expanding the operation through the whole year would mean sound would travel further in the periods of the year when trees did not have leaves. She said she appreciated the fencing. She expressed concerns about the campsites in the flood plain. She said she would not be able to support the application.

Mr. Gallaway clarified that the flood plain issue would not be resolved whether they voted for or against the permit.

Ms. Price said that was true, and the matter could be addressed separately from the application.

Mr. Gallaway clarified whether they could amend special use permits after the fact.

Mr. Rosenberg said that if the applicant were using the property in accordance with a previously issued special use permit, the Board could not modify the prior approval on its own initiative.

Ms. Price clarified that the sites in the flood plain would remain regardless of the Board's decision.

Mr. Gallaway said that was his point, that if they voted for or against the proposal, there would be campsites in the flood plain. He said that the special use permit defined how many existed in the flood

plain so that they could police no more moving forward.

Mr. Andrews clarified that the year-round usage was for the cabins, and the existing campsites were already used 12 months of the year. He said that the additional campsites could be used year-round.

Ms. Mallek noted that there was discussion in the Commission minutes related to having the sites not in use from November through March.

Mr. Clark said that the seasonal limitation only applied to the cabins.

Ms. Mallek clarified that the cabins would be open all winter in addition to the tent and RV campers. She said that there would be 19 additional cabin sites available during the winter season in addition to the other campsites.

Ms. Price, hearing no other comments from Board members, said that the floor was open for a motion.

Mr. Rosenberg said he sent Mr. Gallaway an email with modified language for Condition 3A.

Mr. Gallaway **moved** the Board to adopt the Ordinance to approve SP202200001, subject to the conditions contained therein and amended to add a condition for a telephone number at which the on-site campground manager may be contacted at any time when the campground was in operation, the manager must respond and attempt in good faith to resolve any complaint or complaints within 60 minutes of being contacted, the manager may initially respond to a complaint by requesting guests to take such action as is required to resolve the complaint.

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

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

NAYS: Mr. Andrews and Ms. Mallek.

ABSENT: Ms. LaPisto-Kirtley.

RESOLUTION TO APPROVE SP202200001 MISTY MOUNTAIN CAMP RESORT

WHEREAS, upon consideration of the staff reports prepared for SP 202200001 Misty Mountain Camp 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 §§ 1810.2.2(20) 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, with the applicable provisions of *County Code* § 18-5, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200001 Misty Mountain Camp, subject to the conditions attached hereto.

* * *

SP202200001 Misty Mountain Camp Special Use Permit Conditions

1. Development of the camp use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "Misty Mountain Camp Resort Redevelopment – Concept Plan - Overview," prepared by Line + Grade, and dated 02/21/2023. To be in accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:
 - a. Maximum number of RV and tent campsites is 158.
 - b. Maximum number of camping cabins is 19.
 - c. Location of screening fences must be as shown on the Conceptual Plan.Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. No new campsites may be established within the 100-year floodplain.
3. Prior to commencing the expanded use, the permittee must provide contact information for onsite campground management to all owners of parcels within 1,000 feet of the exterior boundaries of Parcel 07100-00-00-00300 and to the Zoning Administrator. The notice must include:
 - a. A telephone number at which the on-site campground manager may be contacted at any time when the campground is in operation, and
 - b. The County's zoning complaint hotline telephone number (currently 434-296-5834), identified as such.

4. The expanded use must not commence until the campground's water and septic systems have been approved by the Board of Supervisors pursuant to Article I of Chapter 16 of the County Code.
 5. Other than the owners or their employees or agents, no one may reside or camp on the Property for more than 180 days in any calendar year.
 6. The proposed new bath house may not be located within 150 feet of any adjacent parcel.
 7. Any new outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
 8. Provide a telephone number at which the onsite campground manager may be contacted at any time when the campground is in operation. The manager must respond and attempt in good faith to resolve any complaint(s) within 60 minutes of being contacted. The manager may initially respond to a complaint by requesting guest(s) to take such action as is required to resolve the complaint.
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Agenda Item No. 19. **Public Hearing: Ordinance to Amend County Code Chapter 2, to Provide Sign-on Incentives.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 2, Administration, by adding Section 2-909, Compensation and Sign-On Incentives, to authorize department heads, with the consent of the County Executive, to offer sign-on incentives.

The Executive Summary as forwarded to the Board states that the Board approved County Police and Fire/Rescue uniformed employee sign-on incentive payments at its December 1, 2021 meeting to address workforce stabilization challenges. The County has provided sign-on incentive payments in the past and such payments have been successful in ensuring the County is competitive among public safety personnel.

Staff has proposed a revised Ordinance (Attachment A) by adding Sec. 2-909, Compensation and Sign-On Incentives. This request is to provide incentives beyond public safety, to employees in any department where the offering can improve recruitment and vacancy rates due to market conditions, at the request of a department head and consented to by the County Executive.

There is no cost associated with adoption of this ordinance. Any sign-on incentive payments provided to new employees as a result of implementation of the ordinance will be absorbed in department operating budgets.

Staff recommends that, following the public hearing, the Board adopt the proposed ordinance (Attachment A).

Ms. Jessica Rice, Interim Human Resources Director, stated the public hearing was to consider an amendment to the County Code to add language to allow for sign-on incentives and other compensation consideration.

Ms. Rice said the Virginia Code set forth that the Board establish a schedule of compensation. She said that the County set its compensation through pay scales adopted by the Board every year. She said the Virginia Code also set forth that the Board may authorize a head of department or office to set compensation for their subordinates in their offices as it fit within the compensation model that was adopted. She said that the County Ordinance designated authority to the County Executive to develop personnel policies and administer them through procedures with the County.

Ms. Rice said that they were currently offering sign-on incentives to public safety personnel who were uniform and sworn officers in the Albemarle County Police Department (ACPD) and the Albemarle County Fire Rescue Department (ACFR). She said the incentives were approved in December 2021 during the pandemic. She said that in December 2022, the Board approved the continuation of the sign-on incentives through November 2023. She said before the pandemic and adoption of the sign-on incentives for public safety, the County did not have a history or record of providing incentives.

Ms. Rice said discussion should focus on current recruitment challenges, success with public safety staffing, and the current market climate. She said that the County was facing similar recruitment challenges as other employers in the area and across the state in both the public and private sectors. She said that as they were leaving the COVID-19 time period, they were struggling to fill key positions as people decided to leave the workforce in general, retire, or seek alternative work. She said that they were left with a large knowledge gap in the organization.

Ms. Rice said they struggled to compete with public and private sector organizations. She said that private sector organizations offered telework opportunities during the pandemic, and that they were competing for similar positions. She said that the public safety sign-on incentives had shown success. She said that last year, they had 15 firefighter vacancies. She said that during the recruitment school in January, they were able to graduate a candidate pool to fill all of the vacancies. She said that the sign-on incentives helped bring in experienced staff and people interested in the position.

Ms. Rice said that they completed a market compensation and classification study, and they had hired a consultant. She said that as part of the survey, they reviewed benefits and other types of pay in addition to compensation. She said that they received responses from about 13 public sector organizations, and of those 13, six stated they were using sign-on incentives for recruitment purposes.

Ms. Rice said that in terms of the fiscal impacts to make this change, there was available funding within the adopted budget. She said they planned to use vacancy savings from turnover, and if needed, reserves were available. She said that the staff's recommendation was for the Board to adopt the ordinance, Attachment A.

Ms. McKeel said she supported the proposal. She asked for clarification about the \$5 thousand cap. She suggested the language state, "up to \$5 thousand," or, "not to exceed \$5 thousand."

Mr. Steve Rosenberg, County Attorney, said that the ordinance could state, "incentives will not exceed \$5 thousand per officer."

Ms. McKeel said that made her comfortable. She said she supported a cap on the incentives if staff supported the limit.

Ms. Price asked the County Executive if he believed a \$5 thousand cap on incentives would be adequate to cover the needs. She asked whether it would be helpful for the County Executive to have flexibility moving forward if the cap were set at \$10 thousand.

Mr. Jeff Richardson, County Executive, said that staff had not had specific discussions about moving the cap above \$5 thousand. He said that he appreciated Ms. Price's considering additional flexibility, but the County was newer in the sign-on bonus game, and workforce stability issues continued to evolve. He said he was comfortable with a \$5 thousand cap, and if they were not successful, then they could come before the Board for another public hearing to increase the cap. He said that the County was new to the incentive process. He said that if the Board increased the cap, he would be judicious with the funds. He said that a \$5 thousand cap was competitive in the markets.

Ms. McKeel asked whether there were ways to provide department heads with more flexibility in applying incentives. She said that the incentives could be written in different ways, and that anything above a certain amount would require the consent of the County Executive.

Ms. Mallek asked whether moving expenses were included in job offerings. She clarified that the sign-on incentives were in addition to other offer incentives.

Mr. Richardson responded that the sign-on bonus was new. He said that at higher organizational levels, they may be able to address certain expenses with staff, but it was driven by the rank and position in the organization.

Ms. Rice said that in terms of moving expenses, staff often times received those bonuses in the form of reimbursements.

Ms. Price opened the public hearing and asked the Clerk if anyone was signed up to speak.

Ms. Claudette Borgersen said there were not.

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

Mr. Andrews said he supported the amendment to change the language related to the \$5 thousand cap and wasn't prepared to go beyond that.

Mr. Gallaway said he supported the proposal with the amendment to the language related to the \$5 thousand cap. He said that the County Executive needed to have the necessary tools to recruit the staff needed to achieve the strategic plan. He said that the lapse factor alone was somewhere the County could go to pay for some of these things. He said that as soon as staff felt that \$5 thousand as a cap for what the County was facing, they needed to get back to the Board.

Ms. Mallek said she supported the proposal, and was relying on the senior staff to say this was enough for now, but that she was willing to go either way on the amount.

Ms. McKeel said she supported the proposal with the amended language. She said that staff should consider broadening the language to allow more flexibility if they had to request multiple increases to the cap.

Ms. Price said she supported the proposal with the amended language. She said she would support an additional amendment to change \$5 thousand to \$10 thousand.

Ms. McKeel said that there may be a better way to write the ordinance rather than stipulating a \$5 thousand cap.

Ms. Mallek asked whether they had to take action or if the item could be delayed to consider alternative language.

Ms. Price said that they would have to hold another public hearing. She noted there was consensus from the Board to support the \$5 thousand cap and the amendment to the language.

Mr. Rosenberg recommended that the amended language read, "incentives will not exceed \$5 thousand per officer or employee."

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

Ms. McKeel **moved** that the Board approve the sign-on bonuses, an amount not to exceed \$5 thousand per the language as just stated by the County Attorney..

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

ORDINANCE NO. 23-2(1)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

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

By Adding:

Sec. 2-909 Compensation and Sign-On Incentives.

Chapter 2. Administration

Article 9. Personnel

Sec. 2-909 Compensation and Sign-On Incentives.

The Board of Supervisors shall establish a schedule of uniform compensation for officers and employees. With the consent of the County Executive, the head of each department may provide officers and employees in such department a sign-on incentive as part of their compensation. Incentives will not exceed \$5,000 per officer or employee, and must be based upon a determination that incentives are necessary, under prevailing market conditions for the position, to acquire well-qualified employees. Sign-on incentives shall be offered uniformly to similarly situated officers and employees.

For the purpose of this section, "sign-on incentive" means an additional payment to an officer or employee, paid at a specified time, such as a certain number of weeks after starting employment or upon the successful completion of a training program.

State law reference – Va. Code § 15.2-514.

This ordinance shall be effective on and after June 10, 2023.

Agenda Item No. 20. **Public Hearing: Consider Compensation for Planning Commission and Other Boards.** To receive public comment on a proposed ordinance to amend Albemarle County Code Section 2-401 to increase the compensation of the voting members of the Planning Commission, from \$4,100.00 per year to \$7,534.00 per year; and to amend Section 2-904 to increase the compensation of members of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals for each regular or special meeting attended from \$45.00 to \$83.00. This ordinance would take effect July 1, 2023.

The Executive Summary as forwarded to the Board states that Albemarle County Local Government provides compensation to members serving on the following Boards and Commissions, at rates codified in the County Code: the Architectural Review Board, the Board of Zoning Appeals, the Equalization Board, the Fire Prevention Board of Appeals/Local Board of Building Code Appeals (the "Other Boards"), and the Planning Commission.

Adjustments to pay for the Planning Commission and Other Boards have not been consistently applied over time. During the April 19 Board meeting, staff advised that no record of an increase in compensation has occurred since Fiscal Year 2001 and recommended that the Planning Commission and Other Boards receive the same increase in compensation that the Board had during that period of time, including the Board's proposed increase for Fiscal Year 2024, as part of the budget process. At the Board's direction, that funding was included in the Fiscal Year 2024 Budget and staff initiated drafting of an ordinance. At its May 17, 2023 meeting, the Board directed that travel reimbursements, which are already offered to members of the Other Boards, also be offered to Planning Commissioners.

Based on the Board's direction, staff has drafted a proposed ordinance (Attachment A) that would restore the compensation of Planning Commissioners and members of Other Boards to the same proportion of Board of Supervisors' compensation as existed in Fiscal Year 2001 and would offer travel reimbursements to Planning Commissioners.

In future years, staff intends to bring forward consideration of the Planning Commission and Other Boards' compensation during the budget process.

If approved following the public hearing, the total cost increase for Fiscal Year 2024 would be \$28,956 and is included in the FY 24 Adopted Budget.

Following a public hearing, staff recommends that the Board adopt the attached ordinance (Attachment A) to increase the compensation of Planning Commissioners and members of the Other Boards.

Ms. Rice, Acting Human Resources Director, said that the public hearing was for a proposed change to the County Code to increase compensation for Planning Commissioners and other appointed board members. She said that the County provided compensation to board members serving on the following boards and commissions at rates adopted in County Code: Architectural Review Board, the Board of Zoning Appeals, the Equalization Board, the Fire Prevention Board of Appeals, the Local Board of Building Code Appeals, and the Planning Commission.

Ms. Rice said that during the FY24 budget development, a review of historical pay increases was conducted, and it was discovered no adjustments for pay for any appointed board or Planning Commission had been implemented since FY2001. She said that based on discussions with the Board of Supervisors during Budget Work Session 6 on March 29 and during a presentation at the April 19 meeting, a proposed ordinance was drafted.

Ms. Rice said the amendment increased compensation for the Planning Commissioners and members of the appointed boards at a rate equivalent to what the Board of Supervisors and County staff received during that time period. She said funding was available in the adopted FY24 budget, and no additional funds were required. She said staff recommended the Board adopt the attached ordinance amendment.

Ms. Price opened the public hearing and asked the Clerk if there was anyone signed up to speak.

Ms. Claudette Borgersen said there were not.

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

Mr. Andrews said that the proposal was long overdue, and he supported approval. He said that this was the language they advertised and should stick with. He said that they should consider more pay increases in the future.

Mr. Gallaway said he supported the change.

Ms. Mallek said she supported the proposal.

Ms. McKeel said she supported the proposal.

Ms. Price thanked Mr. Andrews and Ms. McKeel who had kept the Board focused on the matter. She said that pay raises should be rounded to the nearest \$5, but that she was not suggesting that for an amendment today.

Ms. Price, hearing no further comments, said that the floor was open for a motion.

Ms. McKeel **moved** that the Board adopt the attached ordinance (Attachment A) to increase the compensation of Planning Commissioners and members of Other Boards.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

ORDINANCE NO. 23-2(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 4, PLANNING COMMISSION, AND ARTICLE 9, PERSONNEL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 4, Planning Commission and Article 9, Personnel, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

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

Sec. 2-904 Identified appointed boards; compensation an reimbursement.

Chapter 2. Administration

Article 4. Planning Commission

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

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

- A. *Composition.* The Planning Commission is composed of eight members, seven of whom are voting members and one of whom is a non-voting member.
- B. *Qualifications.* All members of the Planning Commission shall be County residents and qualified by knowledge and experience to make decisions on questions of community growth and development. Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them. At least one-half of the members shall be owners of real property.
- C. *Nomination and appointment.* Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows:
 - 1. *Voting members.* Of the seven voting members, one is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one is nominated to serve at-large.
 - 2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.
- D. *Terms.* The terms served by members of the Planning Commission are as follows:
 - 1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four-year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
 - 2. *Voting member, at-large.* The at-large member is appointed for a two-year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.
 - 3. *Non-voting member.* The non-voting member is appointed for a one-year term.
- E. *Compensation and Expense Reimbursement.*
 - 1. *Compensation.* Each voting member of the Planning Commission shall be paid \$7,534.00 per year, to be paid in monthly installments. The chairman of the Planning Commission shall be paid an additional \$1,500.00 per year, to be paid in monthly installments.
 - 2. *Reimbursement for travel and related expenses.* Each voting member of the Planning Commission shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.
- F. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.
- G. *Holdover until successor appointed.* Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

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

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

Chapter 2. Administration

Article 9. Personnel

Sec. 2-904 Identified appointed boards; compensation and reimbursement.

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

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

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

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

This ordinance is effective on and after July 1, 2023.

Agenda Item No. 21. **Public Hearing: Ordinance to Amend County Code Chapter 2, Administration, to Increase the Compensation of the Board of Supervisors.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 2, Administration, by amending Section 2-202, Compensation of Board of Supervisors, to increase the compensation of the members of the Board of Supervisors by 4% effective July 1, 2023, from \$19,042.00 per year to \$19,803 per year, and to increase the stipend paid to the vice chair from \$35.00 for each Board meeting being chaired to \$600 per year.

The Executive Summary as forwarded to the Board states that Virginia Code § 15.2-1414.3 enables boards of supervisors to establish annual board members' salaries by ordinance, and limits the maximum annual salary based on localities' populations. It also provides that the maximum annual salaries provided for each population bracket may be adjusted by an inflation factor not to exceed five percent.

The Board of Supervisors adopted an ordinance in 1984, establishing the Board members' salaries effective July 1, 1985. Since 1998, the Board has consistently increased members' salaries by an amount equal to the average salary increase provided to employees of the County.

The County's Adopted FY 24 Budget includes a 4% salary increase for Albemarle County employees effective July 1, 2023.

Staff has prepared a proposed ordinance (Attachment A) to amend County Code § 2-202 to increase the compensation of Board members by 4%. The ordinance further adjusts the stipend to be paid to the Vice-Chair from \$35 for each Board meeting chaired to \$600.00 per year, also consistent with the enabling statute. (The stipend to be paid to the Chair remains unchanged.)

Because Virginia Code § 15.2-1414.3 provides that board members' salaries shall be established on a fiscal year basis, the ordinance includes an effective date of July 1, 2023.

The proposed 4% salary increase will increase Board members' annual salaries from \$19,042 to \$19,803 in FY 24. The proposed increase in the vice-chair's stipend will result in compensation to the vice-chair in FY 24 in the amount of \$600.

Staff recommends that, after the public hearing, the Board adopt the attached Ordinance (Attachment A).

Ms. Rice, Interim Human Resources Director, said that the public hearing was for proposed changes to County Code to increase compensation for the Board of Supervisors. She said that the Virginia Code enabled the Board to establish annual Board member salaries by ordinance. She said that the Board adopted an ordinance in 1984 establishing the Board member salaries that went into effect July 1, 1985. She said that since 1998, the Board had consistently increased the Board member salaries by an amount equal to the average salary increase provided to the County staff during that year.

Ms. Rice said that during the FY24 budget process, the Board approved a 4% cost of living adjustment for County staff, and the increase was effective July 1, 2023. She said that staff prepared a proposed ordinance, Attachment A, to increase the compensation for Board members by 4%.

Ms. Price said staff recommended increasing the stipend paid to the vice chair to \$600 annually. She said that it was currently set at \$35 per meeting that the vice chair served as chair to a Board meeting or work session. She said that no change was recommended for the stipend of the chair at this time.

Ms. Rice said the change would take effect July 1, 2023. She said funding for the increases was inclusive of the adopted budget, and no additional funding was required for FY 24. She said staff recommended approval of the ordinance.

Ms. Price opened the public hearing, and asked the Clerk if anyone was signed up to speak.

Ms. Claudette Borgersen, Clerk, said there were not.

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

Mr. Andrews said it was important to recognize people would want the job if they were valued for

it.

Mr. Gallaway said that in the past, he had served on boards that voted against salary increases for political reasons. He said that he had voted against salary increases while on the School Board. He said that he supported an across the board raise if they were able to meet the budget expectations, but if they failed to meet those expectations, then they should reconsider raises for the Board entirely. He noted that the vice chair position had taken on more roles relative to agenda planning and filling in for the chair. He said that the vice chair should be compensated for extra time beyond the meetings chaired.

Ms. Mallek said that it was important for the Board to receive a raise no higher than what the staff received.

Ms. McKeel said she supported receiving the same raise as the employees. She said that when she was chair, she invited the vice chair to the pre-agenda meetings and elevated the work of the vice chair. She said that she supported the stipend increase for the vice chair.

Ms. Price said that the \$35 meeting stipend was applicable only if the vice chair chaired the whole meeting. She said there were two methods for the Board to adjust its compensation, and they used an annual method. She said there was a cap on how high the raise could be. She said the other method could be approved by a vote of the Board, but there had to be an election between the effective date of the vote and the compensation.

Ms. Price said that it was fair for the Board to receive a cost of living increase comparable to what staff received. She said that the County completed a comprehensive compensation study for all employees, but that did not include the Board. She said that the Board was inadequately compensated for the work that it did. She encouraged the Board to request a compensation review of the work that the Board performed, and if that review came back and indicated that a fair compensation increase was beyond that of the annual percentage of staff, that the Board consider altering the process for approving a compensation increase to bring the compensation in alignment with the recommendations of the study, then returning to the percentage increase that staff got. She said that she thought that was only fair. She said she supported the present proposal.

Ms. Price, hearing no further comments, said that the floor was open for a motion.

Mr. Gallaway **moved** to adopt the ordinance (Attachment A) to amend County Code Chapter 2, Administration to increase the compensation of the Board of Supervisors.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

ORDINANCE NO. 23-2(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, 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 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 2-202 Compensation of the Board of Supervisors.

Chapter 2. Administration

Article 2. Board of Supervisors

Sec. 2-202 Compensation of the Board of Supervisors.

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$19,803 per year, effective July 1, 2023.
- B. *Stipend for the chairman.* In addition to the salary, the chairman shall receive an annual stipend of \$1,800.
- C. *Stipend for the vice-chairman.* In addition to the salary, the vice-chairman shall receive a stipend of \$600.00 per year.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-

07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18; Ord. 18-2(3), 6-13-18; Ord. 19-2(1), 6-5-19; Ord. 21-2(1), 6-16-21, Ord 22-2(1), 6-1-22, effective 7-1-22; Ord. 23-2(3), 5-3-23, effective 7-1-23)

State law reference -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

This ordinance is effective on and after July 1, 2023.

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

Item No. 22.a. Letter to Senator Tim Kaine regarding H.R. 3372 and H.R. 2948.

Ms. Price said that they added to the agenda a proposal sponsored by Ms. Mallek regarding a letter to Senator Kaine regarding HB3372 and HB2948, and she turned the floor over to Ms. Mallek.

Ms. Mallek said that in the Board's email were four drafts of the letter from Senator Kaine, Senator Warner, Representative Good, and Representative Spanberger. She said she thought they had done a good job crafting something unique for Albemarle County and describing the County's concerns. She said she had been concerned about the effort to increase truck weights and the impacts on the roads. She said that a lot of the work had been conducted by the Coalition for Bigger Trucks.

Mr. Andrews said he supported the letter.

Mr. Gallaway said he had no objections.

Ms. Mallek said she supported the matter.

Ms. McKeel said she supported the matter.

Ms. Price said she supported the matter.

Ms. Price said that, without further discussion, the floor was open for a motion.

Ms. Mallek **moved** the Board authorize the Chair to send the letters to the four congressional delegation members concerning opposition to these bills passing in the House of Representatives Committee.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley.

Item No. 22.b. Other Matters.

Mr. Gallaway said that on July 12, the Regional Housing Partnership (RHP) would work on developer incentives. He said they wanted to hold the first meeting in July to provide enough time for a second meeting before the end of summer if needed.

Ms. Mallek said on Thursday, July 13, the High Growth Coalition would hold its summer meeting. She said a series of topics would be considered.

Ms. McKeel noted that the minutes they approved at the meeting were from August 2021.

Ms. Mallek said her minutes were from July 2021.

Ms. McKeel said that it was a long time to wait for minutes. She said she wanted to get back to the discussion on how to shorten the timeframe to approve minutes. She said they received feedback from staff on how to make the minutes more efficient. She noted that it had rained at eight inches per hour during the meeting.

Ms. Price said she voted to approve the Misty Mountain permit because the sites in the flood plain would be in the flood plain regardless of the Board's decision. She said that she would have moved to remove the sites in the flood plain if possible.

Mr. Richardson said that Mr. Kevin McDermott, Ms. Stacy Pethia, Ms. Rebecca Ragsdale, and Mr. Lance Stewart would be attending the High Growth Coalition meeting.

Agenda Item No. 23. Adjourn to June 21, 2023, 1:00 p.m. Lane Auditorium.

At 9:16 p.m., the Board adjourned its meeting to June 21, 2023, 1:00 p.m. Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date 03/19/2025 Initials CKB