

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 18, 2023 at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

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

ABSENT: None.

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

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 asked if there were any amendments to the agenda by any Board member.

Ms. Mallek **moved** to adopt the final agenda. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Ms. Price said that the February 1, 2023, Board of Supervisors meeting, which was the next scheduled meeting, would have a temporary change to the Zoom link for virtual participation. She said that for the February 15 meeting, a permanent change would occur for the Zoom link. She said that after the change for the February 15 meeting, the link was not expected to change again. She said that community members were advised to go to the participation guide for public meetings on the Albemarle County Board of Supervisors webpage to access the correct Zoom link for each meeting. She said that after February 15, it was recommended that the link be saved for future use.

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

Ms. LaPisto-Kirtley said that at the Pantops CAC (Community Advisory Committee) meeting on January 23, there would be discussion regarding the proposal for Freebridge Lane and whether to close it or make it one-way. She said that the attendance would hopefully be robust.

Mr. Andrews said that he was curious about how the archaeological work at Court Square and Levy Opera House went, as it had begun earlier that morning. He said that it was an exciting development.

Ms. Mallek said that over the last year, the Board had sent letters of support along with those of other individuals to the Federal Delegation in support of increases in pay for military service members, and the Defense Appropriations Act included a 4.6% pay increase. She said that the Veterans Affairs (VA) Department and the Military Committee for NACo (National Association of Counties) had reported very robust mandatory funding for the cost of War Toxics Exposure Act, which several people had written letters about as well. She said that the PACT (Promise to Address Comprehensive Toxics) Act for service members who required medical care due to exposure to burn pits.

Ms. Mallek said that there was also homelessness and mental health funding to attempt to help the impacted service members who experienced high rates of suicide and are in need of services. She said that they were lucky in their area to have a strong coalition of individual nonprofits who were working with different segments of their veteran population, and she hoped they would continue to have great success. She said that they had good funding from the federal government for the next year, which she was appreciative of.

Mr. Gallaway congratulated and wished luck to the Rio District School Board member who was named Chair of the School Board this year. He said that he hoped for the best for her as the School Board and Board of Supervisors worked through matters this year.

Mr. Gallaway said that this past Monday was Martin Luther King, Jr. Day, and this time of year was when he reflected on his work and where they went from here, to chaos or community, which was ultimately his book about hope and his vision of what he hoped to occur in this country. He said that he recalled a passage that he would like to share today from Barack Obama's most recent book. He read, "To think clearly about race, then, required us to see the world on a split screen, to maintain in our sights

the kind of America that we want, while looking squarely at America as it is, to acknowledge the sins of our past and the challenges of the present without becoming trapped in cynicism or despair. I have witnessed a profound shift in race relations in my lifetime, I have felt it as surely as one feels a change in the temperature, but as much as I insist that things have gotten better, I am mindful of this truth as well, better isn't good enough."

Mr. Gallaway said that he brought this up because Dr. King's idea of community and what he was shooting for had a trap that they could fall into politically. He said that they had a Board that was like-minded politically, and a lot of times they thought that the fight over getting better was between them and those who were on the political right, and if they fell for that trap, they forgot that within their own camp, there was something called the "well-intentioned liberal," and they needed to make sure that their own work inside their own political camp, their dialogues, and what they expected of people running for office, did not fall into that trap.

Mr. Gallaway that the well-intentioned liberal may think that their actions could help things get better, but not help to achieve what Dr. King envisioned as community. He said that he hoped that all of their work and talk they would be doing, and the work of those who were not running for reelection or election, would stay focused on achieving community and not just trying to make things "better."

Ms. Price said that she appreciated Mr. Gallaway's comments, and she encouraged everyone to listen to Dr. Martin Luther King, Jr.'s speech "Where do we go from here?" She said that there was a specific connection to Mr. Gallaway's reference to community. She said that last week, she visited Southwood to see what had happened in the last few weeks, and that last time she had been there, there were two units that had been built at that point, but when she visited last week, there was construction everywhere and it could be felt that the development was coming to life. She said that within the next few weeks, residents would be moving into the first completed units there.

Ms. Price said that there were so many people who deserved thanks for this, including the Community Development Department (CDD); Ms. Jodie Filardo, CDD Director; Mr. Walker, Deputy County Executive; Habitat for Humanity; the Board of Supervisors; and the predecessors who all voted in support of this project. She said that there was a lot of work ahead, and the job was not yet done, but when she was there last week, there was a situation where there were 350 housing units, trailers, and when Southwood was completed in 15 years, there would be over 1,000 households there. She said that they were focused on ensuring the new residents became a part of the community of the existing residents so that it was not only an improvement of physical structures but the continuation of the community that existed there.

Ms. Price said that she had been elected to the Executive Committee of the Albemarle-Charlottesville Chapter of the NAACP (National Association for the Advancement of Colored People), and on Saturday, they spent the day in training. She said that it was a bittersweet emotion as the day began with a video of things from their past that must never be forgotten, which was the racism, violence, and discrimination inflicted upon Black neighbors and other marginalized groups. She said there was a sadness to realize in her lifetime the things that she had observed and experienced, but at the same time to see the promise and hope for the future as they work toward the building of community.

Ms. Price said that the Human Resources (HR) Department recently completed their first orientations of new students, and thanked Ms. Mia Coltrane, Local Government HR Director, for training these members of the new community they were building here, which was part of what they needed to do with the Board. She said that they had talked about how the Center for Nonprofit Excellence in Albemarle County had provided training to the County's leadership team, and they needed to also provide that orientation to members of their boards, commissions, and committees, because if someone did not understand the culture of the organization and its culture and mission, then they could not expect people to actually contribute toward that.

Ms. Price thanked Senator Creigh Deeds for his work done in support of their community; he was carrying Senate Bill 1287, which would allow Albemarle County and the City of Charlottesville to have a local option to increase their sales tax by 1%, with all of those funds going directly and specifically to new school construction. She said that she and Mayor Snook of the City of Charlottesville had the opportunity to testify on behalf of that bill, which passed out of committee, and immediately following was a bill from Senator Jennifer McClellan that would provide the same authorization to communities throughout the Commonwealth, which also passed out of committee.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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.

There were none.

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. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.

NAYS: None.

Item No. 8.1. Replacement of the Telework and Alternate Schedules Administrative Policy, AP-16, with Remote Work Policy.

The Executive Summary forwarded to the Board states that during the pandemic, Administrative Policy 16 (AP-16), Telework and Alternate Schedules, was established. This Administrative Policy provided guidance for remote work due to the quick change required to address workforce needs during the pandemic. Staff has since completed work to create a permanent policy to replace it.

Staff is proposing to update and establish a Remote Work Policy (Attachment A) that will take the place of AP-16. The Remote Work Policy provides updates to remote work procedures and clarification regarding out-of-state remote work limitations.

No budget impact is associated with the adoption of this updated personnel policy.

Staff recommends that the Board adopt the updated Remote Work Policy as set forth in Attachment A.

By the above-recorded vote, the Board adopted the updated Remote Work Policy as set forth in Attachment A.

Item No. 8.2. Tax Refund Approval Request.

Virginia Code § 58.1-3981 requires that erroneous tax assessments shall be corrected and that a refund, with interest as applicable, be paid back to the taxpayer. Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors before any payments are made.

The Department of Finance and Budget is requesting approval from the Board for five tax refunds to conform with Virginia Code § 58.1-3981. Each refund amount listed below has been reviewed and certified by staff and the Chief Financial Officer with consent of the County Attorney's Office.

If approved,

\$13,769.72 will be refunded to Mid Atlantic Car Wash Technology Inc. due to business closure.

\$10,387.63 will be refunded to Beechwood Management LLC due to taxpayer overpayment.

\$13,703.45 will be refunded to Buckingham Branch Railroad due to assessment change from State.

\$23,118.82 will be refunded to Sprint Spectrum Realty Company LLC due to assessment change from State. \$13,679.29 will be refunded to Marshalls of MA, INC due to business overestimation.

Staff does not anticipate a budget impact associated with the recommended Board action. Tax refunds are a customary part of the revenue collection process and refund expectations are included in the annual revenue budget assumptions.

Staff recommends that the Board approves the refund request and authorizes the Department of Finance and Budget to initiate the refund payments.

By the above-recorded vote, the Board approved the refund request and authorizes the Department of Finance and Budget to initiate the refund payments.

Item No. 8.3. SE202200063 Verizon-Greenbrier/City Church Wireless 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)(b), which requires that antenna size not exceed 1,400 square inches. This special exception would increase the antenna size from 1,400 square inches to 1,881 square inches for a proposed antenna array at an existing Tier II wireless facility at City Church (1012 Rio Rd East). 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 no antenna exceed 1,881 square inches in size.

By the above-recorded vote, the Board adopted the Resolution (Attachment E) to approve the special exception request, provided that no antenna exceed 1,881 square inches in size:

**RESOLUTION TO APPROVE
SE 2022-00063 GREENBRIER PARK/CITY CHURCH WIRELESS**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 202200063 Greenbrier Park City/Church Wireless application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the 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)(b) as to Parcel ID 06100-00-00-153A1, provided that no antenna authorized hereby may exceed 1,881 square inches in size.

Item No. 8.4. Albemarle Broadband Authority 4th Quarterly Report, **was received for information.**

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

Mr. Morris, Senior Deputy Clerk, informed Chair Price that someone from the audience would like to speak under Matters From the Public if it was not too late.

Ms. Price said if they had signed up in time, the Board would allow it.

Ms. Hannah Huggins, Albemarle County resident, said that she knew the hearing today was about building homestays on a property for an autism sanctuary, and she had questions about the homestay situation they were proposing to build. She asked if the Board would be able to answer her questions.

Ms. Price said that the Supervisors could not answer her questions, but a staff member may be able to address the questions she brought up during the presentation.

Ms. Huggins said that the infrastructure of the road where the LLC was currently located was a gravel road with one lane that could barely hold up to the traffic of the people who lived there. She said that she was curious about the impact of 35 new individuals who would be coming down the road. She said that Francis, who ran the LLC, was her neighbor, and Francis explained that there would be potentially 35 individuals staying on the property at any one time, and she was curious about what the capabilities of the infrastructure were and how it would hold up. She asked if they would be able to provide better infrastructure moving forward. She asked what assurances there were that the LLC would not change its mind on the setup. She said that currently, it was licensed as an autism sanctuary, but she was unsure of the assurances that it would not become a hotel, and for any or all.

Ms. Huggins said that additionally, Francis said 35 was the capacity, and she wondered if that capacity was set or if it was something that could be discussed. She said that also, who inherited the land or the LLC, for instance, when Francis passed on, who would decide what became of the house sharing and house stay situation. She said she also was curious about the safety, because she had seen two illegal hunting activities occur on that property in the past two weeks. She said that they like to go through Ms. Huggins' property with their hunting dogs, and that she was concerned for the safety of the neurodivergent individuals who may be walking around the property.

Agenda Item No. 9. **Action Item:** SE202200062 Edgefield LLC Homestay.

The Executive Summary as forwarded to the Board states that the applicant is requesting two special exceptions for a homestay use at 2860 Pea Ridge Road.

Resident Manager. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(b)(2) to permit a resident manager to fulfil the residency requirements for a homestay use.

Use of Accessory Structure. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(c)(1)(ii) to permit a homestay use within new accessory structures.

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

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exceptions.

Ms. Lea Brumfield, Senior Planner II, said that they were bringing two special exceptions for a homestay at 2860 Pea Ridge Road, the first for a resident manager as the property was owned by Edgefield LLC, and occupied by Ms. Francis Lee Vandell, who held the LLC. She said that the property contained a farmhouse from the 1800s, shown on the slide, along with multiple farm structures and outbuildings.

Ms. Brumfield said that the second special exception would be to allow Ms. Lee Vandell to construct up to three accessory structures on the parcel to be used for homestays, and the structures would be required to follow building codes, fire marshal safety requirements for sleeping spaces, and would be required to be located either 125 feet away from all property boundaries, or meet primary structure setbacks if screening was in place, usually in the form of thick vegetation. She said that she would address the current vegetation shortly in this presentation.

Ms. Brumfield said that the ordinance required at least one individual owner of the parcel to reside on the parcel itself, and an LLC must have a resident manager approved by the Board to meet that requirement. She said that in this case, Ms. Lee Vandell would serve as the resident manager for her property held under the LLC, and if the special exception was approved, the owners of the property then must apply for a homestay zoning clearance. She said that during that process, the structure would be inspected for building and fire safety, met all building code requirements for sleeping spaces, and at that time the owners would send a notice to the neighbors, providing them with the contact information for the responsible agent who could be contacted in case of any disturbances or emergencies related to the homestay.

Ms. Brumfield said that the maximum number of guest rooms permitted by right was five guest bedrooms, and currently, the owner may rent up to five guest bedrooms in her primary dwelling for use as a homestay without a special exception. She said that the mission to build accessory structures would not increase the number of guest bedrooms permitted but allowed a change to the configuration of where the bedrooms may be located.

Ms. Brumfield said that to address the questions raised earlier, she was unsure of where the number 35 came from, as it was never mentioned to her. She said that the building official noted that any homestay could only have up to 10 guests at any one time, and otherwise was classified as a hotel. She said that it may have been a misunderstanding on the part of the property owner. She said that it was something regulated by the building code, and they did not regulate the number of guests in the homestay regulations or within the zoning code at all, and only regulated the number of guest bedrooms that could be rented out and what their arrangement was.

Ms. Brumfield said that the special exception factors to consider were whether there were any adverse impacts to the surrounding neighborhood, any adverse impacts to the public health, safety, or welfare, if it was consistent with the Comprehensive Plan and any applicable master or small area plans, and if it was consistent in size and scale with the surrounding neighborhood.

Ms. Brumfield said that the proposed homestay would be located on a 43.72-acre parcel held under Edgefield LLC, occupied by Ms. Francis Lee Vandell. She said that the property was largely surrounded by dense vegetation to the north, west, and large parts of the south of the parcel. She said the vegetation was a minimum of 20 feet thick at the southwestern border, and over 100 feet thick at the northern border.

Ms. Brumfield said that the property immediately to the south was a 42-acre parcel held by Ms. Lee Vandell herself, which was unoccupied and largely forested. She said that that property was not proposed for use as a part of the homestay, and the homestay activities may not occur on that parcel since there was no primary residence on that parcel, and no accessory structures would be requested to be built on that parcel.

Ms. Brumfield indicated on the slide that the parcel to the north, 41-22H, was the one with the primary home of Ms. Lee Vandell and was the proposed homestay location, and the one to the south would be unoccupied and remain unoccupied other than agricultural or forestal uses permitted there as by-right uses in the Rural Areas (RA).

Ms. Brumfield noted that a letter expressing concern was received from a neighboring parcel following the completion of the staff report, which was why it was not initially submitted to the Board, but copies were available to the public near the sign-up sheets along with staff's response to that inquiry. She said that the neighbors at TMP (Tax Map Parcel) 42-22I, shown on the slide in blue, expressed a concern that a homestay built in the field behind their house would interrupt the peaceful enjoyment of their home.

Ms. Brumfield said that Ms. Lee Vandell did not know exactly where the structures were going to be built yet, as the siting depended on septic fields constructed for them, and they had not completed the work to judge the numbers and layouts of the structures, but they said it would be between two and three structures. She said that however, due to the setback requirements for homestays, there was very little space for any structure abutting Parcel 41-22I, and the narrow yellow triangle shown on the slide would be the potential site for a homestay due to the setback requirements. She said that this would result in a very small space that would have to contain both the homestay and the septic fields for the site.

Ms. Brumfield said that the applicant indicated that parking and the generalized location for the homestays would be near the center of the parcel, located in proximity to the primary dwelling and not located in proximity to any of the neighbors' parcels.

Ms. Brumfield said that the abutting owners also expressed concern over the fire safety of the new structures, as well as increased traffic, but use of structures for a homestay would have to go through all building code approvals, including connected smoke alarms, clear structure addressing, access for fire rescue, easily accessible fire extinguishers, and access to electrical panels. She said that as it was an accessory use, it was limited to a maximum of five guest bedrooms, and regulated to remain accessory to the residence. She said that traffic was not anticipated to be substantially greater than that of the residents and agricultural uses on the site.

Ms. Brumfield said that with the current regulations in place for homestays, and the permissions allowed, staff did not believe that a homestay under these regulations would have a negative impact on abutting properties.

Ms. McKeel said that it appeared there was some confusion about what was happening with this request. She asked if this could be clarified for the neighbor who spoke earlier and if the confusion could be clarified.

Ms. Brumfield said that the special exceptions before the Board today were only for a homestay use, with two special exceptions; for a residential manager, and permitting a homestay with new accessory structures. She said that they looked at this separately from any other uses that may be on the parcel, so the nonprofits, which may be located on the parcel, had nothing to do with this permission. She said that this was an accessory use to a primary dwelling. She said that if the property was vacated and no longer a primary dwelling for anyone, the homestay allowance would cease and not be permitted any longer.

Ms. Brumfield said that additionally, one of the things to keep in mind with the homestay was that every time a homestay opened up, it had to go through the homestay zoning clearance process, in which they verified that someone lived on the property as a full-time resident with various documentation proving that, as well as visiting the site. She said that they required that the guest bedrooms be limited to five per homestay use on the property. She said that in this case, she was unsure of what the property owner had told her neighbors about future plans for the parcel, but what was under consideration today was up to five guest bedrooms, which was a very limited number of guest bedrooms, and per the building code, they could only have up to 10 people.

Ms. McKeel said that the speaker brought up issues of concern such as illegal hunting on the property. She asked how those concerns would be addressed.

Ms. Brumfield said that that would be addressed through the complaint process. She said that if there was trespassing, it was a police matter, and that was not something that the Zoning Ordinance addressed.

Ms. LaPisto-Kirtley said that the owner mentioned renting out a portion of her house. She asked how many rooms that included.

Ms. Brumfield said that there were four bedrooms.

Ms. LaPisto-Kirtley said that that would mean that she could only rent out three there.

Ms. Brumfield said yes.

Ms. LaPisto-Kirtley said that she also mentioned the proposed cabins. She said that she could only do two cabins of one bedroom each.

Ms. Brumfield said that the other option was that she could have no rooms in the primary dwelling, or one room in the primary dwelling, depending on what the best arrangement would be.

Ms. LaPisto-Kirtley said that the word "and" was included, so it concerned her that the owner was building two new cabins, potentially three, and maybe using the house. She said that as long as she was only using five bedrooms, she was legally allowed to do so.

Ms. Brumfield said yes. She said that she reviewed this briefly with the applicant and her representative, and there was some initial confusion about how many bedrooms were permitted, but the matter was eventually resolved so the understanding was that the total of five was allowed regardless of distribution.

Ms. LaPisto-Kirtley said that the owner had two parcels, but the accessories would only be on the primary parcel. She asked if the owner could do something with her second parcel in the future.

Ms. Brumfield said that she could continue to use it for agricultural purposes, forestry, or building a house for a family member.

Ms. LaPisto-Kirtley asked if she could not use it for a homestay.

Ms. Brumfield said she could not.

Ms. LaPisto-Kirtley asked if they did not know how many structures were to be built.

Ms. Brumfield said that it was said to be between two and three, or potentially only one larger structure.

Ms. LaPisto-Kirtley asked if it would be contained within the area indicated by Ms. Brumfield on an earlier slide.

Ms. Brumfield said no. She said that that was an unlikely location for the homestay. She said that the homestays would likely be located around the cleared area near the primary house, not at the front of the parcel near the entrance. She said that there was only a small amount of space available.

Ms. LaPisto-Kirtley asked if it would be located away from neighbors.

Ms. Brumfield said yes. She said that the nearest abutting structure would be the gray-roofed house at 41-22.

Ms. LaPisto-Kirtley asked if the cattle barn would remain.

Ms. Brumfield said yes, it would be part of continuing agricultural activities.

Ms. LaPisto-Kirtley said that Ms. Brumfield mentioned that if something happened, the homestay would not continue to be used.

Ms. Brumfield said that if the owner no longer lived on the property, the homestay could not continue, because it must have a primary use, which is residential, to have the accessory use of a homestay. She said that if someone bought the property and used it as their primary dwelling, a homestay would be allowed, but they must go through the homestay clearance process again.

Ms. LaPisto-Kirtley said that she was under the impression that the homestay went with the property.

Ms. Brumfield said that the special exception went with the land, so they could come in and have an LLC, but they couldn't not live on the property.

Mr. Andrews said that August 7, 2019 was the date by which accessory structures must have been constructed. He asked why that date was used. He said that it seemed to be to grandfather all that had been built to that point and not look at what was to be built.

Ms. Brumfield said that on August 7, 2019, the County adopted the current homestay regulations in their initial form, and an adjustment was made in early 2022 to make some changes to the ordinance. She said that one of the regulations put into place in 2019 was that homestays could not be in accessory structures unless they were already existing in the Rural Areas (RA), which was to prevent the rampant building of unnecessary structures without consideration for water tables, erosion, or safety.

Mr. Andrews said that in the slides, there was a reference to the development rights and whether or not the need for an accessory dwelling was separate from what could be done if they built a second dwelling. He asked if a second dwelling was permitted.

Ms. Brumfield confirmed that there was a second dwelling permitted on the parcel. She said that they did not do a formal determination, which was a zoning administrator process by which they looked at deeds and prior plats to view the history and determine the development rights on the parcel. She said that they knew of at least two development rights on this parcel, and if the property owner wanted to build a second dwelling and lease out five guest bedrooms in the second dwelling, she would be permitted that by right.

Mr. Andrews asked if that would use up a development right.

Ms. Brumfield said that yes, it would use a development right.

Mr. Andrews asked if the owner wanted to build a second dwelling and also have accessory dwelling units used for homestay, they would not be able to combine these, they would still be limited to five bedrooms and 10 guests.

Ms. Brumfield explained that each dwelling on the property permitted up to two guest bedrooms if there were development rights. She said that for example, Trump Winery had 10 bedrooms in its inn because it had multiple dwellings on its property, although that was under bed and breakfast regulations, which were similar to what the homestay regulations were based on. She said that if they had that, she could have up to 10 total guest bedrooms, but the owner had indicated that that was not her intention. She said that however, it was one of the considerations.

Mr. Andrews asked if any review went into the infrastructure as far as the use of the gravel road and the further burden on it.

Ms. Brumfield said no. She said that because the homestay was an accessory use, they had taken direction from the Virginia Department of Transportation (VDOT) and determined that an accessory use should not eclipse a primary use, and any use that was deemed acceptable for a primary use would

also be acceptable for the accessory use. She said that due to that determination from VDOT, they did not consider an accessory use for a dwelling to be overshadowing enough to prompt an additional review or any additional infrastructure.

Ms. Mallek asked if a person could also have a separate resident manager that was not themselves, which would require permission similar to this.

Ms. Brumfield said that in this case, the resident manager did not specifically say that it must be the owner of the LLC. She said that if the owner of Edgefield LLC decided to move somewhere else and have someone else move as a resident manager onto the property, they would be able to do that. She said that they would be requiring a confirmation at that time through the annual review process that that person was a resident and there full-time.

Ms. Mallek said that the existing outbuildings on the property could have been used.

Ms. Brumfield said yes.

Ms. Mallek said that she understood that was the reason why a new one would be allowed. She asked if that was accurate.

Ms. Brumfield said that that was certainly a factor to consider but was not linked in the ordinance itself. She said that if they wanted to convert the existing cattle barn into an accessory structure for homestay guests, they could do so without any permissions from the County because the structure was there.

Ms. Mallek said that the potholes on this road were hazardous, and VDOT spent a lot of time mending the roads. She mentioned the dust that the neighbors had to contend with as an unfortunate fact.

Mr. Gallaway asked what the number of units that the action would allow, along with the number of bedrooms and number of guests at maximum.

Ms. Brumfield said that as written, the action would not limit the number of structures, but the restriction on numbering for requiring a private street would limit it to two. She said that the applicant had stated that they were only intending to do up to three, and the action currently did not have a limitation on it, but they could impose a limit of three as it would not pose a legal issue. She said that the action itself did not limit the number of guests, but the building code limited it to 10. She asked what Mr. Gallaway's third question was.

Mr. Gallaway said that the number 35 was mentioned, and he was trying to understand how many people could be staying there at any given time. He said that he understood certain things restricted it. He said that he understood two additional units were in effect, due to some other things and not necessarily this action.

Ms. Brumfield said yes.

Mr. Gallaway said that he understood the number of guests was unlimited, but the building code would restrict it to 10. He asked what the unit of measurement was.

Ms. Brumfield said that it would be 10 per establishment.

Mr. Gallaway asked if that meant with a primary residence and two additional dwelling units, there would be 10 per structure.

Ms. Brumfield said no. She said that the establishment was the entire thing.

Mr. Gallaway asked if it was 10 in total.

Ms. Brumfield confirmed that it was 10 in total.

Mr. Gallaway asked if they built 30 units and 18 bedrooms, they could only have 10 people staying there in the homestay.

Ms. Brumfield said that they could not have 18 bedrooms and could only have five.

Mr. Gallaway said that regardless of the number of units and bedrooms, the guests would be restricted to 10.

Ms. Brumfield said that per the building code, yes.

Mr. Gallaway said that it was important for him to know.

Ms. McKeel asked what constituted a bedroom. She asked if a closet was what made it a bedroom.

Ms. Brumfield said that they did not follow real estate regulations for bedrooms. She said that the

actual ordinance said, "a room used for sleeping," so any room that had someone sleeping in it was a guest bedroom. She said that a loft that did not meet legal requirements to be a bedroom and did not have a closet or a door but did have a bed counted as a guest bedroom under the homestay ordinance.

Mr. Gallaway said that he understood the neighbor's concern about how many people would be out there. He asked if it was certain that the applicant understood they were only allowed to have 10.

Ms. Brumfield said that they reviewed that, and one of the things discussed but was not up for consideration today, was an eventual seeking of a special use permit for a campground.

Mr. Gallaway said that was a different matter.

Ms. LaPisto-Kirtley said that there was mention of a site for students with autism. She asked if that was why they wanted a campground for the future.

Ms. Brumfield said it was possible, but it was speculation on her own part because no formal application for that had been submitted.

Ms. LaPisto-Kirtley said that short-term rentals could be for anyone, so she was unsure why they mentioned autistic children.

Ms. Brumfield said that the property owner ran a nonprofit focused on bringing autistic children to the property to experience nature and farm life. She said that they would likely market the homestays as being part of the experience, and that people could stay overnight, but was not part of the requirement nor part of the proposal.

Mr. Andrews said that the two questions before them were the approval of the resident manager, who was the beneficiary of the LLC in this particular case, which was something that had been approved in the past. He said that also was the issue of adding the accessory structure that was not built before August of 2019, however, there was an accessory structure on the property that could be converted.

Ms. Brumfield said yes.

Mr. Andrews said they did not know how many accessory structures the applicant would be building, so the issue was that there had been previous considerations that if someone had an accessory structure that could be converted and compared it to building a new one, but in this situation, there was no real clarity as to how many new ones would be built, other than the other limitations imposed on it outside of the homestay special exception.

Ms. Mallek said that in the applicant's narrative, she believed that the focus was on having the cabins for families with autistic children to stay in as a unit, and the assumption was that smaller units more separated from each other would make things more peaceful, but that was only an assumption. She said that she understood completely that this must be done without benefit or prejudice to the users. She said that the only other time this came up with a new structure, part of the analysis of staff was that there was a barn that was not as ideal of a place, and while one could do that, the other place would be better, and that was allowed in the past, which she thought let this follow that same pattern.

Mr. Gallaway said that the user should not matter because the analysis was of the impacts and what was allowed with the special exception, so he had no issue with the resident manager here, whether it was the primary owner. He said that the primary owner's presence was the protection against many of their concerns, but this was something in the legislative packet to have legislators look at this in a way to allow this to be per applicant and not with the land.

Mr. Gallaway said that for a residence, this happened sporadically, so there was no groundswell that said to reach out to state legislature and say how important it was to have this run with the applicant and not with the land. He said that until that happened, there would not be pressure to give them that authority. He said that he called that out because as these came up, there was an outlet to be able to address the concerns directly to the state legislature because many Supervisors felt the same way.

Mr. Gallaway said that the other items such as illegal hunting, trespassing, and in one of the emails, noise, they must remember that if there were homestays or not, that behavior was often highlighted when these applications were before the Board but was not connected to the homestay per se. He said that County codes were in place to protect against trespass and noise issues, which had to be reported and followed through the proper channels to determine if the homestay owner did that on their own, or if the homestay use created those issues.

Ms. Price said that from the application, the applicant stated, "I am submitting this request in hopes that by occasionally renting out a portion of the house and proposed cabins to short-term rentals, I will be able to create jobs for the disabled community and income to support Autism Sanctuary, a nonprofit organization that operates from the property under a long-term lease." She said that it was not necessarily the cabins for use by Autism Sanctuary as they were to generate income.

Ms. Price stated that she personally knew the applicant, who was a compassionate and wonderful person, and the statement supported that, and it was totally irrelevant to their decision, because it did not run with the applicant or the purpose, but with the land itself. She said that a bedroom was not a cabin, and a cabin was not a bedroom, and she appreciated Ms. Brumfield's explanation of what qualified as a

bedroom for their consideration, and a cabin was substantially more than a bedroom. She said that they had discussed the number of bedrooms, which was different than the number of cabins, and the application stated, "up to three cabins," and three cabins was different than three bedrooms.

Ms. Price said that there was nothing in the application that limited the resident manager to being the beneficiary owner of the LLC, and while they had in the past approved those, there was no clarity here. She said that the County Attorney had informed them that there were limitations to how they could consider the ownership of the property. She said that the application went with the land and not with the applicant, so no matter what this particular applicant had said in terms of some sort of charitable use, if it were approved, it went with the land to that same use by whoever may own it.

Ms. Price said that she had concerns and was unable to support this application because there were too many unanswered questions, one of the most urgent being that they had not enough specificity, and she did not believe that a cabin was the equivalent to a bedroom but was substantially more, and without that specificity, she was unwilling to approve it. She said that she was less concerned about the date of the structure being built because there were already considerations for new structures to be developed, but a primary residence and an accessory structure were consistent with what this Board had previously approved, not a primary dwelling and multiple accessory structures such as the cabins.

Ms. McKeel asked if staff or the County Attorney could respond to Ms. Price's remarks.

Ms. Brumfield said that the restrictions on the cabin were that it not be a full dwelling, as they had written the homestay ordinance to require a special exception for an accessory structure but not a dwelling. She said that the accessory structure could not have all of the components of a dwelling unit, which were sleeping and living areas, full sanitation, and full cooking facilities. She said that most people approached that by leaving out the kitchen, because everyone wanted a bedroom and a bathroom in order to rent it out. She said that there could only be bedrooms and rooms that were clearly not used for sleeping in the "cabin" that would be proposed, because it had to be an accessory structure and not a dwelling, so it had an intended lower impact because it would be a smaller structure.

Ms. Price said that she appreciated that, but she still did not equate a cabin with a bedroom and could be a substantially larger structure than what she would envision a bedroom to be.

Ms. LaPisto-Kirtley asked if there were already two accessory structures, and the owner did not have more than 10 people total, and even if there were a total of 11 or 12 bedrooms, she could only rent out five at a time for 10 people.

Ms. Brumfield said that they did not require anyone to demolish anything that exists, but they could only rent out up to five. She said that they had situations where people had larger houses with up to eight bedrooms in them, and they lived in one or two of the bedrooms themselves and rented out five. She said that that was permitted within the understanding that they were only allowed to advertise and rent out five of them.

Ms. LaPisto-Kirtley asked for the total number of people allowed in an eight-bedroom house that was completely rented and with two other accessory structures. She asked if it impinged upon Ms. Price's question.

Ms. Price said that it did not impinge upon the question, and she would like to hear the response. She said that she still had concerns and that multiple cabins were not the same as the same number of bedrooms.

Ms. LaPisto-Kirtley asked if the regulation simply limited the allowed rental bedrooms to five, regardless of the total number on the property.

Ms. Brumfield said that that was what the regulation was. She said that they were careful to speak to applicants who had more than five bedrooms to make sure that they understood the regulation was clear on this, and advertising that was also a violation of the ordinance.

Ms. LaPisto-Kirtley said they should ensure they did not advertise that.

Ms. Price said that there was a difference between multiple bedrooms in a single building and multiple cabins.

Ms. LaPisto-Kirtley said that if they had three cabins with only one bedroom, it would be three bedrooms and three cabins.

Ms. Price said that they had approved homestays with a single home, the primary residence, and a single accessory structure, not multiple accessory structures. She said that building multiple accessory structures was not consistent with how the homestay regulation had been enforced.

Ms. LaPisto-Kirtley said that Ms. Price was referring to building new accessory structures, but the situation would be different if there was a property with existing structures.

Ms. Price said that she would deal with that when it came up.

Mr. Andy Herrick, Deputy County Attorney, said that the specific items before the Board were

special exceptions to allow a resident manager, who was not the owner of the property, and to allow homestay uses within accessory structures. He said that the homestay ordinance relied on the hard limit of five guestrooms per homestay use, and that was what staff was relying on and not putting additional conditions on the proposed special exception to allow the homestay use to be new accessory structures.

Mr. Herrick said that if the Board were uneasy about allowing these five guestrooms to be spread across up to five accessory dwellings, the Board could conceivably impose a condition on approval that would limit the number of structures. He said that the Board could say that it was granting a special exception to allow the five guestrooms to occur in new accessory structures but limiting the number of those accessory structures to whatever the Board was comfortable with. He said that it was certainly on the table for the Board to consider.

Ms. McKeel asked if this was something the Board should consider tonight, or if it was something that required further dialogue with the applicant.

Mr. Herrick said that it was up to the Board to impose reasonable conditions, and the applicant's approval was not needed, although it would be helpful to know whether that would be aligned with what the applicant desired. He said that he did not know if the Board would want to allow staff to amend the proposed resolution because as currently drafted, the proposed resolution did not limit the number of structures in which the five guestrooms could take place.

Ms. McKeel asked if the Board wanted to limit the number of structures, they required some time to change the resolution.

Ms. Mallek said that Ms. Brumfield had mentioned the private street rules that required a certain level of roadway construction to meet state standards if there were more than two, but those would be full homes. She said that one accessory structure would be two or fewer, including the main house and the new one, but more than that, it sounded like it would require the private street unless those structures were not considered to be dwellings and therefore did not require those rules.

Mr. Bart Svoboda, Zoning Administrator, said that the private street standard was different when accessory sleeping units. He said that if there was a four-bedroom house that added two bedrooms as an addition, or if a four-bedroom house added two accessory sleeping units, the impact on the road would be the same, as viewed under the VDOT guidance and ordinance guidance. He said that a dwelling was different because a dwelling in itself carried its own number of trips as opposed to the accessory. He said that an accessory use's trips were included in the primary use.

Mr. Andrews asked if there was an observation that there were more than 10 people or more than five units, or another violation, how that would be reported and dealt with.

Mr. Svoboda said that they used a third-party vendor to review anything that did not have a permit or was non-compliant, as well as Finance. He said that they received a report on who was submitting taxes from short-term rental companies, so they could compare what Finance had on what people were paying on TOT (transient occupancy taxes) and the number of rooms versus what was had on the registry and licensed.

Mr. Svoboda said that same day, they had a short-term registry group meeting with their staff, and they identified individuals who must be notified of the regulations to be guided into compliance, so those things were being checked regularly. He said that complaints from neighbors were received if there was something going on they didn't think was appropriate, and there were annual checks on the registry so that they came off of the registry because they closed, they updated or renewed their information, or the ownership was changed so a new zoning clearance was required. He said that it was a pretty proactive program.

Ms. McKeel said that she was thrilled to hear that.

Ms. Price said that there was no limitation that all the guests must be part of a single party for a homestay, so if there were multiple cabins, there could be multiple groups out there at the same time.

Mr. Svoboda said that was correct, similar to if it was in the house.

Ms. Price said that there was a difference between a bedroom, a house, and a cabin.

Ms. McKeel asked if they should limit the number, and if they did, they should discuss what it might look like.

Mr. Svoboda said that a condition could be imposed.

Ms. McKeel said that was correct.

Ms. LaPisto-Kirtley said that they had a home with five bedrooms, and they were now building accessory structures, which had the potential to be one single cabin with a single bed, but the building of additional structures for the homestay ran counter to the point of the homestay, which was to help a property owner earn additional monies for their land. She asked how many bedrooms were in the main house.

Ms. Brumfield said that she believed it was four, but that she would need to confirm it with real estate records.

Ms. LaPisto-Kirtley said that with four bedrooms, perhaps a two-bedroom cabin would suffice. She said that by building structures they did not have, it sounded like they were going into a business, whereas some places consisted of a large house and outbuildings, small cabins, that date back 100 years. She said that they should not conflate existing structures with the building of other structures, and they could possibly turn into structures that are more business in nature.

Ms. Price said that she agreed. She said that it was also more likely that they would have multiple groups coming when there were multiple buildings than they would have more than one bedroom in a structure. She said that it was not consistent with her appreciation of the homestay ordinance and its intent and application, so she was not in favor of this.

Ms. LaPisto-Kirtley said that if she had a home with one bedroom or two bedrooms and began building accessory structures to get up to that five, it was different from what the intent of the homestay was for.

Ms. Mallek said that she would make a modified motion when it came time. She said that she would prefer a single structure with a kitchen be built, since a development right could be used with different wings for a small group versus another group. She said that she appreciated the uncertainty of how many buildings, and the cost burden of multiple septic fields, and it was much more financially reasonable to do it in one location because they could have all those services in one area. She said that she would rather not have to have five cabins out there, and she didn't know how they were going to eat: that that's a responsibility when out in the country.

Mr. Steve Rosenberg, County Attorney, said that Ms. Brumfield had modified language to offer to the Board if they would like to impose a restriction when moving forward.

Ms. Price said that County staff and the Board should have more time to process it.

Ms. Mallek asked if they could defer the vote until the next meeting to allow staff and the Board to prepare.

Ms. Price said that it would be reasonable to defer. She requested it be brought back before the Board in two meetings.

Ms. McKeel said that she agreed that they should not rush through the approval. She asked Mr. Rosenberg what his thoughts were.

Mr. Rosenberg said that it was acceptable.

Ms. Mallek **moved** to defer consideration of SE202200062 Edgefield LLC Homestay to February 15, 2024.

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

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

Agenda Item No. 10. **Work Session:** Charlottesville Area Transit Micro-transit Feasibility Analysis.

The Executive Summary forwarded to the Board states that microtransit is a relatively new transit mode being implemented across the country. The service is an on-demand, technology-enabled solution that offers real-time trip requests and dynamically routed vehicles. Charlottesville Area Transit (CAT) received a demonstration grant from the Virginia Department of Rail and Public Transportation (DRPT) regarding CAT micro-transit implementation for two zones: US 29 North and Pantops. The zones were determined through a previous study, the Albemarle County Transit Expansion Study, facilitated by the Thomas Jefferson Planning District Commission (TJPDC). The first steps in the implementation are to conduct a feasibility study to confirm a preferred micro-transit operating model and to develop corresponding language for a request-for-proposal (RFP), planned to be issued in Spring 2023. This effort is being led by a consultant to CAT. This micro-transit service (and operator) will operate under the CAT umbrella of services and not serve as a stand-alone entity.

The consulting team's work is underway with staff from CAT, Albemarle County, and the TJPDC serving as the project management team and technical advisors.

While the feasibility study has not yet been finalized, the consulting team for the study has identified two preferred operating models for micro-transit based on a review of similar projects in Virginia and throughout the Country. Staff from the consultant team will provide an update on the progress of the study, share a preliminary timeline leading up to service implementation, and a preview of the components that will be procured as a part of the upcoming request-for-proposals.

CAT and the consulting team will return to the Board in late spring to share the results of the request-for proposal and final recommendations regarding a specific micro-transit operator.

The Board of Supervisors previously committed funding to support this micro-transit demonstration grant. No additional funding from Albemarle County is requested at this time.

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

Mr. Trevor Henry, Deputy County Executive, said that he was joined by Jessica Hersh-Ballering, Principal Planner for Transportation. He said that almost a year ago, staff presented the results of a study that was done through a partnership with TJPDC (Thomas Jefferson Planning District Commission) and Charlottesville Area Transit (CAT) to look at microtransit options for the County. He said that the study occurred over several months and had significant outreach into the community as a part of that process, and three areas were looked at specifically, which were 29 North, Pantops, and Monticello.

Mr. Henry said that the outcome of that study and the recommendation that went before the Board a year ago was to proceed forward with a grant from the Department of Rail and Transportation (DRPT) for two of those areas, which the Board accepted and supported. He said that they funded their portion of the grant, and CAT made application for this pilot program, which was awarded last summer.

Mr. Henry said that today, they would discuss the progress on the implementation of that grant. He said that a lot of their work had occurred throughout the fall, and CAT was the grant awardee and recipient, meaning that they were responsible for the execution and management of this service and program. He said that Mr. Garland Williams, Director of Charlottesville Area Transit, would present and answer questions. He said that Mr. Williams' staff did an RFP (request for proposal) in the fall and solicited services from Kimley-Horn Associates to support program management and implementation of the program. He said that with them today from Kimley-Horn was Jessica Choi, Project Manager and Transit Planner; and Lucas Muller, Senior Advisor and Principal-in-Charge. He said that Kimley-Horn was brought in to augment CAT staff to evaluate the program best practices and options for implementation, with a focus on execution and customer experience in these two areas.

Mr. Henry said that the work had proceeded over the past several months, and staff was present to recommend to the Board that they move forward with an RFP to formally solicit resource support in those two areas to optimize service delivery. He said that CAT formed a stakeholder committee in the fall that included himself, Jacob Sumner (Finance and Budget), Kevin McDermott (Community Development Department), Abby Stumph (Communications and Public Engagement), and Christine Jacobs (TJPDC).

Ms. Jessica Choi stated that the County went through a study and identified two microtransit zones, with US 29 North and Pantops identified as the pilot zones. She said that CAT received a grant from DRPT for the amount of \$1.49 million to demonstrate and execute this program, and a local match of \$388,000 was involved as a part of that. She clarified that the microtransit service and the operator would be operating under the CAT umbrella of services and would not be its own individual entity.

Ms. Choi said that based on the original study and discussion with the stakeholder committee, they wanted to discuss with the Board the two pilot zones and details about them. She said that the US 29 North operating baseline was, from the original study, three vehicles, and in terms of service spans and operations, 6:30 a.m. to 9:00 p.m. Monday through Saturday.

Ms. Choi said that the original study also had some key performance indicators that were shared, and those were displayed on the slide; the projected riders per weekday was 75, with the potential to grow to 360 daily riders, and an average wait time of less than 15 minutes. She said that an estimated one vehicle would be needed to cover the Pantops zone, with 6:30 a.m. to 9:00 p.m. Monday through Saturday as operating hours, and the projected key indicators for the original study to be 25 riders per weekday, with the potential to grow to 240 daily riders, with average wait times of less than 15 minutes.

Ms. Choi said that she would like to give a highlight of microtransit and the expectations of the service. She said that microtransit was an on-demand transportation solution being implemented across the nation and locally in Virginia. She said that it was a technology-enabled solution, which meant that people could make real-time trip requests, and the trips were dynamically routed and programmed through the application and the vehicles dynamically routed to serve those trips.

Ms. Choi said that often with microtransit, smaller vehicles were utilized rather than the typical fixed-route buses seen today, which served two purposes. She said that the first was that in lower-density areas, they better served the community by right-sizing the transit service to the demand in the area, and the second was that the first and last mile connectivity, where perhaps sidewalks were not as prevalent, and those riders could be served closer to where they wanted to be in their journeys.

Ms. Choi said that there were several methods of implementation for microtransit that were available. She said one was TNC (Transportation Network Companies), which were akin to Uber and Lyft, which helped to fulfill the rides that were in demand, and was a model that did not include a dedicated fleet.

Ms. Choi said there were also turnkey and partial turnkey models, which varied based on whether the vendor provided everything or if the agency and vendor split responsibilities based on level of control and strengths of the agency. She said that another method of implementation was called in-house, where

the transit agency provided everything, which was most like a dial-a-ride or a demand-response type of service.

Ms. Choi said that based on the discussion of methods of implementation and talking with the stakeholder committee, they performed case studies and discussed with partners to see what lessons they could learn. She said that there were three agencies in particular that they were interested in talking to, the first of which was Hampton Roads Transit, which was an on-demand program, the Bay Transit Express, and the Gwinnett County Microtransit pilot that was done in Georgia.

Ms. Choi said that they met with the stakeholder committee to discuss those findings and methods of implementation, and ultimately the stakeholder committee selected two operating models to move forward in this process, which were turnkey and partial turnkey. She said that the decision-making process was driven by the case studies and the lessons learned, as well as the priorities that Mr. Williams would discuss soon.

Ms. Choi said that based on the turnkey and partial turnkey models, there were a couple of benefits she wanted to highlight. She said that the first was that they were able to leverage the experience of companies that had a proven track record of successful service delivery, which was important when considering the grant program and available funding. She said that this had been shown in the state of Virginia and across the nation.

Ms. Choi said that the benefits of this were that it allowed people to help meet the timeline of expectations as well as the quality-of-service expectations, and again, homing in on that successful service delivery and looking for operators who had done that. She said that they could also maintain agency control without having to do everything, as in the contractual process, they were able to set the program parameters, and there was potential to use infrastructure that CAT may have available, such as vehicles to help with this service.

Ms. Choi said that the benefits seen nationally were the access to technology and data capabilities through a privately-developed platform that was already in use, as well as communications and marketing plans that had been developed for other transit agencies both in the form of collateral as well as lessons learned in terms of how to prepare the community for a service like this. She said that the microtransit service for this area was intended to operate under the CAT umbrella vehicle of services, so the microtransit vehicles would have CAT branding on them.

Mr. Garland Williams, Director of CAT, said that they wanted to ensure that the priorities shown on the slide were given the necessary attention to achieve the success of the program, and they also wanted to make sure they had a provider that was knowledgeable and could perform the services for them. He said that one of the priorities was keeping costs within the grant funding amount, which was important so that they would not have to request additional funds from the Board or have CAT pay any additional money for the service. He said that for the level of control, CAT wanted to make sure that they were involved in every aspect and maintained a high level of CAT agency control, whether it was partial or full turnkey. He said that to the public, it should appear as CAT and they would see no other partner if they brought on a third party.

Mr. Williams said that the timeline was one of the most important priorities in implementing a successful service as quickly as possible, and wanted to make sure they had a partner who would help them find success from day one. He said that the last priority was public awareness, which would ensure the public was involved in every aspect of this. They wanted to make sure they advertised which was key to any new service to make sure people were aware of the new service, what it entailed, and what could potentially be provided for everyone.

Mr. Williams said that they were currently working on an RFP, for which a feasibility study had already been completed, and they were currently trying to get through the procurement section. He said that the RFP would come back as a part of the finals and come back to the Board in April or May to give a detailed analysis of where they were once the RFP was formally released. He said that three components did not allow them to have exact timeframes, because it was dictated as part of the RFP process.

Mr. Williams said that the software implementation could take from four to six months. Whoever they procure as an operational partner could take four to six months for installation, testing, and training to make sure they worked out all of the bugs. He said that an app was also involved and must be tested before launch of the new service. He said that they also had to make a decision about fare, because CAT currently operated on a grant from DRPT and ran fare-free. He said that the assumption at that time was that they would continue to run this model as fare-free, but if they looked at potentially charging in one or two years, they must discuss that structure, and while they had some particular ideas, in the long term, there must be logistical and technological issues to be worked through before implementation of that fee program.

Mr. Williams said that marketing and advertisement were critical to this program. He said that they could have the best service in the world, but if nobody knew about it, they would not be successful. He said that when they put this application into the state, there was a dedicated \$135,000 for advertising costs, and once they had identified a turnkey or partial turnkey provider, that money would be deployed to communicate the availability of the service and its launch date. He said that the implementation schedule would launch as soon as they knew when they could get all those things in place. He said that each item had a timeline of its own, and once they were ready to launch, they wanted to ensure its success immediately.

Ms. McKeel clarified that this information was presented for informational purposes and feedback only and no direction or support was required from the Board today.

Mr. Williams said that was correct.

Mr. Henry said that this was a work session, but feedback on the approach with the RFP for these two models would be appreciated by the Board—although no decision would be made for a vendor or anything like that. He said that this was specific to the approach, which was an RFP, which would allow for the solicitation of the service provider.

Ms. McKeel asked if they were asking for Board support for the approach of turnkey or partial turnkey.

Mr. Henry said that was correct.

Ms. McKeel asked to see the corresponding slide.

Ms. McKeel said that this pilot and community interest in this pilot would determine the interest in transit ridership in their community, so it was critical that they got it right. She said that they rolled out a new transit model many years ago, and the timing and implementation did not work in favor of new ridership, so the program failed. She said that she was concerned when she saw the Monday through Saturday, 6:30 a.m. to 9:00 p.m. schedule because if she was still working at the hospital, those hours would not work for her at all. She asked if they were limiting the ability for people to use this pilot when there were no Sunday hours and the service ended at 9:00 p.m.

Mr. Henry said that what was presented today was what was evaluated and recommended through the study a year ago, and currently was what the grant was based upon, and the baseline assumptions going into this. He said that presented a year ago were the same components as far as days and times of use, which was how they derived that recommendation. He said that no change had occurred in that, but he would ask Mr. Williams to mention the possibility of expanding the microtransit program in the future if it was successful, but with that would likely be additional funding needed to support it.

Ms. McKeel said that there was a set amount of money, and they were trying to maintain within that amount of money what could be done from 6:30 a.m. to 9:00 p.m., Monday through Saturday.

Mr. Williams said that the original consultants were procured through TJPDC and suggested the hours be from 6:30 a.m. to 9:00 p.m. He said that he was curious as to whether they could go back as part of their RFP and request additional hours due to changes in dynamics. He said that using the 6:30 a.m. to 9:00 p.m. would be the foundation, with those additional hours added if it was desired, so that they could see if it could still be done with the grant fund amount.

Ms. McKeel said that staff who worked shifts, such as at the hospital in Pantops, concerned her, because if the pilot did not show ridership, then this was going to fail, which was a problem. She said that they had to ensure that the pilot was meeting the community's needs for transit, and those hours were of concern.

Mr. Williams said that the pilot needed to be successful by using the 6:30 a.m. to 9:00 p.m., which was the timeframe from which the most ridership had been seen. He said that there were additional hours that could be added, such as 9:00 p.m. to 11:30 p.m. or midnight, but they did not know if the number of riders for those additional hours would make a difference. He reiterated that it was a pilot, so it would be easier to add more than to subtract, and if they reduced the hours available in the program, it would immediately seem as if they failed because the model was not working. He said that it would be easier to come back and request more hours because the model had been successful, which would be more of a success for everyone.

Ms. McKeel thanked Mr. Williams for the clarification. She said that the microtransit would be done under the CAT banner of services, and she would like to know how it connected to the other CAT routes of service.

Mr. Williams said that when the public used this microtransit, however it was branded, there would be an opportunity to connect on Route 29 or Pantops to connect to the existing fixed-route CAT service. He said that from the public's vantage point, it would appear as CAT but may have a different branding name such as "Micro CAT," so that it was clearly understood that it was microtransit operated by CAT. He said that there would be a public phone number that dispatched through CAT, so the third party would work hand-in-hand with their embedded operations as a part of making this happen.

Ms. McKeel said that the marketing would be important. She said that based on what had occurred with the pandemic, the decrease in ridership, and the struggle around filling bus driver positions, many people had issues with CAT. She said that her constituents said that CAT was unreliable in the urban ring, so she would like to know how that would be addressed if the microtransit service was a part of CAT. She asked if this would be achieved through the marketing.

Mr. Williams said that it was through the marketing, and the third-party provider if they select one, if it were a full turnkey, would be responsible for getting the number of operators and vehicles, but the

RFP would be set up so that they would be able to select what they had expertise in and say what the cost was based on providing the full turnkey model. He said that they could do a partial turnkey model in which they had software and would partner with someone else to get drivers and vehicles, so there would be an opportunity for them to put their best foot forward. He said that from a community standpoint, when calling that number, it would be a dedicated group of drivers strictly for the microtransit and would not be pulling from the existing number of drivers operating on the current CAT fixed-route system.

Ms. McKeel said that there was community concern about securing drivers for this program.

Mr. Williams said that part of the beauty of the microtransit project was that drivers were not required to have a CDL (commercial driver's license), which would make it easier to find drivers for the microtransit team at CAT.

Ms. McKeel asked if the size of the bus was what determined the need for a CDL.

Mr. Williams said that was correct.

Ms. LaPisto-Kirtley said that she was in favor of the turnkey and the partial turnkey, but she was unsure of which and thought it would likely be a cost consideration. She said that she agreed with Ms. McKeel that marketing would be critical for expansion. She asked if there was a possibility of starting with a fare-free period, then later introducing a fee.

Ms. Choi said that because CAT was currently fare-free, it made sense for the microtransit to begin that way, and they anticipated that free fare would continue for the first 12 months of the pilot program, so if fares had to be brought back for the entirety of CAT, they would look at bringing it into the microtransit as well.

Mr. Williams said that part of the decision to go fare-free now would be that they may trigger a Title VI issue because the rest of the CAT system was operating fare-free, so therefore it behooved them all to continue the fare-free model.

Ms. LaPisto-Kirtley asked if there was an estimate for the best-case scenario and worst-case scenario for actual implementation.

Mr. Williams said that there was an estimate of late summer or early fall of 2023 for implementation. He said that part of how they were setting up the RFP was with awarding points based on whether the firm had done this before and how quickly they could get to implementation with the timeline proposed. He said that anyone who could meet that fall 2023 goal would be given more points.

Ms. LaPisto-Kirtley asked if the release would be in summer or fall of 2023.

Mr. Williams said yes.

Ms. LaPisto-Kirtley said that the pilot actually gave a chance for them to see where people lived and how they could serve others, and the pilot program gave them the chance to see who would and would not take the service. She said that a name for the service could be "Neighborhood Micro" or "Neighborhood CAT."

Ms. McKeel said that perhaps the community could name the program.

Mr. Andrews said that he was enthusiastic about the idea of providing this type of service to increase mobility and make public transit more accessible. He said that it was interesting that the two ratios of projected key performance data were so different between 29 North and Pantops. He said that while this did not require a CDL due to it being a smaller vehicle, he did not know the limits of those vehicles. He said that if there were 100 riders per day, six days per week, over 52 weeks, that was about 30,000 trips per year. He said that with those numbers, the amount of funding given was about \$75 per trip if not scaled up, so he felt that they had to adopt a model that made sense in terms of the cost so that they knew they provided service at an expected cost that was comparable to private market costs, even though it was subsidized.

Mr. Andrews said that the turnkey and partial turnkey models did not bother him so long as they knew how it would work, and he shared concerns about how this would work from the driver's perspective. He said that they gave a 14.5-hour day, and if there were 25 riders per day over 14.5 hours, that was less than two riders per hour, so how this worked as an employment opportunity for a driver and how they found people who fit into this remained as questions. He said that once it was scaled up and vehicles were full and busy, it would be a completely different problem in terms of maintaining service to keep wait times under 15 minutes and made it work for people who relied on timely transportation. He said there was a lot that needed to be figured out.

Mr. Williams said that Mr. Andrews' concerns were valid and most of them had been discussed in their deliberations. He said that the original consultants that pulled this together used a very conservative ridership number, and he wholeheartedly believed there was a rise in demand, especially in the 29 North and Pantops areas, so they likely would eclipse those conservative ridership numbers with a little time. He said that the numbers in the study were designed as a floor for the state to feel a comfort level in funding the project, and did not think that they were the ceiling.

Mr. Andrews said that it brought the issue back to marketing and demand.

Mr. Williams said absolutely.

Mr. Andrews said that the floor was low, so they should aim higher.

Ms. Mallek said that she personally did not like being a beta tester or being used by a beginner to burn their chops on them. She asked if she could be confident that in their RFP, they would be looking for local people who had software, fare collection, and dispatch experience, which would be a positive as opposed to someone who was just starting out.

Mr. Williams said that they would give everyone ample opportunity to submit an application and provide justification for selecting them as a provider.

Ms. Mallek asked if those components would have to be in there.

Mr. Williams said yes.

Ms. Mallek said that the former CAT director had decided to cancel the late bus to the hospital at Pantops and the hospital to the veterans' center, so she was concerned about there being no Sunday hours, although she understood the explanation. She said that she hoped the gap between starting small and going bigger was much shorter than a whole year of waiting, because it was a real burden for people who got off shift at 11 p.m. and had to walk down Route 250 to get home, and they had heard of that circumstance hospitality locations located on both Route 250 West and 29. She asked if buses currently ran to the hospital on Sundays.

Mr. Williams said that CAT currently did not operate any Sunday service because they lost 16 drivers due to the pandemic and only had four buses out on Sundays, so it was a necessary modification.

Ms. Mallek said that she was okay with the turnkey and partial.

Mr. Gallaway said that he understood that it was a pilot, a point that he had also explained to his residents. He said that he shared concerns about CAT, but in his district, the fixed route did not work. He said that when the mall was a vibrant location, it was an effective fixed route, but there was not infrastructure there for a fixed route now, which was not CAT's fault. He apologized to Mr. Williams for speaking negatively about CAT.

Mr. Williams thanked Mr. Gallaway and said that he appreciated it.

Mr. Gallaway said that he thought that on-demand use, even in the limited amount of services, would increase. He said that he followed the lead for turnkey and partial turnkey and thought they should get this up and running so they could begin learning how to get there. He said that he imagined that while fare-free, they should ask the people using it what the reasonable amount for paid fares should be, and that could be gathered as part of the pilot study that was to happen. He said that Uber was very expensive, and he experienced that firsthand when he had to use one and the rates had tripled due to football game traffic.

Mr. Gallaway said that he expected this service would be successful as it scaled up, and Supervisors would have to think about the impacts beyond the dollar amount of the costs. He said that one may be that there could be savings through eliminating fixed routes and rerouting funds, and this also spoke to the climate action policy goals, to eliminate traffic congestion, and with economic development.

Mr. Gallaway said that the residents in Woodbrook could easily drive to Kroger, but the traffic made it incredibly difficult to do that. He said that a fixed route could never help Woodbrook get to Kroger, which was right across Route 29, but the on-demand service could, and would help people move around. He said that people taking advantage of this would help meet the climate policy goal of reducing emissions from people using cars by taking mass transit instead. He asked what the roll out process would be for the program, such as a soft opening.

Ms. Choi said that other transit agencies had done soft openings, such as one in Georgia, where a soft opening was done for County employees to try out getting to and from their destinations for any problems to be worked out. She said that there would be a trial period before true revenue service to make sure that those things were worked out.

Mr. Gallaway said that the CACs (Community Advisory Committees) should be utilized to help communicate with people, and they could likely find users to help them determine if the software was up and functioning before it went up officially. He said that their CACs could and would be willing to organize that.

Mr. Muller said that he wanted to emphasize one of the elements related to the hours of service and the idea of trying to make things as efficient as possible was that one of the benefits of an RFP like this was that they could essentially make that an opportunity for competition, so one of the elements they could evaluate the proposals on was if there were opportunities to expand beyond the base service and perhaps add more service in those times. He said that they should work within the overall budget but play off the various participants and potential applicants to make it as competitive as possible, so it was an advantage of the RFP process and one that they should take care in addressing when crafting the

language.

Ms. Price said that she preferred more organized corporations or County government in handling it rather than Uber or Lyft, which had reliability and safety concerns. She said that she also was not in favor of in-house implementation, because this was a transitional type of transportation system, and through previous professional experience or observationally anecdotally, she had seen enterprises try to take on something that was not a cohesive part of their organization, so it was unable to be as successful. She said that some of the technological aspects of this program could be expensive and difficult for the County or CAT to internally stay up to date on.

Ms. Price said that she would defer to the experts as to which it should be, but she felt a preference for partial, because it allowed them to maintain a degree of control that the full turnkey may not, but she also assumed there would be a way to supervise or monitor that. She said that she deferred ultimately to the experts. She said that following up on name suggestions, she brought forward "Mini CAT," "Kitten," or "Albe CAT," similar to "Alley CAT" but using "Albemarle," but definitely not "CAT nip."

Ms. McKeel said that she also agreed with the turnkey or partial turnkey. She said that whatever gave CAT the most flexibility to make changes as they saw them happening would be her preference.

Ms. Price said that she envisioned this as somewhat comparable to the mainline airlines versus regional carriers. She said that it was transparent to the rider that it was a turnkey or partial turnkey provider because it was still under the brand of CAT, which was important for people to be able to associate the two together for continuity. She said that they did not have the volume, population, or density that was necessary to have a fully successful fixed-route system, and this may be the only way that they were able to sustain this type of transportation.

Mr. Henry said that staff would proceed forward with the RFP and would be back before the Board in April or May with results and a detailed execution plan. He thanked the Board for their input about the soft opening testing period and soliciting help from the CACs.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 3:05 p.m. and reconvened at 3:15 p.m.

Agenda Item No.11. **Work Session:** Drainage Infrastructure Management Program.

The Executive Summary as forwarded to the Board states that drainage in Albemarle County is provided by an interconnected network of inlets, pipes, manholes, culverts, and channels that convey stormwater runoff. There is no single operator of this system, as it lies on over a thousand private commercial and residential properties, in addition to crossing VDOT rights-of-way at hundreds of locations. For many years, the Board has expressed interest in the development and implementation of a program to maintain a greater extent of community drainage infrastructure, including making this a goal in the Fiscal Year 2017 - 2019 Strategic Plan.

As summarized in Attachment A, over several years, staff has conducted field work, used contractors, and engaged in program design and analysis to assess the extent and condition of this infrastructure and to develop program cost projections, with a focus on the Development Areas. The process of mapping existing drainage infrastructure is now substantially complete. Video assessments have been conducted for approximately 60,000 linear feet of pipes and culverts (about seven percent of what is currently mapped), likely repair approaches and cost estimates for found issues have been identified, and a prioritization system for repairs has been developed. In addition, staff has completed field assessments of approximately 12 miles of channels and streams. Staff also maintains records - beginning in 2005 - of drainage issues raised by community members and of staff's responses.

The Board received several updates on this subject as part of discussions between 2017 and 2018 about a possible dedicated funding mechanism for water resource programs. The Board determined to continue funding these programs through the General Fund. Since then, staff has provided two additional updates focused specifically on the development of an infrastructure management program. At a December 5, 2018 work session, staff presented the findings from an initial video assessment effort and described several extent- of-service scenarios. At the Board's July 17, 2019 meeting, staff presented cost estimates to implement a program at various combinations of extent-of-service and level-of-service and described numerous policy choices that would need to be considered.

Like any built infrastructure, drainage infrastructure requires regular investments in maintenance and repairs and occasional improvements for it to function as intended. Over time, pipes may deteriorate, collapse, or settle - creating underground cavities and, eventually, sinkholes - and channels may erode or shift laterally. Based on the data collected through assessments and staff experiences responding to the concerns of community members, a manageable but increasing number of issues throughout the county require attention. About 10% of assessed pipes have at least one issue significant enough to be addressed within five years. Many drainage channels are somewhat incised and eroded, but very few are damaging property or threatening structures. Only a small percentage of past drainage complaints warranted any County action beyond assisting and advising the property owner. One example is a sinkhole that recently formed in the Northfield neighborhood. Attachment A includes a more detailed description of the state of drainage infrastructure in the Development Areas.

Historically, the County has acted on private property only after a problem has manifested itself and been within an easement dedicated to public use. Public easements give the County the right to enter onto private property to make repairs, but do not convey a legal responsibility to make repairs. However, County practice has been to make use of this right in order to repair infrastructure within public easements. Because drainage infrastructure has been planned and constructed by individual developers and property owners over many decades, there is little consistency as to what portions of the drainage system have been dedicated to public use in the past.

Under a drainage infrastructure management program, the County would manage community-serving infrastructure - in a structured and proactive manner - that is not currently located within easements explicitly dedicated to the County. The standard for where the County would act would be based on a selected extent-of-service policy, and the degree of action would be driven by a level-of-service policy. The overall scope of the program would be adapted each year through the budget process to balance drainage infrastructure needs with other County priorities.

The near-term implementation of a drainage infrastructure management program would include the following elements:

- adopting policies and procedures, including those for extent-of-service and level-of-service
- adopting protocols for acquiring the necessary permissions to work on private properties to continue the assessment of pipes and channels, to eventually cover the entirety of the

Development Areas

- addressing the greatest maintenance and repair needs discovered through assessments or brought to staff's attention by failures or community inquiries
- refining the process to prioritize, plan, and track maintenance and repairs with consideration of investing in a robust asset management system
- establishing an understanding with VDOT regarding infrastructure within and near roadway rights-of-way

Staff anticipates that a significant portion of an existing full-time staff position would be required to administer a program in the near-term, and that additional staff would soon be required to support a program. In addition, staff would evaluate the benefits and challenges of transitioning from using excavation contractors for all maintenance, repairs, and improvements to acquiring equipment and employing a small crew, which may better align with the envisioned realization of a formal public works department.

Funding for a program to repair, improve, and maintain drainage infrastructure within the County's Development Areas would require sustained funding. Existing water resource funding reserves are expected to be sufficient for planned Fiscal Year 2024 activities. For subsequent years, the amount of funding appropriate to the needs of the program would be determined annually through the budget process.

The information provided here and during the meeting is intended to refresh the Board's understanding of past efforts and of staff's work towards a future drainage infrastructure management program. At an upcoming Board meeting, staff will request that the Board reaffirm a 2006 resolution authorizing the County Executive to accept deeds of easement for drainage infrastructure and request that the Board appropriate funds from the water resources reserve fund to the drainage infrastructure management program.

Mr. Greg Harper, Chief of Environmental Services, said that it had become increasingly apparent that drainage infrastructure in the County was aging, neglected, and because of those things, they were seeing failures more and more often. He said that it had been neglected because a lot of times, there was confusion about who was actually responsible for maintaining drainage infrastructure. He said that today, he would talk about some of the things the County had been doing to investigate the scale of this problem and to describe a program that could address the challenge.

Mr. Harper said that he would discuss the history of this issue, which some of the Supervisors were already aware of. He said that he would describe some of the work being done to get a sense of the scale and remedies, and he would review some relevant past Board discussions, as well as the upcoming work to be done to implement the program. He said that the program was to maintain drainage infrastructure throughout the County urban areas and did not imagine working in the rural areas of the County.

Mr. Harper said that this infrastructure was on private property, and the infrastructure on public property was infrastructure they maintained or that VDOT already maintained under their right-of-way, and this infrastructure did not lie within existing drainage easements or easements dedicated to public use. He said that drainage infrastructure consisted of inlets and manholes, pipes, which were part of a network, culverts, which were under a roadway and had open ends, and channels, which connected pipes with pipes and were part of the system.

Mr. Harper said that most infrastructure had been built over decades by developers as part of the land development process and was not built by the County. He said that most lay on private property and outside easements dedicated to public use. He said that, although the County did a pretty good job now, that over the decades, the County had been inconsistent in obtaining public easements as infrastructure was built, and especially older infrastructure did not lie in public easements, so there was no good correlation between whether something was in a public easement and the nature of the infrastructure,

such as if it served private or public runoff in a nonlegal sense.

Mr. Harper said that the County had historically addressed issues only within public easements, because it gave the County the right, but did not actually assign responsibility to the County, to enter onto properties to maintain infrastructure if the County so chooses. He said that without a public easement, they did not have the right nor the responsibility to enter the property and maintain infrastructure.

Mr. Harper said that drainage infrastructure had been incorporated into the Board's strategic plans as early as FY17, and in the FY17 - FY19 Strategic Plan, the directive was to determine the County's role in maintaining infrastructure, so there was an immediate question in their thinking about this. He said that the next strategic plan was a bit more specific, directing to determine program scope and resource requirements in implementing a program, and even the future strategic plan touched on drainage infrastructure, although not explicitly, by saying to invest in infrastructure and to determine the level and extent of services in developing a public works department. He said that the assumption was that the drainage improvement program would be part of a public works department.

Mr. Harper said that in addition to incorporating it into the strategic plans, the Board had taken additional actions in the past that he would like to raise here. He said that in 2006, the Board authorized staff to obtain public easements, and they had used that authority to receive easements during the development review process, so for the last 15 years, they had done a good job as a local government of getting the infrastructure that broadly served community runoff into easements, but before that, he was unsure of what had happened.

Mr. Harper said that the Board had also authorized staff to repair these exceptional infrastructure failures on private property that had come up. He said that the photograph shown on the slide was the sinkhole along Carrsbrook Drive, which opened up suddenly in 2014, and was an incident that was a driving moment and an early cause of the awareness that there was a problem out there.

Mr. Harper said that this might seem like a new and unconnected program to be implemented, but it was involved in many other things the County did. He said that if they wanted to be prepared for emergencies, especially flood emergencies, it helped them to do that by knowing where the infrastructure was and how it was interconnected at a basic level, but also where the weaknesses were and where flooding was most likely to occur. He said that they were involved in a few grant-funded projects that were going to help them better realize where the highest flood risk was throughout the County as part of their flooding resilience planning effort.

Mr. Harper said that the work done to characterize the scope of the problem was done by mental exercises of conceptually defining the extent of service and level of service. He said that the extent of service referred to what portion of the network of existing drainage infrastructure did it make sense for the County to operate and maintain, certainly not all infrastructure everywhere, and the level of service was what they were going to do with the infrastructure they thought they would be responsible for maintaining.

Mr. Harper said that in addition to putting some guardrails around what this program could look like, they had done a lot of work to quantify the scale and to develop cost estimates by doing some mapping and video assessments. He said that more recently, they did so by assessing the channels that connected all the pipes and looking into the community-reported drainage issues, which had been tracked for a long time and acted as another input source when analyzing and developing this program. He said that they had done mapping infrastructure for quite a few years, and shown on the map were squares that signified an inlet or manhole.

Mr. Harper said that they typically knew what type of inlet it was and whether it was an open end of a pipe, and sometimes knew the material and size of the pipe, which had been useful over the years. He said that if they had notification of soap suds accumulating at the outfall into the Rivanna River, in the past, they would not know where it could possibly be coming from, but with a map such as what was displayed on the slide, they would only need to look upstream, and it helped to identify where car washing could be occurring in the watershed. He said that most infrastructure mapped was pipe, and about 55 miles of drainage channels had been mapped in the urban areas.

Mr. Gallaway asked what the blue line on the map indicated.

Mr. Harper said that those were USGS (U.S. Geological Survey) map streams, so those are more like natural streams.

Mr. Gallaway said that they were open.

Mr. Harper said yes.

Mr. Gallaway asked if they were underground or pipes.

Mr. Harper said that it was not at all underground pipes unless a blue line went under a road, it is not piped. He said that he was unsure of how old the USGS lines on the map were, so they may not reflect the reality of today, so the blue line may go under Route 29, but in reality, that stream did not exist in that location anymore and was being passed through the yellow pipes.

Mr. Gallaway asked if the blue line to the right of Hillsdale was an active channel.

Mr. Harper said yes.

Ms. Price asked what the orange color indicated.

Mr. Harper said that the orange color depicted a flow path through a stormwater management facility, and the one shown was either a pond or biofilter. He said that those lines were added to connect the pipes so they had a system that could be modeled with software tools.

Ms. Price asked what the green color indicated.

Mr. Harper said that the green color represented channels for drainage and not natural streams.

Ms. McKeel asked if Mr. Harper's mention of channels could also be described as swales.

Mr. Harper said that it could be a grassy swale or a much larger channeled ditch.

Ms. McKeel said that it was not underground.

Mr. Harper said that was correct.

Ms. McKeel said that it was not a connection but was usually above ground. She asked what the blue dots indicated on the map.

Mr. Harper said that the blue dots were the point location of stormwater management facilities. He said that they had mapped the footprint of those facilities.

Ms. Price asked what the grid lines indicated.

Mr. Harper said that the grid lines indicated easements for public use. He said that he was unsure if that was how it currently existed or if it existed before the rerouting of Hillsdale.

Ms. LaPisto-Kirtley said that Mr. Harper mentioned the use of video assessments. She said that she also wondered if they could use drones, because they had private property with ponds and reservoirs with houses all around them, and if the neighbors were not putting in money to upkeep that pond or reservoir, the dam could breach all the water going out. She asked how Mr. Harper knew what was going on if these ponds were on private property.

Mr. Harper said that they performed inspections of stormwater management facilities, but not state-regulated dams. He said that if it was a regulated stormwater facility and there were 1,200 of them around the County, they would go out there on foot, they had the right to go onto property to inspect facilities, so they had not used a drone because they could not access areas.

Ms. LaPisto-Kirtley asked if any reservoirs that were privately owned by all the residents who lived around the reservoir were considered state regulated.

Mr. Harper said that if it was large enough, it was regulated by the state, who had the authority to inspect them, and the County didn't get into dams. He said that a lot of stormwater facilities were big lakes, and there may be some overlap. He said that he would give further details about those inspection programs.

Ms. LaPisto-Kirtley said okay.

Mr. Harper said that with the concept of the extent of service, they asked the question of what portions of drainage infrastructure were reasonable for the County to maintain. He said that they decided to come up with some categories and decide what made more sense in terms of what each category would look like and how much infrastructure was in each one, and so forth.

Mr. Harper said that the first category they came up with was infrastructure that lay on County properties and public easements, which represented what was done currently. He said the County certainly maintained infrastructure on its own properties and those properties they had access to through public easements.

Mr. Harper said that the second category included pipes through which runoff flowed downstream from those public properties or public easements. He said that the third category included channels and pipes downstream of public VDOT roadways, and the fourth category was inclusive of any pipe or channel that received runoff from more than two private properties and was now not private but more of a community.

Ms. Price said that earlier, Mr. Harper said that all of this would apply only in the development area, but many County buildings and properties were not in the development area. She said that it appeared to her that the first three categories could still fall under an extent of service for the County, because it began with County property, even if it may not be in a development area.

Mr. Harper said that they did not include in the Rural Area conveyances downstream of a public school, but was a question that should be pondered. He said that for the data that would be delivered, it was not a part of it. He said that the County properties category did not include any Rural Area, while

certainly that infrastructure would be maintained because they owned it.

Ms. Price said that she understood. She asked that he consider for inclusion categories one, two, and three, if outside of the development area because each of those appeared to be a causation or consequence of a County property or VDOT. She said that category four may be different and she was unprepared to address that now.

Mr. Harper said that one would think that category four would be an avalanche of additional infrastructure, but in looking at the data they had for urban areas, it only added another 6% of infrastructure in addition to those previous categories. He said that because those other categories had captured most of the infrastructure that was in all of the categories, category four only added a little bit more. He continued that combined, all of the extent of service categories was only about 40 miles of infrastructure in total, which was only about 25% of all of the infrastructure out there in the urban areas according to the data they had. He said that most infrastructure was serving a single private property.

Ms. Price said that downstream of VDOT roadways could be a substantial expansion, because VDOT roadways were throughout the entire County, so there should be a substantial amount of thought given to that.

Mr. Harper said that roadways that crossed a stream had culverts to allow the stream to pass underneath the road, so there was no more infrastructure to maintain unless the stream was part of the program, but they were not going there.

Ms. Price said yes and no that she had had several community members reach out to her after a roadway had been paved where that had channeled water from the impervious surface to a more centralized location for dispersal that caused downstream property damage. She said that it became more complex when they started talking VDOT.

Mr. Harper said that he understood. He said that they tried to quantify the amount of infrastructure in the different categories, and to qualify the infrastructure, they had done work over the years—with 2018 and 2019 having a couple of assessments performed for the underground infrastructure, the pipes for the most part. He said that the first bundle was 10% of the area, the second bundle was 20% of the area, for a total of 30% of the total known infrastructure in the urban areas that would qualify in the four categories of extent of service. He said that they did not go onto private properties that they knew would never be part of a program to do assessments.

Mr. Harper said that 30% was a good sample size, and from the information gathered, they learned from this sample that 10% of the pipes out there had some sort of issue that put them at risk for failure. He said that the image shown on the left side of the slide was a crushed pipe, which could not properly convey flows. He said that another 22% of the pipes had moderate defects, which should be addressed, but were not going to imminently fail. He said that some solutions in those cases could be to line the pipe with a cast-in-place that did not require digging up the pipe to repair it. He said that there were also quite a few pipes with minor defects, and another third were in good condition. He said that this gave them a sense of the quality of infrastructure.

Mr. Harper said that regarding the level of service, they had to come up with program cost estimates by describing what a high level of service versus a low level of service would look like, so the descriptions shown on the slide were what were developed to differentiate the different levels of service to be considered. He said that in the medium case, they would do video assessments of underground infrastructure and visual assessments of channels every 20 years, which did not sound frequent, but pipes aged slowly, so it was reasonable. He said that the priority one issues, the risk of failure issues, would be addressed within 10 years, and the moderate defects would be addressed within 20 years.

Mr. Harper said that through spreadsheet modeling, they were able to come up with some annual costs per mile of infrastructure for each of these levels of service, and by multiplying the cost per mile by the number of miles calculated under the extent of service categories they presented in 2019 the costs for different combinations of the level of service and extent of service. He noted that based on the 2019 Board meeting, most of the Board's comments at that time reflected a preference for a medium level of service, and the highest level of extent of service category considered, which was level four.

Mr. Harper said that there were a few ways they assessed channels in the urban area. He said that the Environmental Services technician made an application for phones and tablets that enabled them to assess 526 different points that represented 12 miles of channels, which represented 20% of all the channels in the urban area in the timespan of about one week. He said that they were able to take a photograph, give dimensions and bed material of the channel, and noted any problems such as erosion, sedimentation, or lateral movement of the channel. He said that based on this data, they determined that 89% of channels were in good condition, and only 11% were in a degraded condition. He said that shown on the slide was erosion occurring in a channel, and 60 spot issues were discovered along that channel location.

Mr. Harper said that they also looked at the database of drainage complaints, which they had tracked since 2006. He said that of about 430 complaints or inquiries received over the years, 309 of those were related to drainage issues. He said that the categories of the types of issues were shown on the slide, and the points on the map indicated where the inquiries had been received from. He said that they were scattered throughout the County but concentrated around the urban area. He said that over time, they were getting more inquiries and complaints, and it was unclear as to whether there were more

problems, or whether there was more awareness that County staff provided help.

Mr. Harper said that they found in 2019 through 2022, there were 145 drainage complaints, and 25% of cases fell within the extent of service category four, so it fell within the realm of the County taking some action to address a problem that was occurring. He said that the example shown on the screen was in the Lake Reynovia neighborhood, downstream from Mountain View Elementary, where there was a lot of runoff from Avon Street Extended that was traveling through neighborhoods, and in some cases, causing problems, and people asked who would fix them.

Ms. McKeel noted that many of the areas had connections to the City. She asked for clarification regarding how the infrastructure would work along the City/County border.

Mr. Harper said that they ensured that they had a good relationship with their partner agencies, including VDOT. He said that it would be clearer in the City because the jurisdiction was either in the County or in the City, and there was not a back-and-forth between the City and the County like there was with VDOT, because VDOT roads are in the County, and there is a small portion of a large network that lies in the VDOT right-of-way. He said that they would have to coordinate with the City and their other partners, including VDOT, RWSA (Rivanna Water and Sewer Authority), and ACSA (Albemarle County Service Authority).

Ms. McKeel requested a copy of the presentation.

Ms. LaPisto-Kirtley clarified that 10% of the drainage was at risk of failure and was currently being handled.

Mr. Harper responded that they were not addressing all of the failures now, but they were poised to address them. He continued that they were dealing with a couple of extreme cases, such as a sinkhole in a resident's yard. He said that they had identified several problems, but they were not yet repairing them. He said that they were preparing to repair the identified issues.

Ms. LaPisto-Kirtley asked if the Board had to provide support.

Mr. Harper said he would address that later.

Ms. LaPisto-Kirtley said the issues concerned her, and she wanted to be proactive.

Mr. Andrews asked if there was a measure of the impact of the failures.

Mr. Harper responded that when they began a prioritization exercise, they considered the condition of the infrastructure, the proximity to roads and buildings, and potential impacts to private property. He said that as they prioritized projects, they would take the consequences of failure into account.

Mr. Harper said that over the years, three discussions were part of a dedicated funding mechanism for a stormwater utility. He said that those conversations ended in 2018, but conversations continued with the Board about a potential program. He continued that at a 2019 meeting, they received feedback from the Board indicating a preference for the highest extent of service category.

Mr. Harper said that they wanted to limit the program's scope to the Comprehensive Plan's Development Areas. He said that they would consider what it meant for County properties and rights-of-way in the Rural Area. He said that infrastructure would include pipe and channel systems, where in the past they were more focused on channels. He said that they would refine the concept of the extent of service.

Mr. Harper said that they wanted to put together a two-year CIP (Capital Improvement Plan) to address the most critical needs that have come to their attention. He said that they wanted to perform further assessments. He said that they intended to implement the CIP by hiring contractors and engineers. He said that with a \$1 million budget based on 2019 costs, they would be able to complete 47 of the highest-ranking priority projects; 18 would be cast-in-place pipe projects, and five would be full pipe replacement projects. He said that they would address other minor projects, such as debris clearing around pipes.

Mr. Harper said that assessments would continue in the Urban Areas so that they would cover the entire Urban Area in five or ten years. He said that there were several processes and protocols that needed to be refined. He said that they needed to ensure they had a working data tracking system for the existing infrastructure, the improvements that have been made, and how often inspections have been performed. He noted that there were complications with working on private properties where there were no easements. He said that they would need to acquire public drainage easements for any work that would be performed. He said that for some work, they could gain rights of entry to perform assessments. He said that there was a need to enhance their understanding with local partner agencies and the associated responsibilities.

Mr. Harper said that the proposed program would require sustained funding. He said that the program was scalable, and it could be implemented at the level afforded by the funding for the program. He said that they wanted to initially use the existing water resource fund, and they planned to make appropriation requests through the annual budget process beginning in 2025.

Mr. Ryan Davidson, Deputy Chief of Budget, said that in FY15, the Board created a \$0.07 earmark from the real estate tax to support stormwater, operating, capital, and debt service expenditure obligations. He said that the earmark had varied from about \$1.1 million to \$1.7 million. He said that barring any future action from the Board, the earmark was set to continue to provide a funding stream for the work.

Mr. Davidson said that for FY 23, the allocation for the earmark was about \$1.7 million, and the majority of the funding went to operations programming. He said that FES (Facilities and Environmental Services) programming contained the operational budget for water resources, and CDD (Community Development Department) programming contained staff costs related to staff who dealt with Virginia Stormwater Management Program work. He said that some community agencies received a small portion of their funding depending on their work related to soil and water conservation and stream health initiatives. He said that there were two smaller amounts for debt service for previously done capital projects we have to pay the debt for that the County previously bonded, and an unallocated reserve that could be used for capital or operational issues.

Mr. Davidson said that an unallocated water resources fund balance had accumulated over the years of about \$2.25 million. He said that any uses of this fund balance had to be approved by the Board. He said that they anticipated coming back before the Board in March to request an appropriation of a portion of the unallocated funds. He said that there were other funding sources, such as grant funding, that had been used in the past.

Mr. Harper said that they would come back before the Board on February 15 and March 1. He said that at the February 15 meeting on the Consent Agenda, they intended to include a resolution for the Board to authorize staff to obtain deeds of easement for drainage infrastructure. He said he had mentioned the 2006 authorization, but they wanted to clarify the legal authority. He said that at the March 1 meeting, they would include an appropriation request to receive appropriated funds from the unallocated water resources reserve fund.

Ms. McKeel clarified that staff did not presently require action or direction from the Board.

Mr. Harper said that they were happy to receive any thoughts, direction, or ideas, but the presentation intended to provide an update on the program and notify the Board that they would be returning before the Board.

Ms. LaPisto-Kirtley clarified that they would be addressing 47 of the highest-priority projects.

Mr. Harper said that was an example provided if they wanted to construct a \$1 million package. He said that funding may be lower or higher, and that would impact the number of projects.

Ms. LaPisto-Kirtley asked how many projects were on the priorities list.

Mr. Harper responded that there were years and years of projects. He said that the program should be thought of as permanent.

Ms. LaPisto-Kirtley asked how many total projects were on the list.

Mr. Harper said that the 47 projects were only about 10% of the identified issues. He said that some issues were minor, such as a cracked pipe.

Ms. LaPisto-Kirtley said that the request seemed reasonable.

Mr. Andrews said that when the County had a deed of easement, it was the expectation that the County was responsible for maintenance of the easement. He said that the issue had come before the Board. He said that just because the County had the right doesn't mean it had the obligation, and the public had expectations. He asked if the deeds of easement would be acquired as needed or if they were acquired ahead of time.

Mr. Harper responded that they expected to obtain easements as needed. He explained that acquiring the deeds of easement for all of the infrastructure would take about 10 years.

Ms. Mallek said that she assumed people were welcoming to staff when they came to ask for an easement to do repairs because they were providing significant assistance to them.

Mr. Gallaway asked who performed the maintenance of pipes, drains, and other infrastructure in other jurisdictions.

Mr. Harper responded that it was the public works department.

Mr. Gallaway said that they had to consider what a public works department would look like in the Development Areas and what its scope would be. He said that isolating funding for water resources may not be the best approach, and it would rather be better to create a public works department. He said that the street sweeper program should also be under a public works department. He said that the Rural Area would complicate how they thought about a public works department. He noted that there would be other urban infrastructure needs. He noted the cost would include capital and operating costs.

Mr. Lance Stewart, Director of Facilities and Environmental Services (FES), responded that the number of people who performed the work varied. He said that public works crews typically cleared ditches, rebuilt drain inlets, and replaced small, shallow pipe segments. He said that there was a point where they needed construction contractors to perform larger projects. He said that there were contractors that they used that had the same type of equipment as the City, and they were reasonably priced.

Mr. Stewart said that they would need to consider the cost of the equipment, the cost of the contractor, the frequency of the maintenance, and the cost of labor. He said that the Strategic Plan went from “create a public works department” to determine the extent and level of service of public works functions. He said he discussed plans with staff to engage the Board about what it meant to them as a first step in developing program recommendations and implementation measures for a future budget discussion.

Mr. Gallaway said that the Board had committed in the Rio Small Area Plan to maintaining more public spaces, and that commitment could include water related items. He said that they needed to consider the costs and plan a schedule to have a better chance of succeeding. He said that they should consider creating a service district that would focus on a wider scope of services.

Mr. Gallaway said that the County had been in reactive mode, going and dealing with problems that come up, but the work with scanning the pipes would allow staff to get ahead so they won't be in reactive mode, and it's always most cost efficient to be in proactive mode rather than reactive mode.

Ms. Price said she appreciated the focus on the Urban and Development Areas. She said that there needed to be standards if they were to expand beyond that. She said that the public works department would be more appropriate given the density of the Development Area. She said they should move forward as quickly as possible on the 10% of the pipes that were failing.

Ms. McKeel noted that they were doing climate change work, and they were receiving above-average rainfall. She clarified that the water resource management work connected to the climate change work. She asked for more details about how the work connected to climate change.

Mr. Harper said that climate change was leading to more intense weather, such as drought and increased flooding, and that would stress the current system. He said that it was critical that they understand the weaknesses of the system and be proactive in assessing issues to be resilient.

Mr. Richardson, County Executive, noted that the program was scalable, which was important. He said that staff worked hard to provide the information. He said that as they moved through the budget process, the Board would consider all six of the strategic priorities, and they would have to match the needs with the revenue capacity. He said that they would integrate the feedback into the proposal and into the budget process.

Ms. Price said that as they moved forward, they would have to address new construction, building acquisition, building maintenance, and infrastructure maintenance. She said that staff would return to reaffirm a 2006 resolution authorizing the County Executive to accept deeds of easement for drainage infrastructure and to make a request to appropriate funds.

Agenda Item No. 12. Closed Meeting.

At 4:24 p.m., Ms. LaPisto-Kirtley **moved** the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning alleged violations of the Virginia Freedom of Information Act, in the case styled *Schilling v. Albemarle County Board of Supervisors*; and
- Under Subsection (4), concerning a matter implicating the protection of the privacy of individuals in personal matters not related to public business.

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.

Agenda Item No. 13. Certify Closed Meeting.

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

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

recorded vote:

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

Non-Agenda Item: Announcement of Zoom meeting link change for February 1, 2023.

Ms. Price announced that for the next scheduled meeting on February 1, 2023, there would be a temporary change to the Zoom meeting link for virtual participation, and for the February 15 meeting, a permanent change to the Zoom meeting link would occur. She said that after the change to the meeting link for the February 15 meeting, the link was not expected to change again. She said that remote participants via Zoom were advised to go to the participation guide for public meetings on the Board's webpage to access the correct links for each meeting.

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

Mr. Richardson, County Executive, reported that during a 12-week abbreviated recruit school led by ACFR (Albemarle County Fire Rescue) career staff, a class of six firefighters with previous experience went through skill evaluations and reviewed the ACFR fire and emergency medical services treatment protocols. He said that the largest-ever class at the recruit school of 23 recruits began later in the month. He said that the abbreviated recruit school was due to the recruits' prior experience.

Mr. Richardson said that Firefighter Christopher Oakley and Firefighter Benjamin Noble recently received the Fire and Rescue Award for Valor. He explained that the award was given in recognition of fire and rescue members who demonstrated exceptional bravery, selflessness, and commitment to the mission. He said that Mr. Oakley and Mr. Noble saved a woman's life during a residential structure fire.

Mr. Richardson said that over the holidays, over 458 toys were collected at the Yancy Community Center during a toy drive led by the Blue Ridge Health District (BRHD). He said that 12 families were adopted through the Angel Tree by FES, CDD, and County Executive staff. He said that they received more than \$1,500, carloads of toys, and several dozen bicycles donated by the Police Department (PD) and Police Foundation. He said that several hundred dollars of emergency food, personal care, and diaper products were provided for the DSS (Department of Social Services) food pantry.

Mr. Richardson said that Christmas tree drop-off would finish on that Friday, January 20, and that mulch would be available on January 23 at Darden Towe Park.

Mr. Richardson said that on January 1, the \$0.05 tax on disposable plastic bags took effect at grocery stores, convenience stores, and pharmacies. He said that in December, the community connectors visited 80 County businesses affected by the new tax to distribute information, answer questions, and serve as a resource for the businesses.

Mr. Richardson said that the Albemarle County Affordable Connection Program (ACP) had been launched to supplement the federal program which applied a \$30 per month discount to internet service bills of income-eligible households. He said that the County program provided an additional \$20 per month discount. He said that the program was only for Comcast customers, but they were actively working to expand the program to other service providers. He said that people could visit affordableconnectivity.gov to enroll in the ACP program, and they should reach out to the Broadband Office to receive the additional \$20 discount.

Mr. Richardson said that the new Human Resources Information System (HRIS) launched in October, and in November, staff underwent the first open enrollment using the new system. He said that the HRIS integrated with the payroll system which went live one year ago. He said that another module, the learning management system module, was set to launch the following week, and it would integrate professional development and training with employee records. He said that the module would make it easy for staff to ensure compliance and track organizational training and career development.

Mr. Richardson said that the community development system project was continuing to progress through the procurement process, and they were working to prepare for the development and migration of the system. He said the projects were connected to the County's business process optimizations.

Mr. Richardson said that in January, they launched a new employee orientation for all new local government staff. He said that the two-day training included benefits, policies, organizational core values, work-life balance, emotional intelligence, and Diversity 101. He said that two such trainings had been held, and two senior leaders had expressed interest in attending the training. He said that it was intended to provide a good first impression to newly onboarded employees.

Mr. Richardson said that before they began construction on the Levy Opera House site for the Courts renovation and expansion project, an archaeological study began in the parking area between the Levy building and the Redlands Club. He said that the site was the former site of the Swan Tavern, owned by Jack Jouett's father, John. He said that an archaeologist had dug 60 test holes 2 inches deep and 1.5 feet in diameter to see if any artifacts are uncovered. He said that the test holes were complete, and they were evaluating whether further tests were needed on the site. He said that they hosted members of the local media to tour the site and view the work.

Mr. Richardson said that during the previous week, Mr. Peter Lynch, County Assessor, provided summary data from the 2023 Reassessment process. He said the individual letters would be mailed on January 20, and the information could be viewed online through the GIS Web on January 21. He stated that the GIS (Geographical Information System) Web could be found on the <albemarle.org> website.

Mr. Richardson said that staff worked to develop a draft budget, and he planned to present a recommended budget on February 22.

Mr. Richardson said that there had been a lot of community interest in traffic issues heightened by recent crashes that involved motorists and other road users, pedestrians, and cyclists. He said the ACPD (Albemarle County Police Department) was working to plan three townhalls where they would share data on traffic trends and how drivers could do their part to make a safer County. He said that dates for the townhalls would be announced later in the week.

Mr. Richardson announced that it was a good time for residents to take stock of their household preparedness for snow, ice, and power outages. He said that it was a good practice to keep 72 hours of food, medicine, and other essentials in the home. He encouraged people to sign up for Code Red at <communityemergency.org> and the County's newsletter at <albemarle.org> and to follow the County's social media channels to stay informed before, during, and after severe weather.

Ms. LaPisto-Kirtley asked for clarification regarding Code Red notifications and sign-up.

Ms. Emily Kilroy, Assistant to the County Executive, responded that people could sign up for Code Red through <communityemergency.org>, and the website was operated by the Emergency Communications Center. She said that it was a text-based system for emergency alerts.

Mr. Gallaway commented that many businesses were reminding customers of the plastic bag tax.

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

There were none.

Agenda Item No. 16. **Public Hearing: Ordinance to Establish a Fraud, Waste, and Abuse Reporting System.** To receive public comment on its intent to adopt the Fraud, Waste, & Abuse Reporting System ordinance which is an online reporting system for employees and the public to anonymously communicate concerns about financial fraud, waste, and abuse pursuant to Virginia Code § 15.2-2511.2. In addition, the Board of Supervisors will also receive public comment on its intent to adopt a resolution to name a Fraud Waste & Abuse auditor.

The Executive Summary as forwarded to the Board states that according to the Government Finance Officers Association (GFOA), every "government [should] establish policies and procedures to encourage and facilitate the reporting of fraud, waste or abuse." Virginia Code §15.2-2511.2, Duties of Local Government Auditors, permits the County to adopt an ordinance establishing an office of Fraud, Waste and Abuse Auditor.

Under the authority of Virginia Code §15.2-2511.2 and presented within the proposed ordinance to establish an Office of Fraud, Waste, and Abuse Auditor (Attachment A), the Auditor will administer a telephone hotline and a website through which employees and residents of the County may report anonymously any incidence of fraud, waste, or abuse committed by any officer, or within any department or program, of the County. The Auditor will determine the materiality and authenticity of allegations received to the hotline or website and ensure that investigation and resolution activities are undertaken in response to material and authentic allegations in the most cost-effective and confidential manner available, within the Auditor's discretion. The Auditor shall assign responsibility for investigation and resolution to other investigative and law-enforcement personnel where such responsibility is prescribed by general law and appropriate, to avoid duplicating existing investigation and resolution functions.

To protect the anonymity of the reports, staff will contract with a third-party to provide an anonymized web-based reporting platform. The reports will then be routed to the Auditor for further investigation. The attached resolution (Attachment B) appoints the Chief, Shared Services, Enterprise Risk Management & Analytics within the Department of Finance and Budget as the Auditor until such time as the County establishes the position of Internal Auditor. The Internal Auditor will be substituted for the Chief, Shared Services, Enterprise Risk Management & Analytics once established. The Auditor will be under the supervision of the Director of Finance.

The effective date for the establishment of the Fraud, Waste, and Abuse Auditor and appointment of such Auditor is February 1, 2023.

There will be minimal budget impact as the cost for the web-based reporting platform was incorporated into the Fiscal Year 2023 budget and appropriation.

Following the public hearing, staff recommends that the Board approve an ordinance to establish an office of fraud, waste and abuse auditor (Attachment A), and a resolution appointing the

Chief of Shared Services, Enterprise Risk Management & Analytics as the Fraud, Waste and Abuse Auditor (Attachment B).

Ms. Nelsie Birch, Chief Financial Officer, said that the Office of Finance and Budget had a lot of regulatory compliance to comply with, and they had several best practices to follow. She said that the fraud, waste, and abuse reporting system was a best practice. She said that the system was the first phase of creating an internal auditing program. She said that the County currently had an external auditor.

Ms. Birch said that the County did not have an internal auditing program to review and test the organization's internal controls and ensure they followed policies and procedures as established. She said that the system would establish a reporting system to see and test if there was an issue. She said that currently, the process was decentralized, and the County did not have a system to appropriately gather information reported by the public or employees of fraud, waste, or abuse.

Ms. Birch said that they were requesting public feedback. She said that the establishment of the program was not suggesting that there were issues of fraud, waste, or abuse in the County. She said that they currently did not have a system to evaluate issues that may arise in the future.

Ms. Newsha Dau, Policy and Performance Manager, said that Government Finance Officers Association (GFOA) was the authority on government financial management. She said that according to the GFOA, it was a best practice to have a fraud, waste, and abuse system. She said that Virginia Code § 15.2 permitted the County to adopt an ordinance establishing an Office of Fraud, Waste, and Abuse auditor and an anonymous program. She said that they had selected a third party to administer the reporting website to ensure the anonymity of the reporting individuals.

Ms. Dau said that fraud, waste, and abuse had been included in the Code of Ethics and Conflict of Interest policy currently being updated by HR (Human Resources) and a policy review committee to ensure that the expectations of their staff were laid out clearly in writing. She said that they used several jurisdictions as models for the County's proposed system. She said that they found a third-party platform, Ethical Advocate, from Arlington County and Loudon County. She explained that Ethical Advocate was a woman and veteran-owned independent company providing fraud, waste, and abuse reporting systems throughout the country.

Ms. Dau said that they would have a voicemail for people to leave tip messages if they did not want to use the online reporting platform. She said that because the phone system had caller ID, the voicemails, unfortunately, would not be anonymous.

Ms. Dau said that to report a complaint, an individual would first observe suspicious activity. She said that individuals would then create an account to report the activity on the website, or they could leave a voicemail. She said that an investigator would conduct research, make a determination, and update the status of the case on the website. She said that the Risk Management team worked with relevant departments and the County Executive to address the issues. She said that the reporting individual could check the website for a status, and an annual report with trends and performance data would be presented to the County Executive and Audit Committee.

Ms. Dau said that the fraud, waste, and abuse reporting website would be available in many languages and would include a welcome letter from the County Executive and a copy of the County's Ethics and Conflict of Interest Policy on the front page. She said that they did not expect to receive a large volume of reported issues. She said that Arlington County and Hanover County received about 25 to 30 reporting issues per year.

Ms. Dau said that they were currently preparing the system, and they had publicized the resolution. She said that if the proposal was approved after the public hearing held that day, the program would be advertised to the community through January and February, and they planned to make the program live on February 1.

Ms. Dau said that if the program was approved, the Communications and Public Engagement (CAPE) Office and the Department of Finance and Budget would publicize to staff via email, at each new employee orientation, and with flyers posted in government buildings. She said they would publicize to the community via community digest, press releases, and media advisories. She said they would also present it at a town hall meeting for staff, and that there would be a new web-landing page on the County's website with frequently asked questions and definitions. She said that staff recommended the Board adopt the proposed ordinance to establish an Office of Fraud, Waste, and Abuse Auditor and to approve the resolution to appoint the Chief, Shared Services, Enterprise Risk Management, and Analytics as the fraud, waste, and abuse auditor.

Ms. McKeel clarified that they would receive an annual report.

Ms. Dau responded that they would provide an annual report with trends and audit data to the Audit Committee and the County Executive.

Ms. McKeel clarified whether the report would be presented to the Board.

Mr. Richardson, County Executive, said that Mr. Gallaway and Mr. Andrews represented the

Board on the Audit Committee. He said that at any time, either supervisor could provide the Board with a report from the committee or could speak to them privately. He said that they would not formally present the item to the Board unless directed to do so.

Ms. McKeel said that she was interested in the topics of the report.

Mr. Andrews clarified that people would sign into their accounts to check the status of the report.

Ms. Dau said that was correct. She said that there were several different statuses that an item could have—preliminary assessment, investigation, decision, appeal, review, or resolution. She said that specific details were not included.

Ms. Mallek noted there was concern among the community about phone reports and caller identification. She clarified that only Ethical Advocate would have access to the log-on information.

Ms. Dau said that was correct. She said that Ethical Advocate's servers stored the username and password information, but they did not store any other identifying information, such as IP addresses. She suggested users not use identifying information in their usernames or passwords.

Mr. Gallaway asked if the third party assisted in filtering out nuisance complaints.

Ms. Dau responded that the County was working on internal thresholds and filters, but the third party did not filter the complaints. She said that the County received all of the complaints.

Ms. Birch said that it was a concern of theirs, and they planned to improve. She said that the operating procedures would be important for investigative staff. She said that they would work internally to only pursue items that had merit.

Mr. Gallaway clarified that the investigative decisions would be reviewed by the Audit Committee.

Ms. Birch said that was correct.

Ms. Price opened the hearing for public comment and asked the Senior Deputy Clerk if there were any speakers. Hearing none, she closed the public hearing.

Ms. McKeel clarified that they would be able to do internal audits through the program and that they performed an official annual audit released to the community.

Mr. Gallaway said that an anonymous internal reporting system helped with guilt an individual might feel when reporting a coworker.

Ms. Price said that this was one of the most non-controversial actions the Board could take as stewards of the public's trust and funds. She noted that it established best practices and documented the culture of the County and the standard of excellence. She said that it was important for the public to be aware of the matter, and it was critical for public trust.

Mr. Andrews **moved** to adopt the ordinance (Attachment A) to establish an office of fraud, waste and abuse auditor.

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.

Mr. Andrews **moved** to adopt a resolution appointing the Chief of Shared Services, Enterprise Risk Management & Analytics as the Fraud, Waste and Abuse Auditor (Attachment B).

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.

ORDINANCE NO. 23-A(1)

AN ORDINANCE TO ESTABLISH AN OFFICE OF FRAUD, WASTE, AND ABUSE AUDITOR

WHEREAS, Section 15.2-2511.2 of the Code of Virginia permits the County to adopt an ordinance establishing an office of Fraud, Waste, and Abuse Auditor to perform certain functions specified in that section; and

WHEREAS, the Board of Supervisors recognizes that fraud, waste, and abuse of County resources is harmful to the residents of Albemarle County and undermines the efficient administration of County government.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that:

There is created within the Department of Finance an office of Fraud, Waste, and Abuse Auditor ("Auditor"). The Auditor is responsible for conducting investigations of any officers, departments, or programs for fraud, waste, and abuse, as those terms are defined in Section 15.2-2511.2 of the Code of Virginia.

The Auditor shall administer a telephone hotline and a website through which employees and residents of the County may report anonymously any incidence of fraud, waste, or abuse committed by any officer, or within any department or program, of the County.

The Auditor shall determine the materiality and authenticity of every allegation received on the hotline or website and ensure that investigation and resolution activities are undertaken in response to material and authentic allegations in the most cost-effective and confidential manner available. What manner is most cost-effective and confidential is within the Auditor's discretion.

However, the Auditor shall assign responsibility for investigation and resolution to other investigative and law-enforcement personnel where such responsibility is prescribed by general law and where appropriate to avoid duplicating or replacing existing investigation and resolution functions.

The Auditor may set the conditions of anonymity that apply to employee and resident reports.

The Auditor may advertise the hotline and website, and the conditions of anonymity, through the conspicuous posting of announcements in the locality's personnel newsletters, articles in local newspapers issued daily or regularly at average intervals, hotline posters on local employee bulletin boards, periodic messages on local employee payroll check stubs, or through other reasonable efforts.

This ordinance shall become effective on February 1, 2023.

RESOLUTION
APPOINTING A FRAUD, WASTE, AND ABUSE AUDITOR

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board" and the "County") that, upon the recommendation of the Director of Finance, the Chief, Shared Services, Enterprise Risk Management & Analytics is hereby appointed the Fraud, Waste, and Abuse Auditor ("Auditor") for the County under Virginia Code § 15.2-2511.2, and this appointment is effective on and after February 1, 2023; and

BE IT FURTHER RESOLVED that, at such time as the County establishes the position of Internal Auditor, the Internal Auditor shall be substituted for the Chief, Shared Services, Enterprise Risk Management & Analytics, as the Auditor for purposes of this resolution and Ordinance 23-A(1); and

BE IT FURTHER RESOLVED that the Auditor will serve at the pleasure of the Board for an indefinite tenure under Virginia Code § 15.2-513; and

BE IT FURTHER RESOLVED that the Auditor will have the powers and duties stated in Virginia Code § 15.2-2511.2 and in Ordinance 23-A(1); and

BE IT FURTHER RESOLVED that the Auditor shall act under the supervision of the Director of Finance.

Agenda Item No. 17. **Public Hearing: SP202200019 The Keswick School.**

PROJECT: SP202200019 The Keswick School

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 08000-00-00-11000

LOCATION: 505 Little Keswick Ln

PROPOSAL: An amendment to an existing special use permit for a private school use.

PETITION: A request for a special use permit amendment under Section 18-10.2.2 to modify the conceptual plan to include a new arts center, storage building, and horse barn. The proposed amendment does not include any increase in student enrollment.

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

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT: EC Entrance Corridor, FH Flood Hazard Overlay

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) in Rural Area 2 of the Comprehensive Plan.

The Executive Summary forwarded to the Board states that at its meeting on October 25, 2022,

the Planning Commission (PC) voted 5:0 to recommend approval of SP202000019 for the reasons and with the conditions stated in the staff report.

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

The PC raised no objections to The Keswick School's request for a special use permit amendment but did ask a few clarifying questions. No members of the public spoke at the public hearing on this proposal.

One of the questions the PC raised was to clarify the date of the fire that destroyed one of the campus buildings, in part necessitating the need for this special use amendment request. The Applicant confirmed that the fire was in March of 2021 and has since revised the Application Narrative to the correct date. Staff has provided this amended narrative in Attachment A3.

In addition, the Commission raised concerns regarding the species of required landscaping identified in the conditions. These conditions are from the prior special use permit (SP200700009). Staff believes because the landscaping is already established and has had approximately 15 years to mature, it would be appropriate to allow the existing vegetation to remain. However, staff has recommended revised conditions (2 and 3) that would allow landscaping to be replaced with native species in the Albemarle County Recommended Plants List. Following the PC meeting, the County Attorney's Office also suggested non-substantive clarifications to the proposed conditions:

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "SP202200019 Keswick School Concept Plan," last revised September 26, 2022. To be in general accord with the Conceptual Plan, development must reflect the location of buildings and parking areas, which is essential to the design of the development. Minor modifications to the plan that do not conflict with this essential element may be made to ensure compliance with the Zoning Ordinance or improve safety.
2. Along the eastern-most boundary with Parcel 80-114A, a planting screen approximately 124 feet long and 17 feet wide, as shown on the Conceptual Plan, must be established and maintained. The planting material must consist of either:
 - a. a minimum of 17 Leyland Cypress, each a minimum of eight feet in height, planted approximately six feet on center; or
 - b. landscaping included in the Albemarle County Recommended Plants List and to the satisfaction of the Director of Planning.
3. Along the other boundary with Parcel 80-114A, a planting screen approximately 340 feet long and 40 feet wide must be established and maintained from the existing gym building to the Depot building, as shown on the Conceptual Plan. The planting material must consist of either:
 - a. Starting at the gym and proceeding towards the Depot building, the first 260 feet in length must be planted with a minimum of 45 Juniperus Virginia, each a minimum of eight feet in height, planted approximately six feet on center. The remaining 80 feet in length must be planted with a minimum of 13 Leyland Cypress, each a minimum of six feet in height, planted approximately six feet on center; or
 - b. landscaping included in the Albemarle County Recommended Plants List and to the satisfaction of the Director of Planning.
4. Enrollment must not exceed 35 students.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve P202200019 The Keswick School with the revised conditions.

Mr. Kevin McCollum, Senior Planner, said that the proposed special use permit amendment was for a private boarding school in Keswick. He said that the subject property was located at 4075 Keswick Road near the intersection of Keswick Road and Route 22, Louisa Road. He said that the site was located east of the City. He noted that the property was 22 acres and was zoned Rural Areas (RA).

Mr. McCollum said that the property had been home to a private boarding school, known as The Keswick School, since the 1960s. He said that the property had several buildings and structures associated with the school, including dormitories, classrooms, a gym, a pond, playfields, offices, and associated parking. He said that the surrounding area included rural area uses, such as low-density residential, agricultural, farmlands, a blacksmith, and nearby churches.

Mr. McCollum said that the most recently approved special use permit for the private school use was from 2007. He said that the school had an approved site plan. He said that the maximum enrollment at the school was 35 students. He said that the applicant had requested an amendment to the existing special use permit to modify the conceptual plan to include a new arts building, a storage building, and a horse barn. He said that no increase to student enrollment was proposed. He said that the applicant indicated the need for the new structures was a result of a recent fire that destroyed one of the school's multi-purpose buildings, and to meet the needs of the student population.

Mr. McCollum said staff believed the proposed new structures would not be detrimental to surrounding structures, would not change the character of the nearby area, would keep the school in harmony with the RA district, and it was consistent with the Comprehensive Plan. He said that staff did not identify any concerns associated with the application. He said that staff recommended adoption of the

resolution, Attachment D, to approve SP202200019, the Keswick School, with the revised conditions.

Ms. Price opened the public hearing and asked the Senior Deputy Clerk if there were any speakers other than the applicant.

Travis Morris, Senior Deputy Clerk, said there were none.

Mr. Andrews read the rules for public hearing.

Mr. Mark Columbus, Head of School Keswick School, said that he had been head of the school for 30 years. He said that Abrahams and Company was the school's preferred builder, and representatives were present at the meeting. He said that they had recently renovated the Keswick Train Depot, an iconic structure built in the 1850s.

Mr. Columbus said that the school would be celebrating its 60th year of operation. He said that they were characterized by their stakeholders as a therapeutic, special education, boarding school. He said that boys came to the school from across the country and internationally. He said that their mission was to enhance academic, social, and emotional growth. He noted some students went to Ivy League schools, such as Harvard, while other students may go to other supportive, therapeutic programs. He said that the average length of stay at the school was two years.

Mr. Columbus said that they were licensed by the Virginia Department of Education (DOE) and the Virginia Department of Behavioral Health and Development Services (DBHDS). He said that they were licensed by the Virginia Association of Independent Specialized Education Facilities (VAISEF) which aided in the distribution of academic transcripts.

Mr. Columbus said that on March 27, 2021, there was a fire on the property. He said that 20 trucks arrived at the school to fight the fire. He said that the building that burned was a timber-frame building with chestnut beams.

Mr. Columbus said that the request to modify the concept plan was to replace the buildings they lost. He said that arts programs were important for the school and for students to find their space. He said that they had modified buildings and expanded a garage to establish a temporary shop. He said that the conceptual plan proposed a building outside of the water protection ordinance buffer. He said that the arts building would be 8,400 square feet.

Ms. McKeel said that she only heard positive comments about the Keswick School when she served on the School Board.

Mr. Columbus said that they were intentional about their work.

Ms. LaPisto-Kirtley said that she attended a presentation and tour at the school.

Mr. Columbus said that they had become a nonprofit in 2016 which helped the school fiscally.

Ms. Mallek asked if there would be benefits from the purpose-built buildings.

Mr. Columbus said that there was always a positive. He said that they were able to get new shop equipment from the insurance payout. He said that students would be better served as the project completed.

Mr. Columbus said that each student had an advisory team that talks with the students' primary therapist. He said that they employed a child adolescent psychologist, and many of the medications were titrated back. He said that the students were able to work and understand their own disabilities. He said that the boys met with a group of adults to talk about goals and what they were working on.

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

Ms. LaPisto-Kirtley asked if the Keswick School offered scholarships.

Mr. Columbus responded that the nonprofit status allowed them to distribute \$800K of scholarship funds.

Ms. LaPisto-Kirtley **moved** to adopt the attached Resolution (Attachment D) to approve P202200019 The Keswick School with the revised conditions.

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

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

RESOLUTION TO APPROVE SP202200019 THE KESWICK SCHOOL

WHEREAS, upon consideration of the staff reports prepared for SP 202200019 The Keswick School and all of their attachments, including staff’s supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(5) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200019 The Keswick School, subject to the conditions attached hereto.

* * * * *

SP202200019 The Keswick School Special Use Permit Conditions

- 1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled “SP202200019 Keswick School Concept Plan,” last revised September 26, 2022. To be in general accord with the Conceptual Plan, development must reflect the location of buildings and parking areas, which is essential to the design of the development. Minor modifications to the plan that do not conflict with this essential element may be made to ensure compliance with the Zoning Ordinance or improve safety.
- 2. Along the eastern-most boundary with Parcel 80-114A, a planting screen approximately 124 feet long and 17 feet wide, as shown on the Conceptual Plan, must be established and maintained. The planting material must consist of either:
 - a. a minimum of 17 Leyland Cypress, each a minimum of eight feet in height, planted approximately six feet on center; or
 - b. landscaping included in the Albemarle County Recommended Plants List and to the satisfaction of the Director of Planning.
- 3. Along the other boundary with Parcel 80-114A, a planting screen approximately 340 feet long and 40 feet wide must be established and maintained from the existing gym building to the Depot building, as shown on the Conceptual Plan. The planting material must consist of either:
 - a. Starting at the gym and proceeding towards the Depot building, the first 260 feet in length must be planted with a minimum of 45 Juniperus Virginia, each a minimum of eight feet in height, planted approximately six feet on center. The remaining 80 feet in length must be planted with a minimum of 13 Leyland Cypress, each a minimum of six feet in height, planted approximately six feet on center; or
 - b. landscaping included in the Albemarle County Recommended Plants List and to the satisfaction of the Director of Planning.
- 4. Enrollment must not exceed 35 students.

Agenda Item No. 18. **Public Hearing: SP202200018 St. Paul’s Ivy Church Preschool.**
PROJECT: SP202200018 St. Paul’s Ivy Church Preschool
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL: 058A2-00-00-01800, 15.32 acres
LOCATION: 851 Owensville Rd./773 Neves Ln. in Ivy
PROPOSAL: Request for a preschool of up to 24 students within the existing building (851 Owensville Rd.) and using existing parking. Typical hours of operation 9am-2pm, Monday-Friday.
PETITION: Section 18-12.2.2(7) Child Day Center
ZONING: VR Village Residential 0.7 unit/acre
ENTRANCE CORRIDOR: No
OVERLAY DISTRICT: None
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) in Rural Area 3 of the Comprehensive Plan.

The Executive Summary as forwarded to the Board states that at its meeting on October 25, 2022, the Planning Commission (PC) voted 5:0 to recommend approval of SP202200018 for the reasons and with the conditions stated in the staff report.

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

The PC raised no objections. No members of the public spoke at the public hearing on this proposal.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202200018 for a preschool of up to 24 students per day.

Ms. Rebecca Ragsdale, Planning Manager, said that the special use permit request was for a preschool. She said that a preschool was proposed with a total enrollment of 24 students at the existing St. Paul's Ivy Church located on Owensville Road near the Village of Ivy. She said the property was 15 acres, was zoned village residential, and was designated as Rural Areas in the Comprehensive Plan. She noted that the subject parcel and surrounding parcels were part of the former Village of Ivy. She said that nearby uses included non-residential uses, such as Scotts-Ivy Exxon, the Ivy Proper building, and the Ivy Commons Shopping Center, and rural residential uses to the north.

Ms. Ragsdale said that there was a cemetery on the property along with buffering around the parcel to surrounding residential uses. She said that there was an existing playground and ample parking for the use. She said the proposed enrollment was 24 students, and they would utilize the existing parking, playground, and entrance. She noted that there was a driveway loop for pickup and drop-off, which had been reviewed by VDOT and Transportation staff, and that staff parking had been designated. She said that the program was a half-day with an extended day option until 2 p.m. available. She said that the use would operate Monday through Friday.

Ms. Ragsdale said that special use permits were analyzed to ensure there was no detriment to abutting properties, no significant change in the character of the surrounding area, promoted public safety, health, and general welfare, and consistency with the Comprehensive Plan. She said that VDOT had reviewed the entrances and transportation planning, and applicants would work with the building official for any necessary permits. She said that no detrimental impacts or concerns were identified.

Ms. Ragsdale said that in October, the Commission voted unanimously to recommend approval of the proposal, and they did not note any objections or concerns. She said that no public feedback was received at the public hearing of the Planning Commission. She said that staff recommended approval with conditions related to where fencing should be added, pickup and drop-off entrances, areas of activities for children, and enrollment and hours of operation.

Ms. Mallek asked how people would exit the property.

Ms. Ragsdale said that there were two connections to Owensville Road for vehicles to enter and exit.

Ms. Mallek clarified that people would be leaving at 9 a.m., and that it would be interesting getting across the outbound people.

Ms. Ragsdale said that they had driven around the area.

Ms. Mallek noted that the area used to back up during rush hour.

Ms. Ragsdale said that VDOT had reviewed the site, so staff believed the plan would work. She noted that there were only 24 students, and drop-off was staggered.

Ms. Price opened the public hearing.

Ms. Melissa Kelly, co-director and teacher at the preschool, said that she became an early-childhood educator 19 years ago. She said that there was a need for early-childhood education, and preschool offerings had not been able to meet the increased demand in the County. She said that nearly all of the Christian and secular preschools in the area had waitlists.

Ms. Kelly said that their proposal to host a preschool in the church was approved by the governing board the prior spring. She said that the preschool would serve as an extension of the church's existing ministry. She said that they intended to create a small, Christian-based educational experience to prepare children for kindergarten. She said that they would focus on Bible stories taught through the Godly-play curriculum based on the Montessori-style curriculum. She said that they would focus on social and emotional learning, literacy, math, science, music, and art. She said that they were committed to providing an evidence-based, early-childhood education experience. She said that they would have small student-to-staff ratios and regular opportunities for families to interact with the church, the school, and within the community.

Ms. Kelly said that they would have a maximum enrollment of 24 students and four staff. She said that the half-day program would operate from 9 a.m. to 12 p.m. with an optional stay-and-play program from 12 p.m. to 2 p.m. She said that they estimated about 20% of families would use the extended day. She said that they hoped to serve families in the local areas of Ivy and Crozet.

Ms. McKeel clarified that the preschool would only benefit families working from home based on the hours.

Ms. Kelly said that was correct. She said that they had a lot of families where one parent worked from home. She said that they hoped to have a broader reach because parents would be able to use the

stay-and-play option.

Ms. LaPisto-Kirtley clarified whether there would be an option for students to stay longer than 2 p.m.

Ms. Kelly said that they had not bridged the gap yet.

Mr. Andrews asked how the student-to-staff ratio worked with the 24 students and four staff.

Ms. Kelly responded that there would be three classes and two classrooms. She said that one classroom would have Monday/Wednesday/Friday classes for three-year-olds and Tuesday/Thursday classes for two-and-a-half-year-olds and young three-year-olds. She said that the other classroom would be used Monday through Friday for the Pre-K program. She said that the student-to-staff ratio in both classrooms would include one lead teacher and one teaching assistant. She said that she and Ms. Allison Cretlow, the two co-directors, would serve as the lead teachers for the program.

Mr. Andrews noted that the conditions specifically stated that the use would extend until 2:30 p.m. He asked for clarification regarding the limitation.

Ms. Kelly responded that staff would arrive around 8:30 a.m., and pickup and drop-off would begin at 9 a.m. She said that 2:30 p.m. was provided as an extension to close.

Mr. Andrews asked whether the Board would have to grant further approval for the use to go longer than 2:30 p.m.

Ms. Ragsdale said that hours of operation were typically limited to off-peak times. She requested more information from the County Attorney as to whether they could make the condition less restrictive.

Mr. Andrews proposed that the applicant be allowed to extend the use past 2:30 p.m. without coming back before the Board for further approval.

Ms. Kelly said that the intention was for the use to not act as a daycare. She said that the operating hours would set forth the intention of the program.

Ms. Price said that that exchange should have technically happened during the public hearing. She reopened the public hearing to consider the evidence offered and to accept any further questions from the Board to staff or the applicant.

Ms. Mallek said that inclement weather or other extenuating circumstances that caused the students to shelter in place would not be governed by the operating hour limitations required in the condition.

Ms. Ragsdale said that was correct.

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

Mr. Gallaway said he hoped the school would be able to increase its enrollment. He noted that the space could accommodate the use.

Ms. Price said that the County needed additional childcare resources. She said she supported the application.

Mr. Andrews **moved** to adopt the Resolution as presented in Attachment D to approve SP202200018 St. Paul's Ivy Preschool with conditions as recommended in the staff report.

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.

**RESOLUTION TO APPROVE
SP202200018 ST. PAUL'S IVY CHURCH
PRESCHOOL**

WHEREAS, upon consideration of the staff reports prepared for SP 202200018 St. Paul's Ivy Church Preschool and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(7) 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 202200018 St. Paul's Ivy Church Preschool, subject to the conditions attached hereto.

* * * * *

**SP202200018 St. Paul's Ivy Church Preschool
Special Use Permit Conditions**

1. Development of the use must be in general accord with the conceptual plan submitted on 7/15/2022. To be in general accord with the conceptual plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of buildings, preschool, and playground areas;
 - b. Location of parking areas;
 - c. Site access, including pick-up and drop-off locationMinor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications to pick-up and drop-off may be made at the time of a Zoning Clearance and subject to approval by VDOT.
2. Playground fencing is required at the time of Zoning Clearance.
3. Signage for pick-up and drop-off location and circulation may be required at the time of Zoning Clearance to ensure safe vehicular circulation.
4. Enrollment may not exceed twenty-four (24) children/students.
5. The hours of operation for the preschool may not exceed 8:30 a.m.-2:30 p.m. Monday through Friday.

Agenda Item No. 19. **Public Hearing: SP202200021 Hollymead Substation Expansion.**

PROJECT: SP202200021 Dominion Hollymead Substation Expansion

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 03200-00-00-03700, 6.72 acres

LOCATION: 3317 Worth Crossing

PROPOSAL: Request for an approx. 0.77 acre expansion of the existing Dominion Energy Virginia electric substation to allow for new equipment, fencing, and stormwater management. Currently, the substation covers 1.59 acre and following the proposed expansion would occupy 2.36 acres of the site. The expansion would be located southeast of the existing facility, which will remain, and accessed by the existing entrance from Worth Crossing.

PETITION: Section 18-13.2.2(6) and 18-18.2.2(6) Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 18-5.1.12).

ZONING: R-1 Residential - 1 unit/acre; R-15 Residential - 15 units/acre

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT: None

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses..

The Executive Summary as forwarded to the Board states that at its meeting on October 25, 2022, the Planning Commission (PC) voted 5:0 to recommend approval of SP202200021 for the reasons and with the conditions stated in the staff report.

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

The PC raised no objections. No members of the public spoke at the public hearing on this proposal. At the meeting, the applicant provided additional sound analysis (Attachment B) that addressed some outstanding questions related to potential noise impacts. Staff no longer has concerns about the new equipment meeting the ordinance decibel level limits and believes that the previously recommended condition #2 regarding a sound study is no longer needed.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP202200021 with only Condition 1 that requires general accord with the Conceptual Plan.

Ms. Ragsdale, Planning Manager, said that the substation was located behind residential sections of Forest Lake and was accessed from Worth Crossing. She said that the property was about 6.72 acres. She said that the property was zoned R-1 and R-15. She said that utilities were allowed in all districts; substations by special use permit, and the Comprehensive Plan recommended it as urban density.

Ms. Ragsdale said that there was a wooded area to the south of the existing substation and around the residential units. She said that the substation did not have a prior special use permit, so one was necessary for expansion. She said that portions of the existing facility were visible.

Ms. Ragsdale said that the new equipment was necessary, but it was not expanding the capacity. She said that the new equipment, called reactors, would help regulate the electricity. She said that there would be stormwater management and a wooded area. She said that visibility and noise impacts were the primary concerns. She said that the Comprehensive Plan provided some strategies specific to utilities for visual and environmental impacts.

Ms. Ragsdale said that the Planning Commission recommended approval of the special use permit. She said that staff had identified noise concerns because the sound study had been incomplete at the time of the Commission hearing, but at the meeting, the sound study was provided. She said that the sound study was attached in the Board's materials, and staff no longer believed that the condition related to noise were necessary. She noted that the ground equipment would be screened.

Ms. Ragsdale said that staff recommended approval with one condition. She said that the condition tied the proposal to the concept plan in terms of the location of the facilities and wooded areas to remain. She said that noise concerns were adequately covered by the standards in the ordinance along with the screening standards. She said that a community meeting was held and was well attended. She said that questions regarded visibility, but there were no significant concerns.

Ms. McKeel clarified that the sound study requirement had been removed.

Ms. Ragsdale responded that the applicant would conduct an additional sound study once the equipment was installed, and if it did not meet the County standards, sound attenuation measures could be required. She said that staff believed sound attenuation would not be necessary based on the preliminary sound study provided by the applicant.

Ms. McKeel clarified that the requirement had been dropped.

Ms. Ragsdale said that the requirement to comply with the sound decibel limits in the ordinance was applicable to the proposal, and there were mechanisms without a condition of approval to enforce the ordinance.

Ms. LaPisto-Kirtley clarified that the location of the proposed retaining wall was next to the water.

Ms. Ragsdale responded that an existing retaining wall would be extended.

Ms. LaPisto-Kirtley asked if the applicant would plant additional trees.

Ms. Ragsdale responded yes.

Ms. LaPisto-Kirtley asked where the trees would be planted.

Ms. Ragsdale said that they had not reviewed the site plan, but part of the site plan review would include identifying gaps in the screening and where plantings would be needed.

Mr. Gallaway noted that the facility was currently operating and generating noise.

Ms. Ragsdale responded that there had been no noise complaints about the existing substation, and none of the neighbors expressed concerns about the existing noise. She noted that new equipment was being installed, and staff requested information regarding the sound impacts.

Mr. Gallaway asked when the applicant acquired the property.

Ms. Ragsdale said she didn't know.

Ms. Price opened the public hearing.

Mr. Joe Leachman, GIA Consultants, said that they were the consulting engineers supporting Dominion for the project, and they performed the civil engineering, design, and permitting. He said that the project involved installing new equipment to regulate the current to alleviate congestion on the transmission lines in the area. He said that the equipment would protect and extend the life of Dominion's existing equipment. He noted that the improvements would increase service reliability.

Mr. Leachman said that the new equipment was referred to as air-core series reactors which were essentially large copper coils used to regulate the electric transmission lines. He said that additional equipment would be installed similar to the existing equipment which would enable the new equipment to connect to the grid. He said that the entire project would be performed on Dominion's property. He said that development on the site would occur towards the pond at the rear away from the homes abutting the substation property.

Mr. Leachman said that screening trees would be planted along the south and southeast of the site, and screening shrubs would be planted along the eastern edge of the site. He said that there was an existing retaining wall on the south side of the substation, and to expand the substation, the wall would have to be expanded. He said that the wall would be extended by over 200 feet, and it varied in height from 4 to 10 feet.

Mr. Leachman said that behind the existing wall was a storm source system that collected and released water at a slower rate through an existing channel and drainage easement into the pond. He said that the system would be extended in the new design. He said that the proposed wall would be a minimum of 10 feet from the property line. He said that stormwater ran off in sheet flow to the lake, and they planned for post-development runoff to do the same.

Mr. Leachman said that the overall parcel size was under 7 acres, and the aggregate substation pad was a little over 1.5 acres. He said that the proposed expansion was 3/4 acres, and there would be about 1/2 acres of tree removal. He noted that 85% of the existing trees would remain, and that additional screening would be added. He provided images of several rendered vantage points of the site.

Mr. Leachman said that the stormwater and erosion, sediment, and pollution control had been designed in accordance with the state standards. He said that all planted trees and shrubs would be native, and they would be in accordance with County ordinances. He said that they had done studies to determine that they were not impacting any threatened or endangered species with the project. He said that a sound study was done of the existing use to demonstrate that it met the ordinance, and they intended to perform another sound study once the new equipment was online to demonstrate that it still met compliance. He said if it did not, mitigation would be provided. He said that the manufacturer of the proposed equipment indicated that it would fall in the County's standards.

Mr. Leachman said that the project was approved by PJM, Dominion's regional transmission operator, in early 2022. He said that permitting processes began in the summer for the special use. He said that there was a community meeting and Commission meeting in the fall. He said that they anticipated securing all permits by spring 2023 and completing construction later in the year. He said that work would not start until all permits were received.

Mr. Gallaway asked how long the substation had been located on the site.

Mr. Leachman said it had been there for about 30 years. He said that it was built before the homes had been built.

Ms. Ragsdale said that the site plan for the substation was approved in 1984.

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

Ms. Mallek said that this was the first site where Dominion performed a comprehensive neighborhood analysis of the impacts and design of the transmission line.

Ms. Price said that as the energy demand increased, they would have to expand the infrastructure. She said that this is the first substation that she recalled was in the midst of a development, and she noted that the substation was present before the residential development. She said that she supported the proposal.

Ms. LaPisto-Kirtley **moved** to adopt the Resolution (Attachment E) to approve Special Use Permit SP202200021 Hollymead Substation Expansion with conditions as recommended in the staff report.

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.

Mr. Gallaway noted that there was a stub-out for a future connection for the development going into the substation site. He said that the area could have been used for another house or playground, but now it was a road to nowhere. He said that there were other areas in the County with similar problems. He said that they should reconsider the County's connectivity requirements.

**RESOLUTION TO APPROVE
SP202200021 DOMINION HOLLYMEAD
SUBSTATION EXPANSION**

WHEREAS, upon consideration of the staff reports prepared for SP202200021 Dominion Hollymead Substation Expansion and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-13.2.2(6), 18-18.2.2(6), 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 Residential (R-1) and Residential (R-15) zoning districts, 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 SP202200021 Dominion Hollymead Substation Expansion Project, subject to the condition attached hereto.

* * * * *

**SP202200004 Dominion Hollymead Expansion
Special Use Permit Condition**

1. Development of the use must be in general accord (as determined by the Director of Community Development and the Zoning Administrator) with the conceptual plan entitled "Preliminary Site and Grading Plan Hollymeade [sic] Substation Expansion," prepared by Dominion Energy. To be in general accord with the plan, development must reflect:
 - a. Location of the substation and related infrastructure
 - b. Limits of disturbance and wooded areas to remain

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

Agenda Item No. 20. **Public Hearing: Lease of County-Owned Meadows Community Center.**
To receive public comment on a proposed lease of approximately 2,400 square feet of the County-owned Crozet/Meadows Community Recreation Building, located on Parcel ID 05600-00-00-014B0, at 5735 Meadows Drive, to the Piedmont Housing Alliance.

The Executive Summary as forwarded to the Board states that the County-owned Meadows Community Center (Center) is primarily used by the residents of the Crozet Meadows and Meadowlands Apartments, with weekend and evening use available for the community. The Jordan Development Corporation began leasing the Center from the County in 2010. Management of the property has since transitioned to the Piedmont Housing Alliance (PHA).

The PHA wishes to continue leasing the Center, largely under a continuation of the existing lease terms. The proposed new lease (Attachment A) would have an initial term of five years, but could be either (a) terminated earlier by the County on six months' written notice or (b) renewed if the parties mutually agreed. The proposed annual rent of \$6,426, adjusted for inflation, would continue. Under the proposed new lease, the PHA would continue to operate an office for the leasing and management of the Crozet Meadows and Meadowlands Apartments, and would also assume responsibility for the supervision and operation of the Community Center during office hours and resident events. The Community Center would continue to be available to the community after-hours by reservation through the Albemarle County Parks and Recreation Department.

The proposed lease would result in annual revenue of \$6,426, with rent for subsequent years indexed for inflation.

Staff recommends that following the public hearing, the Board adopt the attached resolution (Attachment B) authorizing the County Executive to sign a proposed lease to PHA of the Meadows Community Center, once the lease is approved by the County Attorney as to form and substance.

Ms. Amy Smith, Assistant Director of Parks and Recreation, said that she would discuss a potential lease agreement with Piedmont Housing Alliance (PHA) at the Meadows Community Center in Crozet. She said that the Jordan Development Corporation began leasing the Meadows in 2010, and in 2016, Jordan Development dissolved and transferred its assets to PHA.

Ms. Smith said that the proposed lease would allow PHA to continue to operate an office for the leasing and management of the Crozet Meadows and Meadowland Apartments. She said that PHA would assume responsibility for the supervision and operation of the community center during operating hours. She said that their regular office hours were Monday through Friday from 9 a.m. to 4 p.m. She said that PHA would also supervise special events and resident-scheduled events.

Ms. Smith said that the PHA would be responsible for the routine cleaning and janitorial supplies. She said that rent would be \$6,426 annually which would cover the cost of the building, the heating, cooling, water, sewer, and repairs. She said that the agreement was for five years with the option for renewal as long as both parties agreed. She said that the community center would continue to be available to the community by reservation for evening and weekend rentals through the Parks and Recreation Department.

Ms. Price opened the public hearing and asked the Clerk if there were any speakers. Hearing none, she closed the public hearing and brought the matter back before the Board for comments or a motion.

Ms. Mallek **moved** to adopt the Resolution (Attachment B) authorizing the County Executive to sign a proposed lease of the Meadows Community Center to Piedmont Housing Alliance, once the lease is approved by the County Attorney as to form and substance.

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

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

**RESOLUTION TO LEASE MEADOWS COMMUNITY CENTER TO
PIEDMONT HOUSING ALLIANCE**

WHEREAS, the Board finds that it is in the best interest of the County to lease the Meadows Community Center, located at 5800 Meadows Drive, Crozet, VA 22932 to the Piedmont Housing Alliance;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby authorizes the County Executive to execute a lease of the Meadows Community Center to the Piedmont Housing Alliance, once approved by the County Attorney as to form and substance.

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AGREEMENT OF LEASE

THIS LEASE AGREEMENT is made this 18th day of January, 2023, by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and PIEDMONT HOUSING ALLIANCE, Tenant.

ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the rents and covenants herein set forth, Landlord hereby leases to Tenant, and Tenant hereby rents from Landlord, the premises described on Exhibit A attached hereto and made a part hereof together with any and all improvements thereon (the "Leased Premises"). The Leased Premises will be occupied by the Tenant.

ARTICLE II. TITLE: QUIET ENJOYMENT

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

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. This Lease will commence on January 1, 2023 (the "Date of Commencement") and will expire December 31, 2027. All references to the "term" of this Lease will, unless the context indicates a different meaning, be deemed to be a reference to the term described herein.

Section 3.2. Renewal. This Lease may be renewed for an additional period as may be mutually agreed by the Landlord and Tenant. If renewal is not agreed upon by the Landlord and Tenant, this Lease will expire upon expiration of the initial term.

Section 3.3. Early Termination. At any time during any term of this Lease, upon six months' written notice to the Tenant, provided pursuant to Section 18.3 herein, the Landlord may terminate this Lease at its discretion, without further obligation after said termination.

ARTICLE IV. RENT

Section 4.1. Annual Rent. Tenant will pay to Landlord annual rent of \$6,426.00, payable in equal monthly installments, in advance, on the first day of each month during the term hereof. Following the initial year of this Lease, the rent for subsequent years of the Lease will be indexed for inflation and will be calculated by first establishing a fraction, the numerator of which will be the level of the CPI Index (as defined herein) as of the first day of June in the subsequent years, and the denominator of which will be the level of the CPI Index as of the Date of Commencement. The resulting fraction will be multiplied by the rent agreed upon or established above for the first year of the term of the Lease to determine the annual rent due for the year. The rental figure will be revised each year based upon this formula. The CPI Index

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will be the U.S. Bureau of Labor Statistics Consumer Price Index (all items, all urban consumers, 1982-1984 = 100). If the CPI Index is discontinued, Landlord will designate an appropriate substitute index or formula having the same general acceptance as to use and reliability as the CPI Index and such substitute will be used as if originally designated herein. Notwithstanding the foregoing, in no event will the rent due for any lease year decrease below the rent payable for the first year.

Upon mutual written agreement of the parties, this Lease may be amended to add additional square footage to the Premises. If additional square footage is added to the Premises during any term of this lease, the total rent will be increased by the product of multiplying the additional square footage by the base rental rate for the term during which the additional square footage is to be added and prorated for the number of months remaining in that term. The base rental rate is defined as the then-current total rent for the term during which the additional square footage is to be added divided by the then-current gross square feet for the term during which the additional square footage is to be added.

Section 4.2. Address for Rent Payment. All payments of rent due Landlord pursuant to Section 4.1 will be made to Landlord at the address specified for "Notices" herein, or to such other party or at such other address as hereinafter may be designated by Landlord by written notice delivered to Tenant at least ten (10) days prior to the next ensuing monthly rental payment date.

ARTICLE V. UTILITIES AND SERVICES

The Landlord will provide water, sewer, electricity, heating, and cooling. The parties will share the trash collection and janitorial expense as outlined below. The Tenant will provide telephone and all other services.

ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. Tenant will have use of the Leased Premises for a leasing and management office and community center, as detailed below.

- (a) The Tenant will maintain an office in the Leased Premises for leasing and management of the Crozet Meadows and Meadowlands Apartments (hereinafter, the "Apartments").
- (b) A Community Center will operate in the Leased Premises under the supervision of the Tenant during the hours that the leasing office is open.
- (c) Residents of the Apartments may enjoy use of the Community Center during the Tenant's hours of operation, as allowed and supervised by the Tenant.
- (d) Other uses of the Leased Premises may be allowed by the Tenant at its discretion to provide services for the residents of the Apartments and surrounding community during the normal hours of Tenant's leasing office.
- (e) The Tenant may make appropriate charges for the use of the Community Center during the normal hours of Tenant's leasing office as determined by the Tenant.
- (f) After-hours use is understood to be any hours that the PHA leasing office is not

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- scheduled to be open.
- (g) The Landlord's Parks and Recreation Department will arrange and manage any after-hours use of the Community Center by the community.
 - (h) The Tenant will arrange and manage any after-hours use of the Community Center by the residents of the Apartments.
 - (i) The Tenant may make appropriate charges for the after-hours use of the Community Center by residents of the Apartments as determined by the Tenant.
 - (j) All reservations for the after-hours use of the Community Center will be requested through the Landlord's Parks and Recreation Department, who will maintain a master calendar of building use.
 - (k) Reservations requests for use by Apartment residents or for the sole benefit of Apartment residents will be requested through the Tenant. The Tenant's representative will contact the Landlord's Parks and Recreation Department to schedule such requests.
 - (l) The Landlord will waive the reservation fee for any reservation scheduled by the Tenant.
 - (m) The Tenant will be responsible for the routine cleaning and necessary janitorial supplies incurred (i) during the Tenant's hours of operation and (ii) by after-hours use scheduled by the Tenant.
 - (n) The Landlord, through its Parks and Recreation Department, will be responsible for the routine cleaning and necessary janitorial supplies for after-hours community use.

Section 6.2. Parking. Tenant is entitled to the use of parking spaces in the parking lot and an access easement to the Leased Premises.

ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

Section 7.1. Installation by Tenant.

(a) Tenant may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements which do not damage or alter the Leased Premises, provided that Landlord's consent has first been obtained in writing, and provided that Tenant has obtained all required governmental permits for such alterations, additions, or improvements.

(b) Tenant may, from time to time, make interior structural alterations, additions, or improvements, only with Landlord's prior written consent to plans and specifications therefor, which consent will not be unreasonably withheld. Upon the expiration or sooner termination of this Lease, Landlord will have the option (exercisable upon sixty (60) days' notice to Tenant except in the case of a termination of this Lease due to a default by Tenant, in which case no such notice will be required) to require Tenant to remove at Tenant's sole cost and expense any and all improvements made by Tenant to the Leased Premises or to elect to keep such improvement as Landlord's property. In the event Tenant is required to remove any improvements, (i) Tenant will be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if Tenant fails to properly remove such improvements or provide for the repair of the Leased Premises, Landlord may perform the same at Tenant's cost

and expense.

Section 7.2. Signs. Tenant may place signs on the interior or exterior of the Leased Premises with the prior written approval of Landlord.

ARTICLE VIII MAINTENANCE OF LEASED PREMISES

Section 8.1. Maintenance. Landlord will be responsible for all repairs and maintenance for the Leased Premises, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, air conditioning, plate glass and windows. Notwithstanding the foregoing, Tenant will be responsible for all maintenance and repairs necessitated by the negligence of Tenant, its employees, and invitees. Landlord's representative will perform a monthly inspection of the Leased Premises with the Tenant's representative to discuss any immediate or long-range maintenance concerns. The Tenant will notify the Landlord's Parks and Recreation Department promptly if it becomes aware of repairs that require immediate attention, and appropriate Landlord staff will respond.

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

Section 8.3. Surrender of Leased Premises. At the expiration of the tenancy hereby created, Tenant must surrender the Leased Premises and all keys for the Leased Premises to Landlord at the place then fixed for the payment of rent and inform Landlord of all combinations on locks, safes, and vaults, if any, that Landlord has granted permission to have left in the Leased Premises. At such time, the Leased Premises must be broom clean and in good condition and repair, commensurate with its age. If Tenant leaves any of Tenant's personal property in the Leased Premises, Landlord, at its option, may remove and store any or all of such property at Tenant's expense or may deem the same abandoned and, in such event, the property deemed abandoned will become the property of Landlord.

ARTICLE IX. INSURANCE

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

Section 9.2. Fire and Extended Coverage. Landlord agrees that it will, during the initial

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

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

Section 9.4. Waiver of Subrogation. Tenant hereby releases the Landlord from any and all liability or responsibility to Tenant or anyone claiming through or under it, by way of subrogation or otherwise, from any loss or damage to property caused by any peril insured under Tenant's policies of insurance covering such property (but only to the extent of the insurance proceeds payable under such policies), even if such loss or damage is attributable to the fault or negligence of Landlord, or anyone for whom Landlord may be responsible; provided, however, that this release will be applicable and in force and effect only with respect to loss or damage occurring during such time as any such release will not adversely affect or impair the releasor's policies or insurance or prejudice the right of the releasor to recover thereunder.

ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. Tenant must not commit or suffer to be committed any waste or any nuisance upon the Leased Premises.

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

ARTICLE XI. FIRE OR OTHER CASUALTY

If the Leased Premises are damaged so as to render two-thirds (2/3) or more of the Leased Premises untenantable by fire or other casualty insured against under the insurance required to be carried by Landlord pursuant to Section 9.2, Landlord may elect to either terminate this Lease as of the date of damage or repair the Leased Premises. Unless Landlord elects to terminate this Lease, such damage or destruction will in no way annul or void this Lease except that Tenant will be entitled to a proportionate reduction of the rent payable under Article IV while such repairs are being made, such proportionate reduction to be based upon the proportion of the Leased Premises rendered untenantable as a result of such damage.

Notwithstanding the foregoing, if any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, Tenant may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to Landlord.

ARTICLE XII CONDEMNATION

If the whole or any part of the Leased Premises is taken under the power of eminent domain, then this Lease will terminate as to the part so taken on the day when Tenant is required to yield possession thereof, the Landlord will make such repairs and alterations as may be necessary in order to restore the part not taken to useful condition; and the rent payable under Article IV will be reduced proportionately as to the portion of the Leased Premises so taken. If the amount of the Leased Premises so taken is such as to impair substantially the usefulness of the Leased Premises for the purposes for which the same are hereby leased, then either party may terminate this Lease as of the date when Tenant is required to yield possession.

ARTICLE XIII DEFAULT OF TENANT

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

(a) Tenant fails to pay when due any amount of rent, additional rent or other monies due under this Lease, including Articles IV and V, and such payment is not received by Landlord within ten (10) days after written notice of such failure is received by Tenant; or

(b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from Landlord.

Section 13.2. Remedies. In the event of any default or breach hereof by Tenant, Landlord may (in addition to all other rights and remedies provided by law) terminate this Lease or re-enter and take possession of the Leased Premises, peaceably or by force, and remove any property therein without liability for damage to and without obligation to store such property, but may store the same at Tenant's expense, and collect from Tenant all rent then due and which would accrue for the unexpired portion of the term hereof, together with reasonable attorney's fees. In addition, in the event of a failure to pay rent, additional rent or other money within five (5) days of its due date, Tenant must pay to Landlord the greater of Twenty-Five and no/100 Dollars (\$25.00) or one half (1/2) of one percent (1%) of such sum for each month after the fifth day such rent or other money is late.

ARTICLE XIV HOLDING OVER, ASSIGNS, SUCCESSORS

Section 14.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of Landlord, will be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and will otherwise be on the terms and conditions herein specified as far as applicable. If Tenant remains in possession *without*

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Landlord's consent after expiration of the term of this Lease Agreement or its termination, the Tenant will pay to Landlord its damages, reasonable attorney's fees, and court costs in any action for possession. Tenant must pay to Landlord as liquidated damages a sum equal to 110% of the Base Rent then applicable for each month or portion thereof Tenant retains possession of the Premises or any part thereof after the termination of this Lease.

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

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

ARTICLE XV. BROKER'S FEES

Tenant and Landlord hereby warrant that there are no brokerage commissions due in connection with this Lease.

ARTICLE XVI. NO ASSIGNMENT

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

ARTICLE XVII. SUBORDINATION OF LEASE

This Lease and all rights of Tenant hereunder are and will be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Leased Premises, including any and all renewals, replacements, modifications, substitutions, supplements, and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, Tenant must promptly upon the request of Landlord execute and deliver an instrument in recordable form satisfactory to Landlord evidencing such subordination; and if Tenant fails to execute, acknowledge or deliver any such instrument within ten (10) days after request therefor, Tenant hereby irrevocably constitutes and appoints Landlord as Tenant's attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any

such instruments on behalf of Tenant. Tenant further agrees that in the event any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, Tenant will not withhold or delay its consent thereto.

ARTICLE XVIII. MISCELLANEOUS

Section 18.1. Waiver. The waiver by Landlord or Tenant of any breach of any term, covenant or condition contained herein will not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of rent hereunder by Landlord or Tenant, respectively, will not be deemed to be a waiver of any breach by Tenant or Landlord, respectively, of any term, covenant, or condition of this Lease regardless of knowledge of such breach at the time of acceptance or payment of such rent. No covenant, term, or condition of this Lease will be deemed to have been waived by Tenant or Landlord unless the waiver be in writing signed by the party to be charged thereby.

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

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

- (a) if to Landlord, at
County of Albemarle
County Executive's Office
401 McIntire Road
Charlottesville, Virginia 22902
or at such other address as Landlord may designate by written notice;
- (b) if to Tenant, at
Piedmont Housing Alliance
Attn: Executive Director
682 Berkmar Circle
Charlottesville, VA 22901
or at such other address as Tenant may designate by written notice.

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

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affect this Lease.

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

Section 18.6. Recording. Upon request of either party, a memorandum of lease will be executed and recorded. Such memorandum will contain any provisions of this Lease which either party requests except for the provisions of Article IV, which will not be included. The cost of recording such memorandum of lease or a short form hereof will be borne by the party requesting such recordation.

Section 18.7. Governing Law. This Agreement will be governed by and construed in accordance with the laws of the Commonwealth of Virginia.


Section 18.8. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

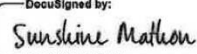
IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

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TENANT

PIEDMONT HOUSING ALLIANCE

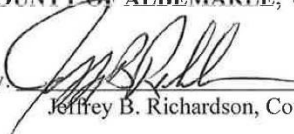
DocuSigned by:

By: 02859E3B0ABC4A7
Crystal Napier, President

DocuSigned by:

By: 879C0931873E488
Sunshine Mathon, Executive Director


LANDLORD

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

COUNTY OF ALBEMARLE, VIRGINIA


By: Jeffrey B. Richardson, County Executive

Approved as to form:


Andrew R. Rinehart
Albemarle County Attorney

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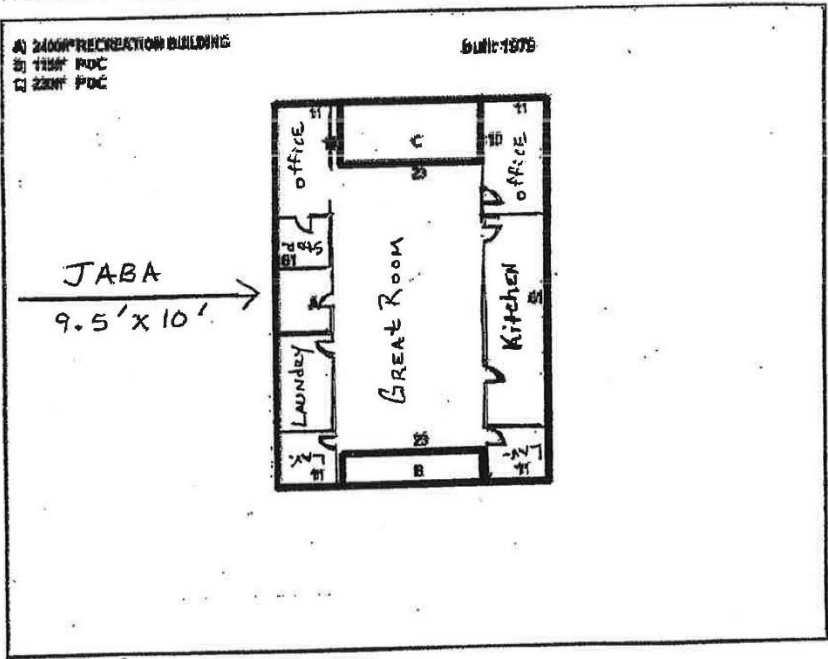
EXHIBIT A

DESCRIPTION OF LEASED PREMISES

All that certain building located at 5735 Meadows Drive, Crozet, Albemarle County, Virginia, consisting of 2,400 square feet, more or less, commonly known as the Crozet/Meadows Community Recreation Building, and more particularly shown on the attached Attachment A.

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Attachment A



Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 21. a. Scheduling of Community Meetings

Ms. Price said that a Supervisor asked that they add to Agenda Item 21.a the scheduling of community meetings.

Ms. Mallek said that her questions had been answered after consulting with Ms. Ragsdale and staff. She said that she would forward staff's responses to her questions to the Board. She requested clarification regarding how to explain how the community meeting fit into the process.

Item No. 21. b. Stream Overlay District

Ms. Price said that Ms. Mallek also asked that they have a discussion regarding stream overlay districts.

Ms. Mallek requested to know whether the Board was willing to support the stream overlay district. She said that support from the Board would be helpful for staff. She said that the item was included on the Consent Agenda the week before.

Ms. McKeel clarified that Ms. Mallek was requesting for the Board to move forward with the item.

Ms. Mallek clarified that they should discuss supportive comments. She said that the Consent Agenda indicated the item was moving to public engagement in the spring.

Ms. Price responded that Ms. Mallek requested comments about the topic for staff's benefit and consideration.

Ms. Price said that for any of the ordinances which restricted length or square footage, they should look to avoid situations where a property owner may accomplish piecemeal what would otherwise not be permitted under the ordinance. She said that they had to address cumulative impacts, not just for stream overlays but across the board.

Mr. Gallaway clarified that the item was included on the January 11 Consent Agenda.

Ms. Mallek said that it was part of the stream health initiative.

Ms. Jodie Filardo, Director of the Community Development Department, responded that items would be coming before the Board during the calendar year related to stream health. She said that the first item would be on incremental development, and there was a tentative date of April 19 where a proposed ordinance would be brought before the Board.

Ms. Filardo said that the second item would include stream health work focused on the zoning overlay district. She said the item had been delayed because the Natural Resources Manager had moved to another employer. She said that a replacement Natural Resources Manager had been hired.

Item No. 21. c. Committee Reports and Not Listed on the Agenda.

Ms. LaPisto-Kirtley informed the Board of the progress for the Parks Foundation which she had support from. She said that the foundation had a pro-bono attorney, and they were seeking a CPA (Certified Public Accountant). She said that there were about five or six members who agreed to be on the Board.

Ms. Mallek clarified that a native plant list was developed by the Natural Heritage Committee a number of years ago, but it was never adopted into the Zoning Ordinance. She requested that the Board be informed of how to incorporate the item formally.

Mr. Gallaway said that he and the Vice Chair of the Regional Housing Partnership (RHP) gave a presentation to the City. He said that they had rescheduled a presentation before the Fluvanna Board. He said that he would present the same presentation before the Board on February 1.

Ms. Price said that the City had added three major business buildings, worth over a \$220 million increase in the real property asset value of the City. She said that it generated an additional \$2 million per year in revenue for the City. She said that the tire plant in Scottsville had been vacant for about 13 years, and there was an application to convert the plant into 200 apartment units and commercial space. She said that the application was denied by the Scottsville Town Council. She said that the applicant had indicated the site would be turned into a commercial industrial park by right for the parking of heavy equipment.

Ms. Price said that during the meeting, several community members criticized the Board of Supervisors for not supporting southern Albemarle and the Town of Scottsville. She said that she resented the comments. She said that under state code, to qualify as a town, there must be a defined boundary and no less than 1,000 residents. She said that the Town of Scottsville had a defined boundary but only about 500 to 600 residents.

Ms. Price said that Scottsville would no longer qualify to be a town if it was not grandfathered in. She said that Scottsville had not enacted local taxes, and community members had fought against any increased development into the town, but they blamed the Board and the County for not supporting them. She said that Scottsville had a right to make their decisions, but that they should not then complain that the County did not support them when they did not take actions that would allow them, as a self-governing body, which they had requested to be, to take advantage of their opportunities to improve their financial situation. She said that Scottsville was concerned about its fiscal situation moving forward. She said she did not want to hear people complaining that the County did not support them when they did not take action to support themselves.

Ms. McKeel said that she agreed with Ms. Price. She noted that the Town of Columbia was no longer an independent municipality.

Ms. LaPisto-Kirtley clarified that Scottsville Town Council had asked how they could increase their housing and their population.

Ms. Price said that Scottsville had indicated it wanted to be a development area.

Ms. LaPisto-Kirtley hoped that staff was working with master gardeners to update the native plants list. She noted that it was in draft form and had not been approved.

Agenda Item No. 22. Adjourn to February 1, 2023, 1:00 p.m. Lane Auditorium.

At 8:01 p.m., the Board adjourned its meeting to February 1, 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: 11/06/2024
Initials: CKB