

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 6, 2020 at 2:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency. This meeting was adjourned from April 29, 2020.

PRESENT: Mr. Ned Gallaway, Ms. Beatrice (Bea) J. S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Ms. Donna P. Price.

ABSENT: None.

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

Agenda Item No. 1. Call to Order.

The meeting was called to order at 2:00 p.m., by the Chair, Mr. Gallaway. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Gallaway said the persons responsible for receiving public comment are the Board of Supervisors of Albemarle County.

Mr. Gallaway said the opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website, on the Board of Supervisors homepage and on the Albemarle County calendar.

Introductions. Mr. Gallaway introduced staff and supervisors in attendance.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway mentioned that The Daily Progress inadvertently ran an advertisement for a public hearing for an amended lease agreement with Crozet Running, LLC. He said that item was not for public hearing but was actually on consent.

Mr. Gallaway asked if Ms. McKeel had an item she would like to pull from the consent agenda.

Ms. McKeel replied that she wanted to pull Item 6.3 from the consent agenda.

Mr. Gallaway said this item is, "Proposed Emergency Assistance to Tenants." He said this could be addressed separately after the full consent agenda.

Mr. Gallaway asked if there were any other items from consent to pull. Hearing none, he asked for a motion.

MOTION: Ms. Price **moved** to adopt the final agenda, as amended. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

Ms. Palmer said she knew that they were all hearing from many people who are suffering from loss of income, or for health or mental health reasons. She said there were a few things going well, however, and that many people are taking up gardening and cooking more at home. She announced that International Compost Awareness Week is May 3-9, and that this year marked its 25th anniversary. She said there had been plans for public outreach in the community associated with this, and that there were several community groups interested. She said given the pandemic, however, these plans have been scaled back significantly.

Ms. Palmer stressed the importance of composting, explaining that it increases soil health, reduces pesticide and chemical use, reduces plant diseases, reduces methane emission from landfills, and offers significant answers to climate change mitigation. She said more information can be found on the International Compost Awareness page, including tutorials on how to compost.

Ms. Palmer cited from the EPA's website that 24% of waste is organic material that can be composted, and that about 13% of the municipal solid waste is food scraps. She said she hoped they, as a community, could continue to push composting and provide more opportunities to do so. She reminded everyone that the McIntire Recycling Center is now accepting pizza boxes, adding that this has been a

huge success.

Ms. Price said she wanted to acknowledge some people in the southern part of the County who have been diligently working to help take care of constituents there, principally in the Samuel Miller and Scottsville Districts. She recognized Ms. Nancy Gill of Scottsville, Ms. Peggy Scott, Ms. Siri Russell, Ms. Palmer, and others who have come together in a time of need.

Ms. Mallek said that it was National Nurses Day, and that she believed everyone in the world understood in a new way how important the nursing profession and calling is.

Ms. Mallek said in the Supervisors' email was a request from a group called "Moms Demand Action for Gun Sense" and to consider recognition for that activity on June 1.

Ms. Mallek said May is National Military Appreciation Month, which was declared by Congress in 1999. She said May was chosen because there are so many holidays which celebrate the men and women in uniform (past, present, and future). She said they recognized Loyalty Day, which is May 1; D-Day (the end of World War II) on May 8; Armed Forces Day, which is the third Saturday in May; Military Spouses Day; and Memorial Day.

Ms. Mallek said everyone should remember that families also serve in addition to the person in uniform. She said this is a main focus of operations of local military chapters and American Legion post in the County. She said she hoped that life has returned enough to normal so that celebrations could be held in Scottsville and Earlysville at the end of the month.

Ms. McKeel said she appreciated the mention of celebrating nurses, and that she would broaden this to all healthcare workers. She said she also wanted to thank the people in the community who are practicing social distancing. She said she is proud of what she sees when she goes out. She said although there are some who may not realize the importance, in general, the public was doing a great job.

Agenda Item No. 6. Consent Agenda.

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

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

NAYS: None

Mr. Gallaway said that as part of the consent agenda, there was a Board to Board communication from the School Division, and that Dr. Jason Lee was an Assistant Principal who has been appointed as the new Principal at Western Albemarle High School. He wished Mr. Lee the best, noting he was entering into this position during an interesting time and transition as they see how schools will return in the fall.

Item No. 6.1. FY 2020 Appropriations and Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

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

The total change to the FY 20 budget due to the appropriations itemized in Attachment A is \$131,678.98. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request is also for the Board's approval of a Resolution of Intent to Reimburse Expenditures Related to Capital Projects with Proceeds of a Borrowing for these projects and is contingent on the Board's approval of Appropriation #2020062. The Resolution would allow the County to use up to \$855,366.00 in borrowed proceeds to reimburse the capital budget for expenditures incurred prior to the programmed borrowing of funds for these projects.

Staff recommends that the Board:

1. adopt the attached Resolution (Attachment B) to approve the appropriations for local government and school projects and programs as described in Attachment A, and

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

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Appropriation #2020057 **\$ 68,222.86**

Source: Special Revenue Fund fund balance \$ 68,222.86

This request is to re-appropriate \$68,222.86 in Seized Asset Funds received from State agencies in prior years for the Police Department. These funds will be used for eligible expenses.

Appropriation #2020058 **\$ 24,718.00**

Source: Federal Revenue \$ 24,718.00

This request is to appropriate \$24,718.00 in Federal revenue for a part-time auxiliary deputy officer to work under the direction of the Albemarle County Sheriff's Office to assist with the administration and monitoring of Offender Aid and Restoration's (OAR) Drug Court cases. These expenses are for part-time wages and related operating costs.

Appropriation #2020059 **\$ 66.12**

Source: State Revenue \$ 66.12

This request is to appropriate \$66.12 from State revenue to support the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals' (CA-SPCA) spay and neuter efforts. This revenue is provided by the State specifically for this purpose and is provided in addition to the County's formula-based contribution to the CA-SPCA.

Appropriation #2020060 **\$ 0.00**

Source: Grants Leveraging Reserve* \$ 5,319.00

*This appropriation does not increase or decrease the total County budget.

This request is to appropriate \$5,319.00 from the Grants Leveraging Reserve to the Albemarle Charlottesville Regional Jail (ACRJ) for the County's share of the filing for a federal State Criminal Alien Assistance Program (SCAAP) grant that is received by ACRJ. SCAAP reimburses localities for compensation expenses incurred for correctional officers who supervise aliens in local and regional jail facilities. ACRJ is projected to receive \$35,000.00 in SCAAP funding in FY 20.

This expense is billed directly to each of ACRJ's participating localities as a supplemental budget item that differs from the regional cost allocation formula for ACRJ. At the end of FY 20, the County may receive a credit for SCAAP funding in the context of ACRJ's total budget reconciliation.

Appropriation #2020061 **\$ 38,672.00**

Source: State Revenue \$ 38,672.00

This request is to appropriate the following School Division appropriation request approved by the School Board on April 16, 2020:

- Special Revenue Funds: This request is to appropriate \$38,672.00 in State revenue from the Virginia Department of Education's 2019-2020 School Security Equipment Grant Program to support the installation of an access control system at Greer Elementary School.

Appropriation #2020062 **\$ 0.00**

Source: School Capital Projects* \$919,748.00

*This appropriation does not increase or decrease the total County budget.

Pursuant to the School Board's approval on April 23, 2020, this request is to appropriate \$855,366.00 in borrowed proceeds and \$64,382.00 in School Capital Improvements Program (CIP) fund balance for a total appropriation of \$919,748.00 available from the Scottsville Elementary School Addition & Improvements capital project to support the Red Hill Elementary Phase 2: Additions & Improvements capital project. The cost of the current scope for the Red Hill Elementary Phase 2 capital project exceeded the original estimate and the Scottsville Elementary School Addition and Improvements capital project's bids have come in under budget.

By the above-recorded vote, the Board adopted:

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2020057; #2020058; #2020059; #2020060; #2020061 and #2020062 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

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APP#	Account String	Description	Amount
SA2020057	3-1236-51000-351000-510100-9999	SA2020057: Re-approp 6/30/19 Fund Balance - Drug Seized Assets - State	\$68,222.86
SA2020057	4-1236-39000-439000-580905-1003	SA2020057: Re-approp 6/30/19 Fund Balance - Drug Seized Assets - State	\$68,222.86
SA2020058	4-1000-21078-421070-130000-1002	SA2020058: Part-time Wages	\$21,800.00
SA2020058	4-1000-21078-421070-210000-1002	SA2020058: FICA	\$1,668.00
SA2020058	4-1000-21078-421070-600800-1002	SA2020058: Vehicle & Equipment Fuel	\$1,250.00
SA2020058	3-1000-33000-333000-330240-1002	SA2020058: OAR DOJ Drug Court Program Fed Rev	\$24,718.00
SA2020059	3-1000-22000-322000-220106-9999	SA2020059: SPCA Sterilization Fund - State Revenue	\$66.12
SA2020059	4-1000-39001-439000-565510-1003	SA2020059: SPCA Sterilization Fund	\$66.12
SA2020060	4-1000-33020-433020-700002-1003	SA2020060: Grants Leveraging to ACRJ	\$5,319.00
SA2020060	4-1000-99900-499000-999974-9999	SA2020060: Grants Leveraging to ACRJ	-\$5,319.00
SA2020061	3-3224-63224-324000-240900-6599	SCH2020030-School Security Equipment Grant	\$38,672.00
SA2020061	4-3224-63224-464600-800100-6530	SCH2020030-School Security Equipment Grant	\$38,672.00
SA2020062	4-9000-69985-466500-800605-6107	SA2020062 Red Hill Increase from Scottsville	\$919,748.00
SA2020062	4-9000-69985-466500-800605-6109	SA2020062 Red Hill Increase from Scottsville	-\$919,748.00

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

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the “Borrower”) intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the “Project”); and

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

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

- The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$855,366.00.
- 1. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
 - 2. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
 - 3. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
 - 4. The Borrower intends that the adoption of this Resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

5. This Resolution shall take effect immediately upon its passage.

* * *

Exhibit A

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 20**

School Division	Amount (\$)
Red Hill Elementary Phase II Addition & Improvements	\$855,366
School Division Subtotal	\$855,366
Total Debt Issue Not to Exceed - FY 20 Projects	\$855,366

Item No. 6.2. Ordinance to Change the Name of the Cale Precinct and the Cale Elementary School Polling Place Location.

The Executive Summary forwarded to the Board states that Virginia Code § 24.2-307 requires that the Board of Supervisors establish voting precincts and polling places by ordinance. Albemarle County Code § 2-105(B)(2) establishes the Cale Precinct, and § 2-105(C)(2) establishes the Cale Elementary School as the polling place for the Cale Precinct, in the Scottsville Magisterial District. The name of Cale Elementary School will be changed to Mountain View Elementary School, effective July 1, 2020.

The name of the Cale Precinct, and of the polling place for that precinct, will need to be changed to reflect the new name of the school, Mountain View Elementary School. The geographic boundaries of the precinct and the physical location of the polling place are unchanged.

The County Attorney has prepared the attached proposed ordinance (Attachment A) to reflect this change of the precinct and polling place location names in County Code Chapter 2, Administration, Article I, Elections, Section 2-105, Scottsville Magisterial District, effective July 1, 2020.

The adoption of the proposed ordinance will have no budget impact.

Staff recommends that the Board schedule a public hearing to consider the adoption of the attached proposed ordinance (Attachment A).

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing to consider the adoption of the attached proposed ordinance (Attachment A):

Draft: February 6, 2020

ORDINANCE NO. 20-2()

AN ORDINANCE TO AMEND ARTICLE 1, ELECTIONS, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article 1, Elections, of Chapter 2, Administration, is hereby amended as follows:

By Amending:

Sec. 2-105 Scottsville Magisterial District

Chapter 2. Administration

Article I. Elections

Sec. 2-105 - Scottsville Magisterial District.

.....

B. *Precincts.* The district shall be divided into five precincts, which are described as follows:

.....

2. *Gale Mountain View Precinct.* Beginning at the intersection of Charlottesville's southern city limits with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with an eastern branch of Biscuit Run (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then west along this eastern branch to its confluence with Biscuit Run; then north along Biscuit Run to its intersection with Interstate 64; then east along Interstate 64 to its intersection with Avon Street Extended/State Route 742; then northeast along Avon Street Extended/State Route 742 to its intersection with Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Monticello Avenue/State Route 20, the point of origin.

.....

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Biscuit Run Precinct.* Monticello High School, 1400 Independence Way.
2. *Gale Mountain View Precinct.* ~~Gale Mountain View~~ Elementary School, 1757 Avon Street Extended.
3. *Monticello Precinct.* Monticello High School, 1400 Independence Way.
4. *Scottsville Precinct.* Scottsville Elementary School, 7868 Scottsville Road.
5. *Stone-Robinson Precinct.* Stone-Robinson Elementary School, 958 North Milton Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(5), § 2-105; Ord. 01-2(1) , 5-9-01; Ord. 11-2(2) , 5-4-11; Ord. 18-2(1) , 3-14-18; Ord. 18-2(2) , 4-11-18)

State Law reference— Va. Code §§ 15.2-1211, 24.2-304.1 *et seq* , 24.2-305 *et seq*.

This Ordinance shall be effective on and after July 1, 2020.

Item No. 6.3. Proposed Emergency Assistance to Tenants – Old Crozet School Arts (OCSA), The Field School of Charlottesville, The Crozet Artisan Depot LLC, and Crozet Running LLC.

The Executive Summary forwarded to the Board states that the County has five private sector tenants leasing a total of 24,443.5 square feet in three County owned facilities. The Old Crozet School Arts (OCSA) and The Field School of Charlottesville rent space in the Old Crozet Elementary School. The Crozet Artisan Depot, LLC rents space in the Old Crozet Train Depot. Staengl Engineering, LLC and Crozet Running, LLC rent space at the Crozet Library. The combined monthly rents from the five tenants total \$14,055.95. To date, all the tenants' rents are current, and their leases are in good standing.

The outbreak of COVID-19 and Governor Northam's Executive Orders 53 and 55 have affected the operations of many County businesses. These circumstances arose suddenly and could not be considered in business planning. Information regarding each County tenant's operational situation and efforts to seek aid are provided under separate memorandum (Attachment A). On March 27, 2020, the Board of Supervisors adopted an Emergency Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster, which provides the Board with broad authority to support efforts to stop the spread of the virus. As a landlord, the County may elect (but is not required) to waive rent and/or associated late payment penalties. As proposed, the draft resolutions (Attachments B-E) would support the County Executive, acting as the County's Director of Emergency Management, in waiving or deferring rent and/or late payment penalties for four of the County's tenants during May and June 2020 and possibly future months, to be determined. Note that one of the County's tenants, Staengl Engineering, LLC, is not seeking County assistance at this time.

Each rent waiver would result in the following monthly loss of revenue: 1) OCSA - \$2,965.77, 2) The Field School of Charlottesville - \$4,904.00, 3) Crozet Artisan Depot, LLC - \$1,615.14, and 4) Crozet Running, LLC - \$2,834.41.

If the Board wishes to support any or all of the proposed emergency assistance, staff recommends that the Board adopt the attached resolutions (Attachments B-E).

Ms. McKeel said she asked for this item to be pulled because she would prefer that the Board takes individual votes on the businesses, as they are very different. She said lumping them together has created some consternation and confusion. She said looking at it from the viewpoint of the five businesses and take separate votes, she would be more comfortable with this.

Ms. McKeel said she was not in favor of waiving the rents for all of the businesses. She said she would not mind, however, having the discussion about waiving the late fees, and perhaps they could talk about this as well so that there is a separate issue about the rents and then another about the late fees.

Ms. Palmer said she would prefer to look at the businesses separately. She said she only had one business that she felt that she had enough information on to support. She said there was a discussion about waiving the late fees before, and she hoped they could do this, as she believed this was very reasonable during that period of time. She said given some understanding that people may not get their rent in on time, the late fees were fine to waive at that time.

Ms. Price said she was in concurrence on waiving late fees and asked that they address each of the four who have requested a waiver. She said her understanding was that one had not, and that she didn't know if they needed to discuss the fifth one.

Ms. LaPisto-Kirtley asked if Ms. Palmer and Ms. Price were suggesting waiving the late fees for the four entities.

Ms. Palmer replied that generally speaking, she was fine with waiving the late fees on the County's renters during this unusual period of time. She said with respect to her thoughts on rent waivers, she only had one that she felt that she had enough information to support, and that she appreciated going through them one at a time.

Ms. Mallek said she would be glad to bring this up for consideration and that going through the entities individually was essential.

Ms. McKeel said rather than picking and choosing, she felt comfortable waiving the late fees for all of these businesses. She said she would like separate votes, however, on the rent waivers.

Mr. Gallaway said it sounded as if there was consensus on the late fee waiver. He said Mr. Kamptner and Mr. Richardson could weigh in as well.

Mr. Gallaway said this item was somewhat different than the one that came to the Board initially, and that it was important for the other Board members and the public to know how he was thinking about this and how he would vote.

Mr. Gallaway said that for him, it was a question of the County being a landlord with people renting from them. He said for him, it was an all-or-nothing -- they either approve the rent waivers for all, or do not approve for all. He said he would be voting accordingly as they go through each of the items from the standpoint that he would have approved rental waivers across the board. He said he would try to keep his votes consistent as they move through the individual votes.

Mr. Gallaway said if there was no objection, he would move through the order in which the entities were posted on the consent agenda. He said under Item 6.3, the first listed was Old Crozet School of the Arts (OCSA).

Ms. Palmer said the OCSA was the one that she felt that she had the information to go ahead and vote for, and so she planned to vote yes for this.

Ms. Price said she also supports the rent waiver for OCSA, but also had some comments. She thanked the director there for ensuring that the Board was given the information they need to let them see the validity of taking this action. She thanked the action for rallying and providing support, as it gives the Board a basis upon which to see that this truly is a community desire, and that they recognize that in essence, they are expending County funds by waiving the collection of the rent. She said by having the data and community support, it gives the Board the foundation it needs to be able support waiver of rents for this particular applicant, and so she would vote in favor of it.

Ms. LaPisto-Kirtley concurred, noting that she would be voting in favor of the rent waiver.

Ms. Mallek said she would support the waiver of the rent, as well as the waiver of penalties in interest. She said they need to be sure to clarify, when they get to that point, that penalties in interest on the rent will be taken care of, as these are astonishingly high dollar figures for OCSA (\$700 per month). She said she was grateful for the interest in helping OCSA out.

Ms. Mallek said having watched OCSA develop over the last 11 years, she is proud of what they have accomplished and glad for the way they provided information to get this kind of support.

Ms. McKeel said she would support this particular waiver, noting that the other Supervisors expressed her opinions very well.

Mr. Kamptner asked if the person making the motion could articulate the months for which rent will be waived. He said OCSA had asked that the Board begin the waiver hearing at the end of April. He asked if the motion maker could also articulate whether or not they would like to further support the County Executive evaluating any necessary further waivers as the COVID-19 disaster continues.

MOTION: Ms. Mallek **moved** that the Board act to grant the rent waiver, and waiver of penalties in interest, for Old Crozet School of the Arts, beginning April 1 until the declaration from the Governor that they are allowed to open; and to give the County Executive authority to make arrangements, going forward. Ms. McKeel **seconded** the motion, which carried unanimously (6:0).

Mr. Gallaway introduced discussion for the Field School of Charlottesville.

Ms. Palmer said she would not support rent waiver for this entity, as she did not have any information concerning it.

Ms. Price concurred with Ms. Palmer's statement.

Ms. LaPisto-Kirtley also concurred.

Ms. Mallek said she would not support this, as the school is still operating online and to her knowledge, has not had to refund any tuitions.

Ms. McKeel said she would also not support this waiver for all the reasons identified.

Mr. Gallaway said he would have supported all waivers, and so he would be voting in favor of each.

MOTION: Ms. Palmer **moved** that the Board not approve the waiver of rent for the Field School of Charlottesville that was included in Attachment C.

Ms. Price asked if this motion to deny included any late fees and interest.

Ms. Palmer replied that she was fine with doing away with late fees, in a blanket manner, during this period of time.

Ms. Price **seconded** the motion not to approve, which carried by a vote of 5:1. (Mr. Gallaway dissented.)

Mr. Gallaway introduced discussion for The Crozet Artisan Depot, LLC.

Ms. Palmer said she appreciated the people who have emailed the Board about this, and the information that was given by one of the leaseholders. She said this information, however, was not sufficient to make her support a waiver of rent.

Ms. Palmer clarified that she was thinking of the late fees and interest payments separately from these rent waivers.

Mr. Gallaway agreed that as everyone was supportive of the waiver of late fees and interest, this could be a separate item.

Ms. Price said she also was not prepared at that time to support the rent waiver.

Ms. LaPisto-Kirtley said she would also not be supporting this.

Ms. Mallek said she would support the rent waiver for the Depot, as they have been great tenants for five years and are providing a way for 80 different artists (60 of which live in Albemarle County) to sell their art pieces. She said for the last 12 years, the County has been trying to strengthen its approach to small business, arts, and home occupations, and that this is just as important an element of economic development as many other things the County is doing. She said she would very much support the rent waiver for the same time period as OCSA, as they had also applied in March.

Ms. Mallek said the Depot also provides two days per week of extra tourism staffing because the CACVB does not staff the tourism bureau for two days. She said the gallery people therefore support that. She said when the Depot reopens, they will again provide good service to the County.

Ms. McKeel said she concurred with Ms. Palmer and others in not supporting this request.

MOTION: Ms. Price **moved** that the Board not approve the waiver of rent for The Crozet Artisan Depot. Ms. Palmer **seconded** the motion, which carried by a vote of 4:2. (Mr. Gallaway and Ms. Mallek

dissented.)

Mr. Gallaway introduced discussion for Crozet Running, LLC.

Ms. Palmer said she would not be supporting this rent waiver request.

Ms. Price, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. McKeel said they also would not be supporting it.

MOTION: Ms. Price **moved** that the Board not approve the waiver of rent for Crozet Running, LLC. Ms. LaPisto-Kirtley **seconded** the motion, which carried by a vote of 5:1. (Mr. Gallaway dissented.)

Mr. Gallaway asked Mr. Kamptner if there was anything else the Board needed to before moving on.

Mr. Kamptner replied that there needed to be a motion on approving the waiver of the late penalties and interest. He said he assumed this would begin April 1 so that they cover OCSA, which he understood has not yet paid its April rent, and that the waiver of penalties and interest would continue until an executive order from the Governor opening businesses such as these to reopen.

MOTION: Ms. Mallek **moved** that the Board approve the waiver of late fees and penalties in interest. Ms. Price **seconded** the motion, which carried unanimously (6:0).

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**RESOLUTION SUPPORTING THE DIRECTOR OF EMERGENCY MANAGEMENT'S PROVISION OF
EMERGENCY ASSISTANCE TO
OLD CROZET SCHOOL ARTS IN THE FORM OF RENTAL AND LATE PAYMENT PENALTY RELIEF**

WHEREAS, Old Crozet School Arts is a tenant of the County in the Old Crozet Elementary School, (the "Tenant") pursuant to a one-year lease that began on August 1, 2015 and has continued under automatic one-year renewals since August 1, 2016; and

WHEREAS, on March 12, 2020, County Executive Jeffrey B. Richardson declared a local emergency and Governor Ralph S. Northam declared a state of emergency because of the novel coronavirus ("COVID-19") disaster; and

WHEREAS, the COVID-19 disaster and the resulting executive orders issued by Governor Ralph S. Northam, in particular Executive Orders Fifty-Three and Fifty-Five, have closed or materially disrupted certain activities and businesses, including the Tenant's; and

WHEREAS, the County Executive, acting as the County's Director of Emergency Management, is authorized by Virginia Code § 44-146.21(C) to provide emergency assistance to victims of the COVID-19 disaster; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby supports the Director of Emergency Management providing emergency assistance to the Tenant in the form of waiving rent for May and June, 2020, and waiving or deferring rent, waiving or deferring the late payment penalty, or both, for any month thereafter as he periodically determines to be necessary and appropriate based on the COVID-19 disaster related restrictions on activities and businesses in effect at the time and the Tenant's demonstrated need for such relief.

Item No. 6.4. Update to the Old Lynchburg Road/Moore's Creek Bicycle and Pedestrian Improvements Revenue Sharing Application Resolution.

The Executive Summary forwarded to the Board states that in September of 2019 the Board adopted a Resolution to participate in VDOT's Revenue Sharing program for Fiscal Year 2021 to support the Old Lynchburg Road/Moore's Creek Bicycle and Pedestrian Improvements. VDOT has reviewed that application and is considering funding it. However, they found two minor issues with the previously adopted Resolution and have asked Albemarle County to provide a new Resolution that addresses those issues.

This project proposes to construct bicycle and pedestrian improvements along Old Lynchburg Road and construct a new paved, shared-use path greenway between Old Lynchburg Road and Sunset Ave adjacent to Moore's Creek. The project lies on the City/County line and involves development on City-owned property in the County. The improvements were a high priority recommendation from the Jefferson Area Regional Bicycle and Pedestrian Plan. County staff are in discussions with the City on potential partnerships related to funding, project development, and maintenance. Additionally, this project was identified as a Quality of Life project by the Board, and local share funding is intended to come from that source in the Capital Improvement Program.

There are still remaining questions regarding the cost estimate that will need to be worked out during the preliminary engineering stage, and therefore VDOT is requesting that the specific costs not be

included in the Resolution in the event that the project cost aligns with the highest cost estimates. Even at the high end of the estimates, the overall cost to the County will be within the amount available for the project through the Quality of Life program, and once the engineering phase is underway, opportunities to reduce costs and scope will be explored.

The previously adopted Resolution also neglected to include an authorization for the County Executive to sign the project agreements if the project is awarded funding. This authorization has also been added to the updated Resolution.

Staff recommended in September 2019 using County CIP funds to leverage against State funds to fully fund the identified transportation projects to completion. Funding for this project is available in the current CIP previously approved through the Quality of Life funding.

Staff recommends that the Board adopt the revised Resolution (Attachment A) for the Old Lynchburg/Moore's Creek Bicycle and Pedestrian Improvements Revenue Sharing Grant application.

By the above-recorded vote, the Board adopted the Resolution for the Old Lynchburg/Moore's Creek Bicycle and Pedestrian Improvements Revenue Sharing Grant application:

**RESOLUTION TO PARTICIPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2021
Old Lynchburg Road/Moore's Creek Bicycle and Pedestrian Improvements**

WHEREAS, the County of Albemarle desires to submit an application for the allocation of funds through the Virginia Department of Transportation Fiscal Year 2021 Revenue Sharing Program; and

WHEREAS, the County is willing to commit local funds of a minimum of fifty percent (50%) of the total project cost in order to compete for a Revenue Sharing Program award; and

WHEREAS, these funds are requested to implement the Old Lynchburg Road/Moore's Creek Bicycle and Pedestrian Improvement project which proposes to construct bicycle and pedestrian facilities along Old Lynchburg Road and the Moore's Creek Greenway between Sunset Avenue and Old Lynchburg Road.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby commits to provide local funds of a minimum of fifty percent (50%) of the total project cost in its application for revenue sharing funds from the FY 2021 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby grants authority to the County Executive to execute project administration agreements for any approved Fiscal Year 2021 Revenue Sharing Program projects.

Item No. 6.5. SDP201800040 Hunters Way Coffee Shop – Special Exception for a Drive-Through Window and Waiver for Critical Slopes.

The Executive Summary forwarded to the Board states that the applicant and owner, Heartrock Farm LLC, is requesting two Special Exceptions in coordination with a site plan proposal: (1) location of a drive-through window, and (2) disturbance of critical slopes.

Special Exception #1: Location of a Drive-Through Window

County Code §18-5.1.60(a) requires drive-through windows to be located on the side or rear of any building that is adjacent to a public street. The applicant is requesting a special exception from this requirement to allow the proposed drive-through window to be constructed and operate adjacent to a public street, Hunters Way, as shown in the Drive-Through Window Exhibit (Attachment B).

The Board of Supervisors may waive this requirement in accordance with County Code §18-5.1(a-b) and County Code §18-33.49. Please see Attachment C for staff's full analysis. Based on the findings therein, staff recommends approval of this special exception request with a condition.

Special Exception #2: Disturbance of Critical Slopes

The applicant is requesting a special exception to allow the disturbance of 2,488 square feet of critical slopes areas on the property. The applicant has provided Attachment E to show the locations where disturbance of critical slopes is requested.

County Code §18-4.2.3(b) and 18-4.2.5(a) allow for disturbance of critical slopes, provided the findings in 18-4.2.5(a)(3) are made. Please see Attachment F for staff's full analysis. Based on the findings therein, staff recommends approval of this special exception request with a condition.

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

By the above-recorded vote, the Board adopted the Resolution to Approve Special Exceptions for SDP 201800040 Hunters Way Coffee Shop:

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR SDP 201800040 HUNTERS WAY COFFEE SHOP**

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1(a), 18-5.1.60, 18-4.2, 18-4.2.5(a)(3), and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exceptions for SDP 201800040 Hunters Way Coffee Shop, subject to the conditions attached hereto.

* * *

SDP 201800040 Hunters Way Coffee Shop Special Exception Conditions

1. The drive-through window shall be located within the general area shown on the exhibit entitled "2300 Hunter's Way: For Illustrative Purposes Only" prepared by Shimp Engineering and dated December 20, 2019.
2. The area of land disturbance on critical slopes may not exceed 2,488 square feet as described in the request entitled "Major Site Plan Amendment (SDP201800040 An Amendment to SDP201600012) Critical Slopes Waiver Request" and as shown on the plan exhibit entitled "Critical Slope Waiver Exhibit," both of which were prepared by Shimp Engineering and are dated October 22, 2019.

Item No. 6.6. B202000407ATWR Special Exception for an Antenna Array at an Existing Wireless Service Facility (700 Holiday Trails Lane).

The Executive Summary forwarded to the Board states that a special exception request has been submitted by Jacobs Telecommunications on behalf of AT&T, along with an associated building permit application, to replace an existing array of three antennae with an array of six antennae.

County Code § 18-5.1.40(a)(12) allows special exceptions to waive or modify the requirements of County Code § 18-5.1.40 for personal wireless service facilities. This request is to modify County Code § 18-5.1.40(b)(2)(c), which requires that antennas be mounted so that the closest point of the back of the antenna be no more than 12 inches from the facility and that the farthest point of the back of the antenna be no more than 18 inches from the facility.

Staff analysis of the request is provided as Attachment A.

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

1. No antenna authorized by this special exception may project more than five (5) feet from the face of the monopole to the back of the antenna.

By the above-recorded vote, the Board adopted the Resolution to Approve Special Exception for B2020-00407A TWR:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR B2020-00407A TWR**

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.40 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c) for B2020-00407A TWR, subject to the condition attached hereto.

* * *

B202000407A TWR Special Exception Condition

1. No antenna authorized by this special exception may project more than five (5) feet from the face of the monopole to the back of the antenna.

Item No. 6.7. Board-to-Board, April 2020, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Item No. 6.8. VDOT Monthly Report (May) 2020, **was received for information.**

Agenda Item No. 7. **Action Item** – HS202000027 Homestay Special Exception Pop's Cottage (Profaci).

The Executive Summary forwarded to the Board states that the applicant requests one special exception pursuant to County Code § 18-5.1.48(i) for an existing Homestay at 2136 Red Hill Road to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125 foot setback from the north side property line for a Homestay use.

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 exception with the conditions contained therein.

Ms. Rebecca Ragsdale, Principal Planner, presented the staff report. She said this is a special exception request for a setback reduction. She reminded the Board of which homestay regulations are applicable and that in this case, it is a parcel less than 5 acres, so the applicant is allowed no more than two guestrooms; no more than one homestay; no whole-house rental; and are subject to the 125-foot setback requirements. She said the property must be owner-occupied and obtain a zoning clearance to confirm that all the applicable requirements are met, including the safety inspections and parking, before the homestay use can be established.

Ms. Ragsdale said there are a number of Special Exceptions that applicants can seek, but that in this case, only the 125-foot setback reduction is the Special Exception that is needed for the existing cottage. She said when staff reviews these requests, they look at the abutting properties and any impacts to them; any considerations in the Comprehensive Plan; and if there is any harm to public health, safety, or welfare.

Ms. Ragsdale said the property is located off Red Hill Road, about a half mile from Route 29 South. She presented a map, indicating to the subject parcel as well as the surrounding properties. She said neighbor notification was sent to those properties and that staff did not receive any concerns or objections from neighbors.

Ms. Ragsdale presented another view of the property for context in terms of the lay of the land. She said the specifics of the property include an existing single-family home where the owners live, and a second home (referred to as "Pop's Cottage"), which is about 30 feet from the property line where the setback reduction is needed. She also showed the location of the parking area.

Ms. Ragsdale said in this case, there is a wooded area along the property line, and a buffer that exists now mainly consisting of deciduous trees. She said based on a conversation with the Board last month, staff is starting to present more information about the characteristics of the buffer. She said staff has started to recommend a condition that the buffer be preserved and within the buffer, that screening be provided.

Ms. Ragsdale said the property will need a few evergreen plantings added to the buffer area to meet the condition. She said these requirements mimic what they have in Commercial Zoning District requirements for screening and buffering for commercial properties that are adjacent to Rural Areas or Residential, for consistency.

Ms. Ragsdale said staff recommended approval of the request for the one guest room in the cottage, with the two conditions regarding reference to the exhibit and the location of the guest rooms, as well as the buffer and screening condition.

Ms. Price said she appreciated the inclusion of the additional requirement.

Ms. Mallek echoed Ms. Price's comment. She asked if she was correct in seeing, from the map, that the access to this lot is over someone else's property, and if this was true, if it makes a difference as far as the commercial use on the property.

Ms. Ragsdale replied that there is an access easement for the property, and with the one additional guestroom, staff does not anticipate there being any additional traffic that would be detrimental to the shared driveway. She said the other property owner was notified of the request and did not express any concerns.

Ms. Mallek asked if when there are easement access issues, staff is paying extra attention to that.

Ms. Ragsdale replied yes.

MOTION: Ms. Palmer **moved** that the adopt the attached Resolution (Attachment F) to approve the special exception with the conditions contained therein. Ms. LaPisto-Kirtley **seconded** the motion.

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

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

NAYS: None.

Ms. Palmer said she had a general question about the buffers. She asked if staff, when directing the applicants to add plantings to the buffers, provides any information on the value of planting native plants. She asked if there is literature to give the applicants about this.

Ms. Ragsdale replied that this can be provided to the applicants.

Ms. Palmer said this would be nice in educating applicants, acknowledging that the County cannot compel anyone to do this.

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR HS2019-00027 POP'S COTTAGE HOMESTAY

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any written comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125 foot north side yard required for a homestay in the Rural Areas zoning district for HS2019 -00027 Homestay Special Exception Pop's Cottage, subject to the conditions attached hereto.

* * *

HS 2019-00027 Pop's Cottage Homestay Special Exception Conditions

1. The Homestay use is limited to one (1) guest room within the existing residence as depicted on the Parking and House Location Exhibit dated April 9, 2020.
2. Parking for homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated April 9, 2020.
3. The existing 20' vegetative buffer located along the northwestern property line as depicted on the Parking and House Location Exhibit dated April 9, 2020 may not be disturbed and must be maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

Agenda Item No. 8. **Action Item** – HS202000030 Homestay Special Exception Windfield (Winstead).

The Executive Summary forwarded to the Board states that the applicant requests one special exception pursuant to County Code § 18-5.1.48(i) for a homestay at 1905/1903 Craig Store Road to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125 foot setback from the north side property line.

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 exception with the conditions contained therein.

Ms. Ragsdale said this is a parcel on less than 5 acres, and so the applicable homestay regulations were the same as the previously covered request for Profaci. She said the request was for reduced setbacks for the apartment above the garage, which is the second dwelling on the property.

Ms. Ragsdale said staff looked at whether there are issues to abutting lots, or any public health or safety issues, while reviewing the request.

Ms. Ragsdale said this property is off of Craig Store Road and is not far from Batesville. She showed a map that demonstrated the abutting lots' relationship to the property. She said this application did include a letter of support from the neighbors, and in response to the County's official notice of the request, staff did not receive any questions or concerns.

Ms. Ragsdale presented a view of property that included the neighbors. She said there is already

a well-established screening with evergreen trees within the buffer area to the neighboring properties. She said the setback reduction request is for the structure that is about 80 feet to the property line, and within that 80 feet is the recommendation that the 20-foot buffer remain, and that the screening it provides with the existing plantings remain.

Ms. Ragsdale said staff recommendation approval of this request.

Ms. Palmer asked if the properties adjacent to this property that might be impacted by the request are not the people who sent in the letters of support, as those supporters were the people on the other side of the road (on Wishing Meadow Lane).

Ms. Ragsdale replied yes. She said the other neighbors were notified and that staff did not receive any questions or comments.

Ms. Palmer said she was confused as to where the driveways are located, in terms of the two impacted. She said there is one close very close the property line and asked where their driveway is located off of Craig Store Road. She said the property has a Craig Store Road address but is actually off of Wishing Meadow Lane.

Ms. Ragsdale replied that there are two separate driveways, and presented an exhibit demonstrating the locations.

Ms. Palmer asked if Ms. Ragsdale could point out the driveways on the screen.

Ms. Ragsdale indicated to the driveways.

Ms. Palmer asked how the properties in the back of them are accessed.

Ms. Price helped to explain this.

MOTION: Ms. Palmer **moved** that the Board adopt the attached resolution, Attachment F, to approve the Special Exception with the conditions contained therein. Ms. Mallek **seconded** the motion.

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

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

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR HS2020-00030 WINDFIELD (WINSTEAD) HOMESTAY

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any written comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125 foot north side yard required for a homestay in the Rural Areas zoning district for HS2020-00030 Homestay Special Exception Windfield (Winstead), subject to the conditions attached hereto.

* * *

HS 2020-00030 Windfield (Winstead) Homestay Special Exception Conditions

1. The Homestay use is limited to one (1) guest room within the existing residence as depicted on the Parking and House Location Exhibit dated April 9, 2020.
2. Parking for homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated April 9, 2020.
3. The existing 20' vegetative buffer located along the eastern property line as depicted on the Parking and House Location Exhibit dated April 9, 2020 may not be disturbed and must be maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

Agenda Item No. 9. **Action Item** – Sidewalk Maintenance Agreements.

The Executive Summary forwarded to the Board states that objective 4 of the Transportation Chapter (Chapter 10) of the County's Comprehensive Plan is to "strengthen efforts to complete a local transportation system that includes access to pedestrian and bicycle facilities." Specific strategies provide additional detail on construction and funding of pedestrian facilities. This item is being brought to the

Board of Supervisors to further those efforts.

The County frequently works with developers through the public street approval process to ensure that new streets are accepted for maintenance by the Virginia Department of Transportation (VDOT). VDOT's policy and design standards are detailed in its Secondary Street Acceptance Requirements (SSAR). The SSAR requires adequate pedestrian facilities ("sidewalks") on most secondary streets. In most cases, those sidewalks are located within rights-of-way dedicated to the County and ultimately maintained by VDOT. County staff routinely directs developers toward this preferred alternative.

However, circumstances occasionally place those sidewalks outside of a VDOT-maintained right-of-way. Many projects have already undergone a series of reviews, or possibly construction, with sidewalks located outside of the right-of-way, and cannot be altered without significant cost to the developer.

In these circumstances, VDOT also accepts maintenance of streets whose sidewalks are outside rights-of-way as long as sufficient agreements can ensure the sidewalks' proper maintenance. In those cases, VDOT requires that the locality "assures the burden and all costs of inspection, construction, maintenance, and future improvements to these pedestrian facilities, or other costs related to the placement of the facilities outside of highway right-of-way and such funds shall be provided from sources other than those administered by VDOT." To ensure that the County does not ultimately bear maintenance costs and responsibility, the County would in turn require "pass through" agreements with a responsible party or parties (such as a developer or property owners' association). Under these agreements, the responsible party would actually perform or arrange and pay for maintenance of the sidewalks in its respective development(s). If the responsible party failed to do so, the County could perform needed maintenance and then demand re-payment from the responsible party. Under the "pass through" agreements, the responsible party would be required to hold the County harmless as to the identified sidewalks.

Though not preferred, these agreements, and sidewalks outside of VDOT-maintained rights-of-way generally, would occur only when necessitated by environmental constraints, previous County approvals, or arduous circumstances. For all future projects in which the County would enter into these agreements, public access easements would ensure public access to these sidewalks.

Under VDOT's standard agreement (Attachment A), VDOT would require the County to assume responsibility for maintenance of sidewalks outside of VDOT-maintained right-of-way. If the County were to move forward with this agreement, it would remove the need to enter into separate individual agreements with VDOT each time a separate development included sidewalks outside of a VDOT-maintained right-of-way. In turn, the County would require separate agreements with the developer or property owners' association, the first examples of which are Attachments B and C.

This issue has arisen in two pending projects whose sidewalks are outside of platted rights-of-way: certain phases of Old Trail and Chesterfield Landing. In both cases, street plans were approved before VDOT began strictly requiring local maintenance agreements. Drafts of proposed "pass through" agreements are included as Attachment B (Old Trail) and Attachment C (Chesterfield Landing). Staff is recommending that the Board authorize the County Executive to execute these agreements, once finalized, and future similar agreements with the appropriate responsible parties, when similar situations arise.

Staff will continue to direct that sidewalks be included within publicly dedicated rights-of-way, to minimize the need for outside sidewalk maintenance and agreements. However, when sidewalks outside the right-of-way are deemed necessary, the proposed agreement with VDOT (Attachment A), together with "pass through" agreements similar to Attachments B and C, would allow the County to continue provide appropriate pedestrian accommodations and protect the County financially in a manner that allows flexibility and responsiveness.

Under the County-VDOT agreement (Attachment A), VDOT requires localities to assume ultimate responsibility for sidewalk maintenance outside VDOT-maintained rights-of-way. The proposed "pass through" agreements shift those costs to other responsible parties. However, staff recognizes that if a "responsible party" defaults, legal action likely would be required to protect the County from assuming the costs of sidewalk maintenance in affected development(s).

Staff recommends that the Board adopt: 1) the attached Resolution (Attachment D) to authorize the Board of Supervisors Chair to execute the agreement with VDOT; and 2) the attached Resolution (Attachment E), to authorize the County Executive to execute "pass through" agreements with a responsible party or parties (such as a developer or POA) that would shift the responsibility for maintenance of its sidewalks.

Staff would also welcome any feedback from the Board regarding the draft "pass through" agreements attached as Attachments B and C, which would be the first "pass through" agreements under this authority.

Mr. Kevin McDermott, Principal Transportation Planner, presented. He noted that Mr. Herrick and County Engineer Mr. Frank Pohl also worked on the project and would help him answer any questions.

Mr. McDermott said that sidewalk maintenance agreements could be a broad subject, clarifying that what they were discussing that day was about the sidewalks the developers build as part of their developments. He said typically how this works is that very often, they would like those roads to be maintained by the State (VDOT) and have them accepted into the public system, once complete. He said VDOT uses secondary street acceptance requirements when they determine whether or not they will accept a road into the public system. He said these set out all the standards and requirements for streets that they would accept, and that one of those requirements is that they want adequate pedestrian facilities on most of those secondary streets.

Mr. McDermott said there is a very small handful of occasions when VDOT would not require pedestrian facilities, but that in almost all cases, they would require them. He said they require them to be located within the street right of way so that they can have full access to them and have public access to the sidewalks as well. He said this is the preferred alternative to move forward with through the street acceptance process.

Mr. McDermott said there are occasions when sidewalks would be placed outside of the right of way and that in those cases, they would have to ensure that those sidewalks would be properly maintained. He said VDOT would allow that to occur. He said most of these cases are due to an environmental restraint that will not allow the developer to construct their lots in a manner that would allow those sidewalks to be placed within the right of way.

Mr. McDermott said when this does happen, VDOT will still like to see that those sidewalks are available to the public and that they will continue to be maintained. He said they require the locality to assure the burden and cost of inspection, construction, and maintenance of future improvements to those pedestrian facilities. He said they require the County to say that it will make sure the sidewalks are maintained if it will be maintaining the road adjacent to it.

Mr. McDermott said to ensure that the County does not bear those costs and responsibility, the County requires a pass-through agreement with a responsible party. He said this responsible party is typically a property owner's association that the County would enter into those agreements with. He said sidewalks outside of the VDOT right of way only occur when the County deems them necessary and those public access easements ensure public access.

Mr. McDermott said in the past, the County has allowed these sidewalks outside of the right of way, and that there have been agreements with property owners associations to maintain them. He said recently VDOT, however, has become much more strict on requirements to outline those agreements, and so now, there is a recommendation to have a blanket agreement between the County and VDOT that says the County will assume responsibility for maintenance of all sidewalks outside of the right of way when they allow those to be constructed. He clarified that these are on publicly maintained roads.

Mr. McDermott said this will remove the need for the County to enter into a separate, individual agreement every time it works with a developer and determine that a sidewalk needs to be placed outside of the VDOT right of way. He said if they do not do the blanket agreement included in Attachment A, they would have to do an individual agreement between the County and VDOT each time they want to allow this to occur. He said the blanket agreement allows the County to make this determination on its own, individually.

Mr. McDermott said if the County signs this agreement and determines that it wants to move forward with allowing a sidewalk outside of the right of way, the County then requires a separate agreement with that responsible party (e.g. property owner's association). He said instead of all this responsibility being on the County, this is a pass-through agreement that they require the property owner's association to sign and be responsible for the cost of future maintenance.

Mr. McDermott said there are two current projects in this situation, and that what is shown in Attachments B and C are drafts of these pass-through agreements that are proposed to move forward with in the future. He said Attachment B includes certain phases of the Old Trail development in Crozet, and Attachment C is for certain phases of Chesterfield Landing (also in Crozet). He said he would show an example of this.

Mr. McDermott summarized that when sidewalks outside of the right of way are deemed necessary by staff, the proposed agreement with VDOT (together with the pass-through agreement) would allow the County to provide those pedestrian accommodations and protect the County financially.

Mr. McDermott presented an image of Old Trail Drive and Ashlar Avenue, in the center of Old Trail. He indicated to solid lines that block out Ashlar Avenue and noted that this was the proposed right of way. He said adjacent to that, to both the south and north, was a dashed line that shows a 9-foot sidewalk maintenance agreement. He said what is contained within that sidewalk maintenance easement is the sidewalk and the buffer strip adjacent to the curb on that road. He said this was shown in Attachment B.

Mr. McDermott said they were still finalizing this agreement and that the Board was not being asked to approve that specific agreement in Attachment B at that time, but that it was being provided as an example.

Mr. McDermott said this was already constructed and that the issue with this was that it moved through the approval process before the County identified that VDOT was going to require these

agreements, which is why they were coming back now. He said staff did not see any other option except to sign these agreements between VDOT, and also with the property owner's association (March Mountain) in the Old Trail area, to allow this to continue to move forward.

Mr. McDermott presented staff's recommendation for the Board to adopt, which was the resolution in Attachment D, which authorizes the Board of Supervisors' Chair to execute the blanket agreement in Attachment A between the County and VDOT.

Mr. McDermott said the second resolution in Attachment E authorizes the County Executive to execute future pass-through agreements, including the final agreements in Attachments B and C, with a responsible part to shift the responsibility of the maintenance of sidewalks.

Ms. Palmer asked if, with respect to Resolution E, there will be a level of maintenance required. She said some people's ideas of maintenance are different than others. She said she was concerned that when dealing with an HOA or a developer that goes out of business, how the County will ensure that the HOA understands their responsibilities over the years. She asked if there is any input after the Board signs this agreement.

Mr. McDermott replied that his understanding was that as part of the agreement, the County is able to inspect the sidewalk. He said his guess would be that this would be a complaint-driven issue. He said if the County receives complaints that a sidewalk is no longer passable, or if there is a danger in any way (similar to what they hear with VDOT-maintained sidewalks), the agreement does state that the County is allowed to inspect that. He said the County is allowed to determine whether or not the party should fix this, and that this would fall under the purview of the County Engineer's department. He said he would open this discussion to Mr. Pohl to see if he wanted to respond.

Mr. McDermott said regarding Ms. Palmer's second question as to what happens if a property owner's association were to disband, the property owner's association does have a legal backing, and that this would have to be passed on to another responsible party if there was a change. He said this would likely be a question that Mr. Herrick could answer.

Ms. Palmer said it was important to define what the level of maintenance should be as well.

Mr. Andy Herrick (County Attorney's Office) said in response to the question about who would ultimately be responsible, the pass-through agreements the County would have either with the developer or the HOA would be something that would run with the land. He said these will be recorded agreements that will be recorded at a courthouse, and future HOAs or successors in interest of the HOA would be put on notice that they would be legally responsible.

Mr. Herrick said the agreement requires the owner's association or other responsible party to assume all liability of any kind that the County might incur as a result of the agreement with VDOT. He said this is why this is called a "pass-through agreement," as all responsibilities that the County might have get passed on to the successors. He said in the event that a property owner's association or developer is not fulfilling its obligations, the agreement allows the County to fulfill those obligations for them, then collect the cost from the party.

Mr. Herrick said as pointed out in the Executive Summary, this could require legal action on the part of the County. He said it was perhaps not as good as having a direct agreement between VDOT and the developer, but that this was not something that VDOT allows. He said VDOT requires the County to act as the guarantor, and that the best the County can do in those circumstances is to pass on its obligations to the owner's association or responsible party.

Ms. Palmer said her concern is that HOAs are notorious for fading out over time and no one remembering that they had one. She said she assumed that Mr. Herrick was saying there wasn't much they could do about that.

Mr. Herrick said that the pass-through agreements crafted are the best the County can do to cover as much County exposure as possible.

Mr. Kamptner said the modern HOA is more formal than the ones that were created 20-50 years ago. He said they do have a requirement that they maintain a capital reserve, and the agreement for Old Trail does require this particular HOA to include the funding for maintenance.

Mr. Kamptner said in the worst case scenario, this could be the type of public improvement that could become subject to the oversight of the Service District, to the point where there is a Public Works department and an additional tax on the residents who receive the benefit from this. He said it makes it an entirely public maintenance process.

Mr. Pohl said in terms of maintenance, the County would also follow VDOT's lead on this, as it is something that is required by VDOT. He said technically, it was about raised sidewalks from roots, for instance, that they have seen in Crozet. He said this does not include plowing or clearing of sidewalks during snow events. He said the maintenance is strictly for the safe passage of pedestrians on the sidewalks.

Ms. Palmer asked if there was, then, some definition VDOT has, which would pass through to the new responsible party.

Mr. Pohl replied that there are VDOT standards the County would review. He said a trip hazard, for instance, is more than a quarter-inch for a raised sidewalk. He said the County would use the VDOT standards as its guide for maintenance.

Ms. Price asked Mr. Herrick if this was more of a procedural rather than a substantive change, as it currently exists each time there is a sidewalk placed outside of a VDOT right of way, and that they have to do a separate agreement that involves three parties (the developer, County, and VDOT). She said with this agreement, they would basically have a blanket or umbrella agreement with VDOT, but that they still have to do the agreements with each of the developers. She asked if substantively, they would still have the same pass-through requirements and obligations, but that they were simplifying the process.

Mr. Herrick replied yes and no. He said his understanding was that this is, and has been, a written requirement of VDOT for as long as he could remember. He said it just hasn't been something that VDOT has strictly enforced. He said VDOT is now requiring localities to have these agreements in place. He said staff has tried to put together the best approach possible in light of VDOT's new requirements. He said from an administrative standpoint, it would make sense to have a single agreement between VDOT and the County, then have pass-through agreements with the individual developers.

Mr. Herrick said the alternative would be for staff coming before the Board on each occasion where there is a separate [inaudible]. He said from an administrative standpoint, it would make sense to have the single agreement with VDOT, then individual agreements with the individual developments.

Ms. Price said she took it that as was stated in the package materials and presentation, the County will always try to get the sidewalks when created within the VDOT right of way, and that this was simply for those situations where the sidewalk is going to be placed outside of the VDOT right of way.

Mr. Herrick replied this was correct. He said the rule is that the sidewalk really should be within the public right of way, as this eliminates all of the extra agreements that would otherwise be required. He said going forward, staff will look to ensure that all of the sidewalks are within the right of way.

Ms. LaPisto-Kirtley expressed favor of the agreement proposal, agreeing that they were as protected as can be with the proposal.

Ms. Mallek said her concern was that over the years, there were many times when developers still controlled what would be someday an HOA, as they own a majority of the property, and that it is very difficult -- whether putting on a finished painting surface, or anything -- to get those things to happen. She asked if there is a way the County could write something else into this agreement with these owners to perhaps get a bond upfront so that it does not put such a burden of enforcement on Zoning staff to chase people for years to get things done.

Ms. Mallek said the sidewalk along Berkmar was something that either the County or VDOT built, but that it has never been able to get the attention to get the grass removed there. She said this was just one example. She said the Old Trail HOA has a terrible time getting things that they perceive to be part of their written agreements done, and that the County is not able to engage in that level of discussion as it is not its role. She said if they could be as strict as possible at the very beginning, she hoped this would avert a further waste of time in the future.

Mr. Pohl replied that the County does receive bonds for these improvements. He said this is a requirement from a VDOT perspective prior to acceptance. He said along with all the other improvements of the subdivision, these are bonded or included in that road bond.

Ms. Mallek asked if the County gets to keep the bond for future maintenance, or if they have to release it once the sidewalk is put in.

Mr. Pohl replied that the County releases the bond with the agreement in place stating that the HOAs will incur the cost for that maintenance.

Ms. McKeel said she was fine with the proposal, as she had already gone over her concerns with Mr. McDermott, which he also covered in the presentation. She expressed appreciation for this simplification of the process and use of time.

MOTION: Ms. Mallek moved the Board adopt the resolution (Attachment D) to authorize the Board of Supervisors' Chair to execute agreements with VDOT in Attachment A; and that they include in the resolution to adopt Attachment E to authorize the County Executive to execute pass-through agreements with the responsible party. Ms. Palmer seconded the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION APPROVING A SIDEWALK MAINTENANCE AGREEMENT WITH THE VIRGINIA
DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE CHAIR OF THE COUNTY'S
BOARD OF SUPERVISORS TO EXECUTE THE AGREEMENT**

WHEREAS, new streets intended for maintenance by the Virginia Department of Transportation (VDOT) must meet all applicable standards outlined in VDOT's Secondary Street Acceptance Requirements (SSAR), including the provision of sidewalks for most secondary streets; and

WHEREAS, when a required sidewalk is located outside of a dedicated right-of-way, VDOT requires an agreement with the locality to ensure the maintenance of the sidewalk before VDOT will accept the street for maintenance; and

WHEREAS, the County in turn is requiring an additional "pass through" maintenance agreement with a responsible party or parties (such as a developer or property owners' association) to ensure that the sidewalk maintenance costs and responsibility are not borne by the County; and

WHEREAS, the efficiency of government would be improved by entering into an agreement with VDOT that assures, among other things, that the County will make formal arrangements to ensure that pedestrian facilities located outside of secondary highway rights-of-way are sufficiently maintained and that documentation of these arrangements will be supplied to VDOT prior to street acceptance.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the Chair of the County's Board of Supervisors to sign a sidewalk maintenance agreement with the Virginia Department of Transportation, provided that the agreement is approved as to form and substance by the County Attorney.

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE
SIDEWALK MAINTENANCE AGREEMENTS WITH RESPONSIBLE PARTIES WHEN A SIDEWALK IS
LOCATED OUTSIDE OF A DEDICATED RIGHT-OF-WAY**

WHEREAS, new streets intended for maintenance by the Virginia Department of Transportation (VDOT) must meet all applicable standards outlined in VDOT's Secondary Street Acceptance Requirements (SSAR), including the provision of sidewalks for most secondary streets; and

WHEREAS, when a required sidewalk is located outside of a dedicated right-of-way, VDOT requires an agreement with the locality to ensure the maintenance of the sidewalk before VDOT will accept the street for maintenance; and

WHEREAS, the County in turn is requiring an additional "pass through" maintenance agreement with a responsible party or parties (such as a developer or property owners' association) to ensure that the sidewalk maintenance costs and responsibility are not borne by the County; and

WHEREAS, the efficiency of government would be improved by delegating the authority to the County Executive to sign "pass through" sidewalk maintenance agreements with responsible parties on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive, on behalf of the County, to sign sidewalk maintenance agreements with responsible parties when a sidewalk is located outside of a dedicated right-of-way, provided that the agreement is approved as to form and substance by the County Attorney.

Agenda Item No. 10. **Presentation** – Market Studies from Retail Strategies and Downtown Strategies.

The Executive Summary forwarded to the Board states that, on June 19, 2019, the Board authorized the County to enter into a Public-Private Partnership with Crozet New Town Associates, LLC to redevelop the Barnes Lumber site in Downtown Crozet. As part of the agreement, the County agreed to complete a market study, as provided in the 2010 Crozet Master Plan Implementation Plan.

In October 2019, the Economic Development Office contracted with consultants from Retail Strategies to conduct two specialized studies; one study focused on the retail sector within the Development Areas and the other study provided a capacity analysis and development recommendations for Downtown Crozet.

In November 2019, Retail Strategies undertook a two-day "boots on the ground" analysis of the Development Areas to catalog existing assets, identify retail opportunities, and engage with local commercial real estate professionals. The information gathered from this visit will be used by Retail Strategies and developers to better attract retailers to fill vacant commercial spaces and future commercial developments for a period of two years. During this same contractual timeframe, Albemarle County will rely on Retail Strategies to provide expert guidance on retail subsistence post COVID-19 pandemic.

In January 2020, the President of Downtown Strategies (a branch of Retail Strategies) joined with

County staff and citizens for two meetings associated with the Crozet Master Plan Update that focused on Downtown Crozet; one meeting was a strategic visioning workshop and the other was a focus group. The feedback from these sessions, in addition to visiting existing commercial entities in the Crozet area, helped to inform the recommendations.

Retail Strategies was an investment for our community. Their activities are expected to produce a return in sales tax and add jobs. Their recommendations are expected to enhance the success of existing businesses and fill gaps that are underserved in the community.

The presentation included as Attachment A represents the Retail Market Study for the Development Areas. Attachment B contains the Downtown Crozet Market Study. Staff will take comments from the Board of Supervisors and incorporate their feedback into action items that support the local retail market, reduce money from leaking out of the local economy, and inform the Crozet Master Planning efforts.

The original contract was \$100,000 for two years of service and funded out of Economic Development. There is no additional cost associated with this agenda item.

Staff recommends that the Board accept the Retail Market Study and Downtown Crozet Market Study for information.

Mr. Roger Johnson, Director of Economic Development, presented. He said he would provide some background on Retail Strategies.

Mr. Johnson said in 2010, as part of the Crozet Master Plan, there had been a stated intention to complete a market study. He said in 2019, there was a public-private partnership agreement with Crozet Newtown (Barnes Lumber Redevelopment). He said in this agreement, the County agreed to complete a market study.

Mr. Johnson said staff did not find it appropriate to focus solely on Crozet, so when they hired Retail Strategies, they asked that Retail Strategies focus on the Downtown area of Crozet as well as the entire development area, as it relates to providing retail consultation and strategies.

Mr. Johnson said the Board would hear two presentations: one from Ms. Jen Gregory, who will focus on downtown strategies in Crozet; and the second from Beth Miller, who will focus on retail strategies around the Development Area.

Mr. Johnson said he has worked with Retail Strategies in the past in other communities, and that they were successful. He said there may be some people in the community who will be critical of either the process or results, or in opposition to the study such as the one Retail Strategies provided.

Mr. Johnson said Retail Strategies uses a practical approach. He said they define a market area, look at the psychographics of the community, and uses objective data to draw conclusions. He pointed out that this is exactly the same process that many large retailers will use when making location and expansion decisions.

Mr. Johnson said Retail Strategies uses a national marketing firm that goes well beyond just the data. He said they also serve as a match maker, looking at vacant locations and retailers who meet those particular space needs.

Mr. Johnson said on behalf of Ms. Jennifer Schmack and the Economic Development Office, he would introduce Ms. Jen Gregory and Ms. Beth Miller.

Ms. Beth Miller said what the Board would see is somewhat different than a typical study they might see. She said this is Retail Strategies' report from coming in and learning as much as they can about the market, data, demographics, available real estate, and the County's desires.

Ms. Miller said she would discuss why a community would invest in retail, and why communities hire Retail Strategies. She said the first major part of this is to increase tax revenue and create jobs, quality of life, and new business. She said they are aware that Albemarle County has a lot of existing retail and wonderful national retailers, as well as a desire for non-national retailers. She said it is important for her team to fully understand the desires of the community to ensure they are not doing anything that goes against the vision of the County.

Ms. Miller said many times, communities encounter the challenge that when it comes to Economic Development, there tends to be a focus on larger, industrial-type projects. She said retail can make a big bang if the community lets it. She said the retail world is a small world, but it's all about who you know as far as tenants and developers.

Ms. Miller presented a slide about the retail recruitment ladder. She said on top are the ones that make big money for the community and create jobs. She said one in four jobs across the country are retail jobs, so they are important to a community's development. She said at the bottom of the ladder were some factors that make a good economic impact as well.

Ms. Miller said another thing Retail Strategies focuses on is following trends in the industry and

what is changing, and that especially in the midst of COVID-19, they are focusing a lot of time and attention into what is going to happen and trying to keep their finger on the pulse of everything going on. She said before COVID-19, the trend they were following was that ecommerce is growing, which has only drastically continued through the pandemic. She said she read a recent report that Amazon's projections for their Q2 sales are up 28.8% in North America. She said they know that things are always evolving and changing, and that they are tracking that.

Ms. Miller said many will say that retail is dying, and that there is a retail apocalypse. She said the retailers who are really surviving and thriving through the age of ecommerce, and what they believe will come from the COVID-19 pandemic, are the people who have focused on omnichannel, or "bricks versus clicks." She said these are companies who have invested a lot in their online presence.

Ms. Miller said the basis of the omnichannel idea is that if one invests in their online presence, then if people buy online by clicking, they will return for free in the store, and will always purchase more. She said almost every time, people will go in and spend more money in the brick and mortar store.

Ms. Miller cited Kohls as an example, noting that the company announced they would be a hub for Amazon returns. She said this gets people in the door and increases sales for Kohls in their brick and mortar locations.

Ms. Miller said people still prefer to shop in the store, and that she believes this will continue after COVID-19, when life hopefully gets back to normal. She presented a slide showing that 78% of people still prefer to shop in the store. She said they spend more time in a brick and mortar store than they do online, and more money each month than online in actual physical locations. She said her team did not believe that would change. She said as for the people saying not to invest in retail and that it is dying, her team disagrees, as they feel it is evolving and changing in many ways.

Ms. Miller said she would talk more about her company as a whole. She said the team with Mr. Johnson, Mr. J.T. Newberry, and Ms. Jennifer Schmack have been wonderful to work with. She said her company's philosophy works best when there is a true partner, as they want to make sure they are guided for the desires and vision of people within Albemarle County. She also said Economic Development are the local experts, and that her company strives each day to be the retail real estate experts. She said the majority of her team consists of people with a lot of retail real estate experience.

Ms. Miller said she knows that the County sees and knows things that her team is not going to know. She said although they follow the national trends, it helps to have a good partner to have ears and eyes in the local market. She said her company visits the market once a year during the contract to see it as well.

Ms. Miller said she is the Portfolio Director. She said Ms. Micha Knott is her teammate and is the Retail Recruiter for Albemarle County. She said they have over 35 team members, at this point, supporting the County and all of their clients. She said she and Ms. Knott are the two who are very dedicated to Albemarle County, and that she herself serves as the day-to-day contact with Economic Development to ensure everyone is on the same page and is aware of what they are doing. She said Ms. Knott is the person talking to retailers, developers, and property owners each day.

Ms. Miller said Robert and Mead are the owners of their company and have over combined 60 years of retail real estate experience. She said their company formed out of a traditional retail brokerage house in the Southeast (in Birmingham). She said they found that when they were going into discussing municipalities with counties and city halls, that people expressed they did not know how to do retail. She said people were also having problems such as getting in, as they didn't have the connections in the real estate world. She said the company found a need for these services back in 2011, and now, the company is all over the country.

Ms. Miller presented a slide about the marketing team and how it supports the company's efforts. She said later, she would show a marketing flyer that has been created for Albemarle County. She mentioned Ms. Charlene Capps, who is the company's data guru and is always available to the County if any reports are needed.

Ms. Miller said the company performs a market analysis through which they study demographics and learn as much as they can about the actual real estate available in the market to come up with their strategic plan. She said after presenting what the company has learned about Albemarle County, they will start on proactive retail recruitment.

Ms. Miller presented a slide about trends in memberships and subscriptions, noting that following these trends are important. She said the team watches webinars and reads reports daily to make sure that when things do reopen and life continues, they are ready to go.

Ms. Miller presented a slide about the data providers. She said a few years ago, their company invested a lot of time and money into choosing a data provider. She said Tetra is the one they landed on because this is the company that a lot of retailers (e.g. Home Depot, Regis Hair Salon) use and trust. She said when the company is trying to encourage someone to come to a market, they know that this person will trust the data they are sending them.

Ms. Miller said if combining all this data with the company's internal catalog of retailers' contact information and site criteria, this is the most valuable thing because when they find a vacancy in an

existing shopping center and want to try to fill that vacancy, the company reaches out to the retailers, and that they know exactly what they need. She said those retailers will respond when the company reaches out because they are making sure that they are sending these retailers valuable information that they will most likely be interested in.

Ms. Miller presented data about the County boundaries and the population of the County. She said it was known that retailers don't care about the boundaries of the cities, but they care much more about what household incomes are, what side of the street they are on, traffic counts, and other factors. She showed information on radius rings, drive times, and household income. She said this is the type of information that retailers are looking for.

Ms. Miller said another thing Retail Strategies relies heavily on that is interesting to her is mobile data collection, which the company started doing three years ago. She said at first, people were somewhat hesitant, as they were used to the old zip code and credit card information. She said especially in a market like Albemarle, much of the credit cards being used belong to someone else farther away (e.g. parents of UVA students). She said this data shows where the phones sleep at night.

Ms. Miller presented a particular data collection from Target on the north side of the County. She said a polygon could be drawn around that physical location, and choose a timeframe (e.g. one year). She said for any phone that has entered that location with location services on in that year-long period, the data shows where the majority of those phones sleep at night. She pointed out red dots on the map, noting this represents the highest consistency of where people are coming from. She said what her company does with this information is draws a customized trade area.

Ms. Miller highlighted that the presented customized trade area is drawn from Target and is a very generalized customized trade area. She said when Retail Strategies does its outreach to retailers, the customized trade area they send to a limited-service restaurant will be very different than something they send to a big-box company such as Target or Costco.

Ms. Miller said for this information, the company can pull all the demographics just from within the drawn polygon. She reiterated that the numbers they send to different retailers are very different depending on the use and the draw.

Ms. Miller said from that specific customized trade area, one could see the population is very large in that trade area, with a wonderful growth rate. She said the Board's packet further breaks down the data, and that she simply wanted to present the highlights for that specific trade area.

Ms. Miller said another type of research that Retail Strategies has access to is called tapestry segmentation. She presented data from a different data provider called ESRI. She said tapestry is a stereotype of an area and gives a certain region a "personality." She said many retailers are very dependent on this, as it is personally telling about the people that they believe live in this area. She said the top two categories for Albemarle County were "Exurbanites" and "Soccer Moms." She said this is important for retailers to know, as it tells who their customer is and what are those people like.

Ms. Miller said she had two four-page reports describing "Exurbanites" and "Soccer Moms" and what they are like. She said many of them are sociable, hard-working, and time find to stay physically fit. She said retailers rely on this information and that it is not seen as much as some other demographic information they look for in the customized trade area. She said all of this information has been shared with Ms. Schmack, Mr. Johnson, and the team, and that all the demographics that were run are on the base camp system that Economic Development has access to. She said this data is available if the Board has questions or wants to know more about the tapestries.

Ms. Miller presented the median age, household size, and other data for the tapestries across the country.

Ms. Miller said she would talk about focus categories and how Retail Strategies comes up with these. She said focus categories are the types of retailers that they feel are a good fit for the market to backfill some of the vacant space in Albemarle County.

Ms. Miller said the company looks at three factors, and that she would first talk about a gap analysis, followed by a peer study and industry trends. She said the gap analysis shows the money leaving the market (leaving the County), spent elsewhere. She said this does include online spending as well, which skews the numbers, but that this is still an accurate portrayal of the money and what categories are leaving.

Ms. Miller said that in Albemarle County, there is a lot of surplus, so a lot of the categories are showing the other side. She highlighted the ones that popped out and showed a gap: building material and gardening equipment, and health and personal care. She said the team dug deep into this to come up with the focus categories.

Ms. Miller said they also look at a peer analysis. She said this involves looking at markets that are somewhat regionally close, with the same demographics. She presented a map of a ten-minute drive time, which shows the population and median household income. She said it should show markets that at least demographically compare to Albemarle County. She said the team takes this to see how many of those retailers they have in each category compared to where Albemarle County sits.

Ms. Miller said the peer cities or counties have 56 quick-service restaurants, where in Albemarle, there are only 52. She said this shows that there could be room for more, in the right spots. She said the team will also create a prospect list and a void analysis showing which of those retailers in those other markets may not be in Albemarle. She said this is a good basis for the team to start their prospect listing and weed through who might be a good fit, obviously with the agreement of the County and the vision of the County. She said this is something they can perhaps use to fill a vacancy in the market.

Ms. Miller said she would talk about the “boots on the ground” analysis, which was when she and Ms. Knott came to the market at the end of last year. She said they drive the market and try to look at it like a retailer would, with an unbiased opinion. She said they catalogue all the properties in the market, looking at “For Lease” and “For Sale” signs. She said they look at areas in which perhaps there is a higher or better use, in their opinion. She said they gather as much information as they can. She reiterated the point about Retail Strategies being the “match maker,” meaning they try to find out what is available, what are the challenges with certain properties, and find the retailers to match into those spots.

Ms. Miller presented the current retail in the County, in the development or recruitment zones that were discussed. She said retail follows retail and that they want to know where the other retailers are. She said on the inside of their marketing flyer, they list this information to show who the retailers will be competing against and/or who is a good person for them to be near.

Ms. Miller said when they came into the market and catalogued all the properties, every green dot on the map presented was a property or something that she and Ms. Knott found of interest or catalogued information for, whether it was square footage, a vacancy, or an old closed restaurant. She said this information that was gathered is what they use when they start the recruitment process.

Ms. Miller presented the top four categories the company found where there was a gap, it showed up on the peer analysis, and/or they know it is a growing category. She said restaurants are a growing category, and it is difficult to find a market where a restaurant wouldn't be a fit. She acknowledged that there are already many restaurants, but that fast food and limited-service restaurants are the two biggest-growing categories across the board, and that she believes it will remain that way, even after the pandemic.

Ms. Miller said the remaining categories presented some backfill opportunities in the market. She said a restaurant can take anywhere from 1,200 to 6,000 square feet. She said with some of the bigger general merchandise stores, one can fill up a 50,000-square-foot vacancy.

Ms. Miller said the company has a prospect list with specific prospects for each of the categories, noting that this is confidential to what the company is doing. She said she only wanted to discuss the categories that they saw to be a good fit. She noted that these were not the only categories, however, that the company would speak to or try to recruit.

Ms. Miller said the process moving forward for Retail Strategies is that they will start talking to real estate directors and tenant representatives representing the County at the International Council of Shopping Centers (ICSC) shows, when they start up again; as well as perhaps outreach to property owners, brokers, and landowners while making it easy for them. She said many times, if retailers are in expansion mode, each real estate director will determine that they have a need to find 30 new stores, for example, that year. She said they do not have time to do this, and if Retail Strategies can bring them this information, it is a win-win.

Ms. Miller said during the active recruitment process, Retail Strategies always continues to try to grow. She said they want to always understand the vision of the community and that they are doing the right thing in their outreach to brokers, retailers, and tenants. She said they are always updating their research, and that their marketing flyer is updated regularly. She said their strategy is updated if something changes.

Ms. Miller presented an example of what the marketing guide looks like. She said the outside includes a quick demographic snapshot with Retail Strategies' contact information, adding that it would also contain Ms. Schmack's contact information. She said for all clients across the country, they use exactly the same format, with the retailers on the inside and an aerial. She said the retailers have grown to know what this looks like and knows where to find the information they need (e.g. household income). She said they make their outreach each day from the office, whether by email, phone, or at meetings at ICSC shows.

Ms. Miller said Retail Strategies attends all the ICSC shows. She said the largest show each year is in May, in Las Vegas, and has been postponed. She said they are waiting to see what ICSC does, and that they know how important these shows are for everyone in the industry.

Ms. Miller said her company also attends regional shows. She said she attended Mid-Atlantic in March, right before the COVID-19 disaster. She said her team is representing Albemarle County at all these conferences as they happen.

Ms. Miller summarized that process involves conducting a market analysis; studying the real estate, the market, and the community's desires; developing their strategic plan; starting their proactive recruitment; and continuing to represent Albemarle in the best way possible.

Ms. Palmer asked if the property owners who have vacant spots are doing some of the work in

terms of hiring business such as Retail Strategies to do this privately.

Ms. Miller replied that they normally do, and that while many of them do, some do not. She said about half of the team's outreach is to the brokers. She said when they reach out to the brokerage community, they note that this is an investment that has been made by the County to help, and that they are not threatening their commission but trying to help them out. She said sometimes, brokers are not working as hard as perhaps they should. She said Retail Strategies is there to help in any way they can, and many times, there are owners who are not hiring anyone and don't have any marketing materials. She said her company is always happy to jump in at that point and help where they can.

Mr. Johnson added that this information and data provided to developers will help with recruiting.

Ms. Palmer said in the County's Economic Development Plan, there is a lot of focus on organic growth, and that there are many restaurants organically growing from the population. She asked if Retail Strategies was trying to look for larger or more national chains, if they are recruiting all over the country.

Ms. Palmer also asked how City data is being incorporated with the data that has been collected. She said the City in this particular area has a large concentration of restaurants, which isn't to say that the County doesn't want restaurants there, but that she wanted to know how this affects the presentation and the data.

Mr. Johnson replied that Retail Strategies works for the County, and that they have shared the County's goals. He said as it relates to recruiting major retailers, this is not a function that they focused on. He said although there are a couple of big-box stores available that they would like to fill, this is not a primary vision that they have asked the company to do. He said the company understands the County's goals of growing organically and helping local businesses to be successful.

Mr. Johnson said Retail Strategies has been flexible and understands that the County may ask them in the next year or two to help existing businesses survive more so than help recruit and infill vacant spots. He said this means the company is working with the County for the next few years, and that he is hopeful that some of that effort may be on the survival of the existing businesses rather than filling in vacancies.

Ms. Palmer said she would love to know what this means in the context of Retail Strategies.

Ms. Miller said in general, her company's expertise with retail recruitment is mostly national. She said in many other situations, however, they are happy to provide demographic information for locally grown types of businesses. She said they would help in any way they can to share information and the data. She said this information can be used to show that there is a gap, and that it may change a current business owner's perspective, perhaps giving them an idea to add a service or product. She said someone who is looking to open a restaurant could use the data to proceed.

Ms. Miller said in terms of the City's data and how that fits in, much of the data includes Charlottesville. She said the data with the ten-minute drive times does take into account restaurants and businesses that are in that radius. She said she tries to look at the data not necessarily with the boundaries or excluding Charlottesville as this is not what the retailers are looking at.

Ms. Price said particularly looking at the customized retail category gap analysis, the chart was telling, as it showed that about \$50 million leaves the County just with building material and garden equipment stores. She said realistically, she would suspect that the County is not likely to home-grow someone who can compete with Lowe's or Home Depot, and that this is simply the reality. She said there are some good local, smaller stores, but that she recognized this will be a difficult area to completely close the gap.

Ms. Price said as Ms. Palmer said, the focus is in trying to grow local businesses so that the dollars stay in the County as much as possible, rather than go somewhere else. She said there are three other categories on the chart, and that similarly, they can look to see what happens there.

Ms. Price said in much of what she saw, her initial thought was that this looked good as of January of 2020, but with what has happened over the last 90 days, she had to ask the basic question of what the value is of this information, given the great uncertainty of where the economy is going based on the economic and financial impact of the medical pandemic. She asked how valid the old data is based on the situation today.

Ms. Miller said this was a good question, and that the best answer she has is she would be lying if she told them that she knew. She said no one knows exactly, but that Retail Strategies is making efforts every day to stay on top of what this is going to look like. She said they are still making calls to retailers every day and that depending on specific categories, they are hearing different things. She said a lot of retailers are expressing that when the pandemic is over, it is "full steam ahead" and that they will open new stores the next year. She said she didn't know if they knew this for sure, but that the best they can do is stay on top of any vacancies.

Ms. Miller said she believed the information in general will be somewhat the same, and that she mentioned the people who stayed on top of their online presence and invested there. She said these are the people who are going to come out on top. She said she looked at the matter from the perspective of how things will be different, and that although no one really knows, she believes that the ones who

invested in their online presence will stay on top and unfortunately weed out many people who were already likely struggling.

Mr. Johnson said Ms. Price had a good point that some of this information will be stale, at some point, and that some of it will remain valid. He said the County has had a relationship with Retail Strategies for two years. He said they are there to serve and that as the data changes, the County's strategies and plans will change with them.

Mr. Johnson said Retail Strategies had said earlier in the presentation that they are monitoring trends. He asked Ms. Miller to state the one she is seeing about some retailers now flourishing.

Ms. Miller said that Retail Strategies is always updating their data, and as things reopen, they will be tracking this and updating their strategy as this happens. She said things could easily change drastically, and that they will stay on top of that.

Ms. Miller said as far as specific categories of retail, they are seeing that discount retailers were already doing well and are staying active and flourishing (e.g. dollar stores). She said restaurants with drive-thru capabilities are still doing well, as well as pizzerias and fast, casual limited service.

Ms. Miller said the clothing industry is struggling, on some levels (e.g. TJ Maxx) as they are not able to be open for a long stretch of time. She said the big discount clothing stores are the ones that were on top anyway, however, and that she believes they are strong enough to make it through.

Ms. Price said even though they are in a state of great uncertainty, she believes that the action Mr. Johnson has taken to help form this relationship and allow this company to get to know the County prior to the change, with boots on the ground, will likely be to their great benefit as they see where the change is going, as they already have the information.

Ms. LaPisto-Kirtley asked if the focus was going after existing, empty buildings, or if they are finding that businesses are looking for vacant land to construct their own stores upon. She asked if there was a way to advertise that the County has vacant buildings that might fit their needs.

Mr. Johnson replied that what Ms. Miller and Ms. Knott did before they got started was that they took an inventory in the community of all the vacancies. He said because of proprietary information, Ms. Miller did not provide the list but that she does have it, and privately shares it with retailers to fill in the vacancies in the community.

Ms. Miller added that they look for the County's team's direction on that, and that from what she gathered, she felt the need to backfill first, if possible. She said there will be people who come in and say that they love the market but desire a new space. She said they will cross that bridge when they get there but that for the most part, her priority and mission first is to always backfill.

Ms. LaPisto-Kirtley asked what Retail Strategies' net deliverable or goal is for Albemarle County.

Ms. Miller replied that their goal is to backfill spaces and to increase tax revenue for the County, along with being guided by the County's goals. She said their end goal is always to bring retail and its benefits to a market.

Ms. LaPisto-Kirtley asked what their success rate is in doing this work.

Ms. Miller said although she did not have a specific number, their success rate is very high. She said the success rate can often be measured differently, as they find that there is value in providing information and demographics alone. She said it is not always a matter of a cash register ringing or a new store opening. She said they also have their hand in deals from all sorts of different ways, and that many times, they will show a site to a retailer who will move forward, and that they will never hear from them again, but then a year later, they are open. She said there are also deals they handhold from Day 1 to the last minute they open.

Ms. LaPisto-Kirtley said anything they can do to help the business world in the County was appreciated.

Ms. Mallek said she was fairly overwhelmed with the data, and is always looking for the local to-do list, adding that it would likely be forthcoming as they go through the process. She said over the years, the local business community has expressed that it is a fact that some of them will go out of business, and that it is important to have new people come in and fill the space to keep net growth going. She said she appreciated the focus on existing spaces as opposed to new ones, as that will help to look much better if the County doesn't have so many empty buildings. She said she looked forward to the actionable specifics that she could act on.

Ms. McKeel said this was all new for her in thinking about this type of work. She said she agreed with Ms. Mallek and some of the other Supervisors that the County currently has a lot of empty space, and that it is incumbent upon the Board to see a culture they can establish to help fill those spaces, rather than simply reaching out and grabbing more. She added that she thinks this is what the community wants as well.

Ms. McKeel said with regard to Ms. Mallek's mention of a to-do list, she was thinking about what it

is that the Board could do. She said one of the things that they have seen as a problem in the community, based on this pandemic and new reality, is lack of connectivity. She said she keeps going back to this because connectivity is important for safety, education, and jobs. She said even in the urban ring area, there is a lack of good connectivity. She said it seems to her that there are some things they have to have in the way of infrastructure to be able to be attractive to even the small businesses and groups they are trying to recruit, much less the big-box stores. She said there are empty big boxes, however, that do need to be filled.

Ms. McKeel asked what the team sees in the way of the Board's to-do list in the way of infrastructure, and what they could be doing to help the team's work.

Ms. Miller replied that always being willing to help and listen was important. She said the company is often listening to the needs of the retailers and developers, and that sometimes, those people are threatened by coming to ask for help from a county or city, and perhaps they have had a horrible experience. She said if her company can play the middleman and indicate to the County that a group may need some help in some way, this removes some threat or unease about what they need or ask for.

Ms. Miller said nothing jumped out to her that she could think of as a need, but that always being willing to work with developers or retailers trying to redevelop an existing space is helpful.

Mr. Gallaway said in his particular district, there is a Small Area Plan that seeks to have a vision fulfilled that does not yet exist. He said Retail Strategies tries to recruit people there and asked how they will help get that vision created when what the County wants does not yet exist.

Ms. Miller asked Mr. Gallaway to give her as much information as he could because the more information she has to help understand this, the better. She said they are always happy to brainstorm with the County's team to understand the vision, goals, and needs, and that Retail Strategies can then run the research and data to see if it is realistic, and determine what they can do to help. She said they can add their knowledge on the vision side and help with the implementation when the time is right to make the outreach.

Mr. Gallaway said in the Small Area Plan, there are two models that seem to not be thriving -- strip malls and internal malls. He said it was no mystery what is happening with Fashion Square Mall, and the vision for that area is a very different mixed-use type of area. He said he presumed that the team knows that, and that they are not trying to recruit businesses into the old model when the new vision is being sought.

Mr. Johnson replied yes. He said Ms. Miller has a list of the vacant storefronts, and that they have reviewed this list and talked about those that would still most likely be consistent with the Small Area Plan.

Mr. Johnson said he wanted to be clear that they will not do anything that is inconsistent with the Comprehensive Plan or the Small Area Plan.

Mr. Gallaway said he trusts this, but that it was that even the Small Area Plan is still working through its form-based code, with many pieces that are not yet there. He said he hoped that places that were coming to the area and interested would know the nuances of that. He said they even have applications to be fast-tracked if they are looking at the new form-based code, and that he wanted to make sure all those intricacies are thought of.

Mr. Gallaway said there is a lot of data on consumer behavior and consumer-driven demand, even against peer localities. He asked if he is a business and is looking to go to one of those ten peer communities, what kind of analysis (if any) is done on the locality in terms of land use policies and application timelines.

Mr. Gallaway said everywhere has an ARB and Entrance Corridors, and he was sure that everyone thinks they are the toughest and strictest, but that frankly, there are places that are not. He said if he has three options as a place to set up shop, and that one might be easier or faster, it has to be taken into account from the business' perspective. He asked if there is any sort of look into the County's own backyard with this data search to determine how they stack up against the peer communities in helping businesses get up and running.

Ms. Miller replied that this was something she has never been asked, but that she thinks it is a good idea. She said they see this often when a retailer determines they will do three stores in the state, for example, and decides to open elsewhere if a place is giving them a hard time. She said this happens every day, and that it is not something she has ever been a part of. She said this was something Retail Strategies could look at.

Mr. Gallaway said there were likely people who would agree that it's okay that the County is diligent, but that he wanted to make sure that when someone comes to the market and deems it to be viable, they are thinking about how easy or difficult it is to get it up and running, if the business is a good match.

Mr. Gallaway said he would save his additional comments for another time, as there was still another presentation as part of this.

Ms. Jen Gregory, President of Downtown Strategies, introduced herself as a colleague of Ms. Miller. She said where Ms. Miller's primary role in the company is to communicate with retailers and work on business expansion and improvement within the community, her role is to look at the specific downtown areas, where appropriate, and provide recommendations for improving a number of elements regarding downtown. She said those elements are walkability, restaurant and retail mix, placemaking, design and preservation of the built environment, connectivity, and other elements.

Ms. Gregory said her specific role as it relates to Albemarle County was to take a look at Crozet, and specifically, Downtown Crozet; as well as to provide a specific projection of square footage of retail that her company felt could be sustained within the Commercial Business District, within the Downtown core of Crozet. She said this directly is regarding the Barnes Lumber initiative and that forthcoming project.

Ms. Gregory said the Board had received, in its correspondence, the actual deliverable for this part of the partnership, and may have noticed that this deliverable was almost 130 pages long. She said although they didn't have enough time to review this all that day, there were some things she wanted to point out. She said if anyone had questions beyond their time there that day, she would welcome their feedback, and that they could reach out to Mr. Johnson, Ms. Schmack, or the team to go into further dialogue about any of the recommendations.

Ms. Gregory said with regard to her role in the partnership, it started off with a community feedback component. She said she was fortunate to meet some of the Supervisors while she was in Crozet in January. She said she spent a couple days there and got to know the community. She said Mr. Knuppel, Mr. Newberry, Mr. Johnson, and Ms. Schmack were helping in touring her around the downtown area and other assets with Crozet, such as Old Trail.

Ms. Gregory said she also had facilitated two stakeholder input sessions, and heard from the community about what they want, what they think the status is of Crozet, and what the opportunities are. She said this collaborative dialogue session as part of this partnership is important as they begin to formulate a strategic vision for Downtown Crozet.

Ms. Gregory said where this part of the partnership is slightly different than Ms. Miller's is that they will not necessarily be recruiting retail to Downtown Crozet. She said they overwhelmingly and unanimously heard from the community that they do not value national retail within the Crozet area. She said her role was to guide the community into understanding what the potential capacity is for new retail, what categories of businesses would be good fits (not just from a national perspective, but from a local entrepreneurial perspective as well), and to provide a three- to five-year plan for the Crozet community to start to position Downtown Crozet as a destination.

Ms. Gregory said she works all over the country to put together plans for communities in the Deep South, on the West Coast, and everywhere in between. She said she feels Crozet has immense potential in terms of positioning itself as a destination. She said geographically, it is located in a beautiful and attractive region. She said there is wealth within the community and therefore, the opportunity to implement some of the recommendations. She said there seems to be a united community spirit to see Crozet advance. She said there were differing opinions about growth, and that the community has grown fast.

Ms. Gregory said several of the Supervisors had asked Ms. Miller about their local to-do list. She said the plan for Crozet was a to-do list, and that she would review some of the recommendations. She said she personally felt, however, that the majority of these to-do items should be tasked upon the local community. She said many of these elements are to promote and tell the story of Crozet, and where the Board can help with this is by utilizing the Downtown Crozet Initiative, which is a perfect organization to do this. She said there are recommendations relating to that.

Ms. Gregory presented a condensed version of the report. She said the Executive Summary breaks down the recommendations or plan into three categories, and the first includes to-do items they believe the community should implement immediately that do not require a cost (just time and effort). She said some of these things are simple, such as creating a Facebook page, promote community activities, and assembling a prospect list of businesses within the region that may be a good fit for Crozet that the local community can reach out to.

Ms. Gregory said the second category of recommendations are those that will require a minimal investment, which they look at as a one- to three-year plan. She said these are things that might require partnership with Albemarle County, partnerships with private organizations, or the hiring of additional consultants.

Ms. Gregory said the third category of recommendations are longer-term elements. She said they are looking at a three- to five-year plan, and that some of these are marked as the Board's to-do items. She said particularly, the connectivity between the new neighborhoods and the Downtown area was on the Planning staff's radar. She said some of them are well-connected, while for others, there are plans to connect them through the Barnes Lumber development and others.

Ms. Gregory said Downtown Strategies sees this as a true potential to physically connect those new neighborhoods to the Downtown area, whether by sidewalks, bike paths, or greenways. She said noted within the plan is that this is true where right of way and topography allow. She said there is a beautiful, hilly region and that some of the right of way is not wide enough, or some of the topography is

challenging. She recommended that the Board continue to prioritize neighborhood connectivity and walkability element.

Ms. Gregory said a large part of the plan was dedicated to market analysis of the Crozet area and using the same methods as Ms. Miller to prioritize potential within the County, determining how the data drawn can be useful.

Ms. Gregory presented an image of the Downtown study area in terms of the built environment. She said just as Ms. Miller said, when they are looking at business development, entrepreneurs, regional businesses, or even national tenants, while they know that national retailers are really not of interest in the Crozet area, it is still important to look at what those national retailers do to identify sites. She said the same principles should be applied, even on the local level.

Ms. Gregory said for those who are looking to open new businesses, municipal boundaries and county boundaries are not of importance. She said what is important is the true trade area, where people live, and where they are spending their money.

Ms. Gregory said they use the same methods that Ms. Miller identified in the mobile data collection. She said the two locations they tracked are also important. She said one is the Dollar General in Crozet. She said they wanted to see where people are coming from to buy basic goods and essentials that they would purchase at such a store. She said they also looked at the Smoked restaurant in Piedmont Place in Downtown Crozet, as they look at this more of an attraction.

Ms. Gregory presented a map, noting red coloring, which represented where the majority of people live who visited those two locations. She said one could see that this is concentrated in the Crozet area and goes out west, but that it also pulls from Charlottesville. She said this is important to note for retail projections for the Barnes Lumber development, and that she would detail this.

Ms. Gregory said this specific customized trade area, similar to what Ms. Miller did for the County, was created, and that they are labeling this as the primary trade area for Crozet. She said while there are people who come from Charlottesville to eat at Smoked, or to enjoy the wonderful elements of Downtown Crozet, she does not believe they are coming on a daily basis for basic goods and essentials.

Ms. Gregory said they would see later in the presentation that they did wrap in part of Charlottesville for a secondary trade area because she does believe that when some of the recommendations in the plan are implemented and Crozet begins to be positioned as a destination, that will see even more patronage from people who reside in Charlottesville. She said to be conservative, however, they did not include Charlottesville in the primary trade area for Crozet.

Ms. Gregory said for the primary trade area for Crozet, they are looking at a population of 103,000, which is a very large area. She said this was good news because Crozet is a small community. She said she knew that some of the Crozet residents do not want 100,000 people coming into their community, but when they are considering new retail and new businesses, the population of Crozet alone would not sustain a mixed-use development such as the Barnes Lumber project. She said it is important to look at the true trade area.

Ms. Gregory said there were a number of demographics that she would quickly review. She presented the customized trade area, noting that within that larger area, there is about a 6% growth rate that is expected. She said some would say that Crozet has an even larger growth rate projected. She specified that the majority of the demographics that are at the beginning of the report are specified to the customized, primary trade area.

Ms. Gregory said her company did a gap analysis for this trade area and that later in the presentation, she would specify what those categories are. She said interestingly enough, they are very similar to the categories that were showing leakage in the County-wide report that Ms. Miller created.

Ms. Gregory said they also took the residents of the trade area and took a look at what they are spending within these top categories. She said when they look at everyone who lives in the trade area, they determined what they are spending on food and beverage, total. She said 55% of their expenditures are on food at home. She said when looking at expenditures over the last couple months, this would skyrocket. She said the 55% figure was pulled over a one-year period, from January 2019 to January 2020. She said food away from home represents about 40%, with alcoholic beverages making up about 7%. She said the pie charts represents the expenditures from those who reside in the primary trade area for Crozet.

Ms. Gregory said they also looked at a commute profile. She said where Crozet does seem to be an active community, where biking was something they heard a lot about, very few people are actually biking to work. She said this was something that was of interest to her team, and that perhaps a more robust system of bike trails could be considered, especially from the neighborhoods. She said many people who live in that trade area are commuting out of Crozet and out of that trade area, and that those people are driving.

Ms. Gregory said about 5% of the individuals who live in the customized trade area are working at home, which is higher than what her company sees in most other communities. She said with the characteristics of Charlottesville and greater area of entrepreneurship and startups, this makes sense, but that she does think there is the opportunity for office space at a lower price point than is probably

currently being realized in the Charlottesville area.

Ms. Gregory said within the data, they conducted a walkability assessment, and that out of 100, Crozet scored a 61. She said part of what makes up that score is the walkable distance between boundaries, on which Crozet scores well, as one can walk from one end of Downtown to the other in about 10 minutes.

Ms. Gregory said another factor is the presence of a comprehensive network of pathways, and that there are some opportunities there. She said it is her understanding that the Barnes Lumber project, once implemented, will shill out the grid system of streets within that area. She recommended focusing on that.

Ms. Gregory said a final factor in walkability score is the variety of restaurants, retailers, and service providers. She said they noticed that there are not a lot of apparel stores and boutiques. She said there are great restaurants, other service providers, hardware store, and coffee shop, but that the opportunities are to enhance the retail mix.

Ms. Gregory said the Board had asked a number of questions about COVID-19 and how that affects these plans. She said in the Downtown plan, she incorporated about 25 pages of strategies that local businesses can implement throughout. She said no one knows exactly what will happen with the pandemic. She said clothing stores are definitely experiencing some struggles, but that restaurants are predicted to move forward and continue with expansions and new openings. She said they believe all the information is still relevant, but that she would always update information as it becomes available.

Ms. Gregory presented an infographic that was a snapshot of the Downtown neighborhood. She indicated to a ring on the map, explaining that from the center of Downtown Crozet, they are looking at a 20-minute walk time. She said individuals who live within a 20-minute walk of Downtown have a high median income (about \$97,000) and a median net worth of over \$250,000. She said this is a white-collar community, which speaks more to the fact that a walkable environment is key. She said she and the team walked some of the historic homes on Crozet Avenue, and that there are sidewalks and pathways that have opportunities for improvement.

Ms. Gregory skipped to the end of the report, noting that she hoped the Board would read the entirety of the report at another time. She said she wanted to focus on part of her company's specific charge, which was providing the retail square footage estimate. She said they recommend that DCI, Albemarle County, and the State of Virginia move forward with supporting the Barnes Lumber development. She said there are many benefits to downtown areas for mixed-use properties and developments. She said they also recommend moving forward with it because they think the Phase I projections are reasonable and can be supported.

Ms. Gregory presented a page about trade areas. She said the trade area she noted at the beginning of the report is the primary trade area for Crozet, outlined in red. She said the blue area is a tighter primary trade area, but that they see it is receiving many individuals from the western areas from the community and into other neighboring communities. She noted the yellow polygon represents a secondary trade area and does pull in Charlottesville, as Crozet is seeing traffic from Charlottesville residents, especially to Smoked. She said that with the enhancement of retail and restaurant mix and a focus on placemaking, the area will see even more of that.

Ms. Gregory said for the purpose of their retail projections, they primarily took into account data from the red polygon, or primary trade area. She said they felt it was their duty to be conservative, especially given the current situation of the economy. She said they do not have accurate, up-to-date data about how COVID-19 has affected the area, as they are still in the midst of the pandemic. She said she believes the projections are conservative, data driven, and helpful.

Ms. Gregory said as they zoomed in on the primary trade area and consulted the secondary trade area, they looked at all the demographics at the beginning of the report and the spending capacity of the residents in that area. She said they also dropped a pin right in the middle of the Barnes Lumber project footprint, and looked at a three-mile, five-mile, and ten-mile drive time. She said they did gap analyses on all those rings to see what the individuals in those areas are purchasing, and what they are purchasing in the trade area, to identify the gaps.

Ms. Gregory presented a list of primary categories of gaps within the primary trade area. She said "Grocery Store" was something they heard a lot of when they were in Crozet, and that the data supports this. She said that within a three, five, and ten-mile drive time, these are the gaps. She said people in Crozet have nowhere to go grocery shopping. She said many people are going to Charlottesville, to Trader Joe's or Whole Foods.

Ms. Gregory said the challenge with this is that because the community does not necessarily want a national retailer, and because the demographics don't support another Trader Joe's or Whole Foods coming into the Crozet area, they believe the community will have to rely on entrepreneurs to fill those gaps.

Ms. Gregory said the three conclusions Downtown Strategies made include that they believe a boutique-themed downtown development would lend itself best to this location. She said rather than a national brand lifestyle center, a local-focused downtown development would be successful.

Ms. Gregory noted that they looked at current demand within the gaps, radius rings, and the trade area. She said Crozet is obviously expected to grow, along with the trade area. She said they did not make future projections but used the existing data to quantify current demand. She said it is possible for them to hypothesize about future demand if all factors remain the same, but because the data is very specific to the trade area and to the household demographics of those residents in the trade area, it becomes less accurate when they project into the future. She said this was not necessarily part of their contractual agreement, so they looked at the current demand, which was represented in the presentation.

Ms. Gregory summarized that they believe that approximately 41,000 square feet of retail can be supported at this location today, with the current demand. She presented a page that broke down within the 41,000 square feet what those categories of retail look like, and how many square feet should be applied to each one.

Ms. Gregory said they do not believe that one restaurant is going to occupy 20,000 square feet in Downtown Crozet, and that they are estimating 5-7 new restaurant concepts to fulfill that 12,000- to 20,000-square-foot gap.

Ms. Gregory presented the overall categories that her company believes are missing and that the County or developer should focus on, with multiple businesses within.

Ms. Gregory pointed out the "Service" category, explaining this includes spas, nail and hair salons, and represent a category that she believes is missing (about 10%). She said Clothing, Grocery, and Miscellaneous/Other are missing. She said that about 7,500 square feet of retail for more niche items can be supported.

Ms. Gregory noted that for "Grocery," this might not mean one locally-owned and locally-concept grocery store. She said it might mean that a local entrepreneur thinks that a butcher shop would do well, and that a boutique wine store would also do well. She said these would be considered under the "Grocery" heading. She said there are lots of opportunities for entrepreneurship and local business development, and that this data will help guide those entrepreneurs and developers.

Ms. Gregory said for the overall Crozet area, they added in "Electronics and Appliance." She said though this may seem strange, what it means (across all categories) is that existing retailers in the Downtown area should note that there are gaps within these product lines. She said the hardware store might want to consider offering home appliances if they are not already. She said if they are, they should perhaps look at their online presence and reaching those residents in Crozet who are renovating their kitchens to let them know they are selling appliances.

Ms. Gregory said this is good information for existing businesses to take a look at to see what product lines are not being fulfilled to the max within that whole trade area.

Ms. Gregory concluded her presentation. She said the plan is large, and that she would love the opportunity to speak to any of the Supervisors one-on-one, as well as to answer questions.

Ms. Palmer said there was mention of working with existing companies. She said with respect to the grocery store issue, although she does not live in Crozet, she drives to shop at the Crozet Great Value. She said the reason she does this (especially in the summer) is because they carry local foods, and the County is trying to support a local foods movement that often looks like it is thriving, with many farmers in the area also.

Ms. Palmer said clearly, they will not get the business that a Harris-Teeter does, mentioning that the report includes notes about façade improvements. She said this was the kind of thing in which the team should reach out to these companies to see how they can be helped. She said that particular grocery store has gone through a lot of changes in the past couple years, and they are clearly trying to invest in that area, to some extent. She said she didn't know if they hadn't gotten their message out or have done enough cleaning up of the main portion of the store.

Ms. Palmer said that for years, she belonged to the co-op in Crozet, which was popular for some time. She pointed out that this was something that would probably go over well in that area in terms of a boutique grocery store, as it has the kind of clientele that would appreciate it.

Mr. Johnson said he would be happy to work with those people. He said Ms. Gregory had to cut out a lot from her presentation, and that she is recommending art and wayfinding signs in the Downtown area to make retail more successful. He said she didn't get into those details, and she was asked to stay at a higher level, but that many of those things need to happen sequentially in order for these businesses to be successful.

Ms. Gregory said she failed to mention that she would be presenting this plan in more detail to the Crozet stakeholders the next Monday, and that her hope was perhaps Economic Development staff could invite some of the other existing businesses outside of Crozet Downtown to hear about the data collected. She said she volunteered to share the plan with the Crozet stakeholders because she feels they are a motivated group and engaged in the community. She said she feels there is a lot of potential for them to hear some of the findings and hopefully become inspired to perhaps change their product lines, change their messaging, or ask further questions.

Ms. Gregory said the team has a number of data resources they are always happy to provide to

existing businesses, if deemed helpful and approved by staff.

Mr. Johnson said they would also post the presentation and make it available to the public at large.

Ms. Price said during the presentation, she sent a chat to Mr. Johnson and said that she would like the County to look into the possibility of doing something comparable for the Town of Scottsville area.

Ms. Gregory said they would be happy to.

Ms. LaPisto-Kirtley said she would like to also see, in the Pantops area, a boutique-type grocery store with locally-grown food.

Ms. Mallek reiterated that there was a great discussion with the presentation back in January at the library, with lots of great ideas. She said several times, it came up about not many people biking to work, and that it is a high priority for Crozet residents to get more employment in the downtown and growth areas so that people do not have to drive to Charlottesville for work, and can take advantage of walking and biking to work. She said the main reason for not having big-box stores is because Crozet residents want to focus on jobs, which also benefits the County.

Ms. Mallek said she appreciated the details about the different ways to help the retailers to go on. She said the longer presentation did talk about the arts, and that she knows there is a group that is trying to get organized around creating a performance space Downtown, which is a way to bring people together in the community and is waiting in the wings. She said there are competing and wonderful ideas, and that the enthusiasm is great.

Ms. Mallek said this work is beneficial, neighborhood by neighborhood, in all the other growth areas as well. She said it is a community builder as well.

Ms. McKeel said she appreciated all the discussion around connectivity and walking in the Crozet area. She said the same thing could be said about the urban ring development area. She said it may be in the presentation, but that she, Mr. Gallaway, and Ms. LaPisto-Kirtley hear a lot about connectivity and wanting to be able to get out of cars.

Ms. McKeel said one common thread she frequently hears from people who live in Crozet is how often they are shopping in Waynesboro. She said Ms. Gregory's work is getting at that. She said it is easier for the residents to go to Waynesboro than it is to come and fight the traffic up 29 North.

Ms. Gregory agreed. She said for this specific purpose, they did not look at the whole urban ring. She said Ms. Miller is with her entire retail plan, but that her own plan was specified to Crozet. She said Ms. McKeel is right that there is a lot of value to the entire County for these adjacent communities to have connectivity within their community from neighborhoods to Downtown, but also for all the communities to be connected in and of themselves. She said she thinks there is a true tourism potential for people who are visiting the mountains for active purposes, to stop over in some of the smaller towns and visit all of them. She said there is a great deal of content dedicated to branding and telling the story.

Ms. Gregory said she believed there are other opportunities outside of Crozet that she would love the opportunity to discuss at an appropriate time.

Mr. Johnson said now that the Board has received the plan, it will be the team's intent to begin to activate it and execute on it. He said they will be sharing this information with both the development community and entrepreneurial community, as well as some of the people Ms. Palmer had mentioned. He said he looked forward to the betterment of the community and building the type of place described in the Comprehensive Plan.

Ms. Mallek said the County should be willing to help local retailers stay in business through this crisis. She asked the Board to reconsider and spend \$5,000 to support the Artisan Depot.

Mr. Gallaway asked if future questions and comments from the Board should be directed to Mr. Johnson.

Mr. Johnson replied yes, adding that Ms. Jennifer Schmack may be the person who responds.

Agenda Item No. 11. Closed Meeting.

At 4:47 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider:
 1. Appointments to the Agricultural and Forestal District Advisory Committee, the Rivanna River Basin Commission, and the Rivanna River Corridor Project; and
 2. The appointment of the Director of Finance; and
 3. The appointment of the Purchasing Agent.

- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to holding public hearings on land use applications through electronic communication means.

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

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

Agenda Item No. 12. 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.

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

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

Agenda Item No. 13. Boards and Commissions.
Item No. 13.a. Vacancies and Appointments.

Ms. Price **moved** to approve the following Board of Supervisors member appointments to the following committees:

- **Reappoint** Mr. Benjamin Baer and Mr. David Powell to the Agricultural and Forestal District Advisory Committee with said term to expire April 17, 2024.
- **Reappoint** Mr. Zachary Wheat to the Rivanna River Basin Commission with said term to expire September 30, 2024.
- **Appoint** Ms. Ann Mallek and Ms. Bea LaPisto-Kirtley to the Rivanna River Corridor Project.

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

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

Ms. Price moved that the Board adopt a resolution designating the Purchasing Agent for the County and read the Resolution aloud

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

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

Ms. Price **moved** that the Board adopt a resolution appointing the Director of Finance and read the resolution aloud.

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

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

Mr. Gallaway congratulated and welcomed Ms. McNally and Ms. Birch in their new positions.

Ms. LaPisto-Kirtley said she was impressed with their resumes, and that the County was getting two outstanding, qualified candidates.

Ms. Price said she has great appreciation for the diligence that County staff and the County Executive went through in ensuring that they continue the legacy of exceptional candidates, to the benefit of the constituents.

Ms. McKeel said she looked forward to both coming to the Board at some point for introductions.

Mr. Gallaway asked when they would be available.

Mr. Jeff Richardson (County Executive) replied that he would take steps to make sure that happens.

**RESOLUTION
APPOINTING THE DIRECTOR OF FINANCE**

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 County Executive, Nelsie L. Birch (“Birch”) is hereby appointed the Director of Finance for the County pursuant to Virginia Code § 15.2-512, and this appointment is effective on and after June 15, 2020; and

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

BE IT FURTHER RESOLVED that Birch will serve as the head of the County’s Department of Finance and have the powers and duties stated in Virginia Code §§ 15.2-519 through 15.2-525, except to the extent that the Board has designated other persons to perform specific tasks including, but not limited to, assessing property for taxation and acting as the County’s purchasing agent; and

BE IT FURTHER RESOLVED that Birch shall act under the supervision of the County Executive; and

BE IT FURTHER RESOLVED that the County Executive may designate a job title for Birch as he determines to be appropriate, including “Chief Financial Officer,” provided that Birch’s status, powers, and duties as Director of Finance are not affected by any different job title.

RESOLUTION DESIGNATING THE PURCHASING AGENT

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 County Executive, Allison McNally (“McNally”) is hereby designated the Purchasing Agent for the County pursuant to Virginia Code § 15.2-524, and this designation is effective immediately; and

BE IT FURTHER RESOLVED that McNally will act under the supervision of the Director of Finance; and

BE IT FURTHER RESOLVED that, in McNally’s temporary absence and only if necessary, the Director of Finance is empowered to perform the duties of the Purchasing Agent; and

BE IT FURTHER RESOLVED that McNally is empowered to designate members of her staff to perform the duties as she may determine are appropriate to delegate; and

BE IT FURTHER RESOLVED that the County Executive may designate a job title for McNally as he determines to be appropriate, including “Chief of Procurement,” provided that McNally’s status, powers, and duties as Purchasing Agent are not affected by any different job title.

Agenda Item No. 14. Public Hearing – ZMA201900015 Child Development Center.

PROJECT: ZMA201900015 Child Development Center

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 078000000058K0

LOCATION: 1395 Stony Point Rd Charlottesville VA, 22911-3501

PROPOSAL: Proposal to rezone one parcel from the R-1 Residential Zoning District to the C-1 Commercial Zoning District

PETITION: Rezone a 3.578 acre parcel from R-1 Residential, which allows residential uses at a density of 1 unit per acre, to C-1 Commercial, which allows retail sales and service and residential uses at a density of 15 units per acre by special use permit. No residential units proposed.

ZONING: R-1 Residential - 1 unit/acre

OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6-34 du/acre), religious assembly uses, schools and child care, institutional. Secondary commercial/retail, offices AND Parks & Green Systems – stream buffers, floodplain, and steep slopes, privately owned open space, natural areas in Neighborhood 3 of the Pantops Master Plan Area.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes.

The Executive Summary forwarded to the Board states that, at its meeting on February 4, 2020, the Planning Commission recommended denial of ZMA201900015, for the reasons outlined in the staff

report. This motion was approved with a vote of 4:1, Vice-Chair Firehock and Mr. Keller were absent.

The Commission's staff report, action memo, and minutes are attached (Attachments A, B, and C).

The applicant for this rezoning requested to go straight to a Planning Commission (PC) public hearing without the benefit of receiving staff comments. Thus, the staff report and public hearing functioned as the first opportunity to identify important site constraints as well as issues and concerns raised by staff regarding the proposal, specifically aspects where more information or clarity was needed. A summary of overarching topics of concern and questions raised by the Commission and staff during the PC meeting is provided in Attachment I.

Since the PC meeting, the applicant has worked extensively with staff to address concerns. Staff has found that while many of the issues and concerns that were raised have been addressed, the outstanding concerns regarding an increased use of the existing parking area within the floodplain that would result from approving the proposed Child Development Center as well as additional unspecified commercial uses on this property have not been resolved. Attachment J provides a comparison of concerns raised by the PC and staff and the proffers proposed by the applicant, as well as detailed information regarding the parking within the floodplain.

The applicant has submitted revised materials (Attachments D-H), as well as a revised proffer statement, dated April 8, 2020 (Attachment J).

Based on staff's analysis summarized in Attachment J, specifically regarding the increased use of parking within the floodplain, staff cannot recommend approval of ZMA201900015 Child Development Center. Therefore, staff recommends the Board adopt the Ordinance disapproving ZMA201900015 Child Development Center (Attachment K).

Mr. Charles Rapp, Director of Planning, presented the staff report and was joined by Ms. Megan Nedostup, Principal Planner.

Mr. Rapp said the application came through prior to the COVID-19 pandemic, and that the applicant has been on a tight timeline to find a new location for her business. He said this went directly to the Planning Commission, as requested, several months ago. He said there were a number of concerns that were identified with the Planning Commission and staff during that meeting, and that staff has been working since then with the applicant to address those the best they can.

Mr. Rapp said he would go through an overview of the application, identify the concerns, how the proffers submitted may or may not address the concerns, and open the discussion for questions.

Mr. Rapp said this is a 3.6-acre site in the Pantops area along Stony Point Road (Route 20). He said most of the surrounding properties on the site are zoned for Residential uses, including Riverside Village, Wilton Farms Apartments, Fontana, Cascadia, and Avemore. He said Darden Towe Park is about 700 feet just north of the site, and that on Richmond Road (Route 250), there are more commercial, vehicular-centered businesses along that major corridor.

Mr. Rapp presented the existing zoning for the property. He said the existing zoning is R1 Residential, which allows residential development at 1 dwelling unit per acre. He said the proposal is to rezone the property to C1 Commercial zoning, which allows retail sales and service, as well as Residential (by Special Use Permit, up to 15 units per acre).

Mr. Rapp said the primary reason for the rezoning was to accommodate a child day center use, but that it also includes other C1 uses that are not proffered out by the applicant.

Mr. Rapp presented a bird's eye view of the property, from the opposite side of Route 20. He said in the middle of the site, the linear building is the primary single-family residence, and that there are several other existing structures onsite. He said to the rear is a large four-vehicle carport, a three-bay metal car garage, and a shed. He said towards the existing vegetation and wooded area is where the stream lies, which runs between the commercial developments on the other side and continues back between those residential developments, moving up away from the property.

Mr. Rapp said the site has a few constraints that make development challenging. He presented a diagram showing the flood hazard overlay zone, or flood plain. He said there is a significant portion there, with 2.1 acres being in the flood plain. He said much of the grass field that is there now, and the existing parking area associated with the larger garage there, are in the flood plain. He said there is a process that an applicant goes through, through FEMA, for a Letter of Map Amendment or revision to identify the exact elevation, and that the applicant has had a survey on that. He said though slightly different, for the most part, it matches that alignment.

Mr. Rapp said there are also setback challenges on the property. He said between residential properties, there are much smaller setbacks, but with the request to go to Commercial C1, the setbacks increase significantly. He said along the front of the property on Route 20, there would be a minimum 10-foot front yard and a maximum 30-foot front yard setback. He said on the side and rear, there is a 20-foot for parking and a 50-foot for structures when abutting residential properties, which this does on the

adjacent property.

Mr. Rapp presented a diagram showing what it would be like with the 50-foot setback requirement on it. He said several of the structures are within the setback and are fairly close to the existing property line.

Mr. Rapp said with regard to alignment with the Comprehensive Plan, Pantops Master Plan, and designated future uses, a portion of the property is outside of the flood plain and is designated as Urban Density Residential, which would promote a density of 6-34 dwelling units per acre, as well as religious assembly uses, schools and child care, institutional, and secondary uses such as commercial, retail, and offices.

Mr. Rapp said the parks and green system is the part of the property within the flood plain. He said these are land uses that identify and preserve stream buffers, flood plain, steep slopes, privately-owned open space, and natural areas.

Mr. Rapp presented a diagram, explaining that this falls into what is classified in the Pantops Master Plan as a Neighborhood Service Center, which is described within a quarter-mile walking radius of an epicenter and is meant to contain small-scale, mixed-use development patterns that are compatible with surrounding uses, pedestrian in scale, and walkable from adjacent neighborhoods.

Mr. Rapp said this does cause a few concerns with the C1 designation. He said there are certainly some uses that would fit into that Neighborhood Service Center characteristic, but that there are also a number of commercial uses that are allowed in C1 that would contradict that.

Mr. Rapp said other elements of C1 is that it allows buildings up to 65 feet in height, whereas the Pantops Master Plan recommends buildings in the area that are 2-4 stories in height.

Mr. Rapp said the applicant has attempted to address some of these concerns through proffers. He said in an effort to make this clear to understand, staff has identified some of the overarching concerns or impacts and identified the proffers that they feel relate to those impacts and concerns in an attempt to mitigate them.

Mr. Rapp said one of the major concerns was the alignment with the Urban Density Residential land use designation and the appropriateness of the permitted uses, based on the type, scale, size, and intensity. He said Proffers 1, 3, 4, 5, and 8 all work together to align with the ideals in the Pantops Master Plan. He said Proffer 1 removes several uses that are more typical of urban and non-residential areas. He said Proffer 3 establishes a maximum building footprint of 8,000 square feet. He said Proffer 4 establishes a maximum gross square footage per building of 20,000 square feet.

Mr. Rapp said Proffer 5 limits those buildings to 45 feet, or 3 stories (whichever is less), which aligns more with the building height identified in the Pantops Master Plan. He said Proffer 8 limits the trip generation to the site, and so whatever uses were there would be limited to a maximum number of daily trips and peak-hour trips to the property. He said this would limit something that would generate a lot of traffic, and would be constrained to a maximum number of trips.

Mr. Rapp said there are some concerns about the setbacks. He said there are a few existing buildings on the site that do not conform. He said some are 3.2 feet away, 3.6 feet away, or 10.5 feet away. He said Proffer 2 states that all future commercial buildings on that property would comply with the Zoning Ordinance setbacks of the 20 feet and 50 feet, as mentioned earlier. He said staff looked at how the Zoning Ordinance would be applied, and it does require that buffering be implemented between adjacent residential uses and a commercial use to mitigate the lack of adequate setbacks for those buildings that exist on the site.

Mr. Rapp moved on to alignment of the Parks and Green Systems land use designation in the flood plain, adding he would discuss this in more detail as it is an issue that both staff and the Planning Commission have a significant amount of concern with. He said there is encroachment of parking area into a flood plain, which is not aligned with the Pantops Master Plan regarding the Parks and Green Systems land uses. He said there are also several long-range planning documents that recommended protection of sensitive environmental features and critical resources. He said flood plains and stream buffers are included in those.

Mr. Rapp said Proffer 7 proposes to establish a 30-foot vegetative buffer along the southern boundary that would help lessen the impacts of that parking. He pointed out that there are some discrepancies between the Zoning Ordinance and some of the long-range goals. He said where the Zoning Ordinance does not specifically prohibit parking there if they go through the required FEMA process, whereas the long-range plans do recommend avoiding things such as this disturbance in parking lots and in other amenities within the flood plain, as well as buildings.

Mr. Rapp said with regard to traffic, Proffer 8 addresses trip generation and limits the maximum number of trips to the site. He said traffic is also addressed through Proffer 9, which triggers additional road improvements on Route 20 if the child day center were to exceed 100 children. He said this also relates to the number of trips that would go there based on a formula for children in that proposed use.

Mr. Rapp said he would go back to the idea of the flood plain and the existing parking area, as well as the proposed parking that would go there. He presented some pictures showing the area, noting

it is currently a gravel area. He said it is a single-family residence and a home occupation permit associated with that. He said it is a fairly less-intensive use than it would be once it goes to C1. He said as of now, it is just a large gravel-area parking lot, but still causes some concern with this up-zoning.

Mr. Rapp presented a diagram illustrating where the flood plain lies and where the proposed parking is. He said this was a page taken out of one of the recent site plan submissions that is being done concurrently with this application. He indicated to a blue line that shows the FEMA-established flood plain estimation, noting this is approximate. He said the dashed, darker red line shows the survey that was recently done by the applicant and engineer. He said there is a small discrepancy but does still indicate that the area shown in dark gray (what is currently proposed for parking to accommodate the commercial uses) has a significant portion in the flood plain.

Mr. Rapp said a step in the right direction is that the diagram notes that the footprint of the full gravel area as it currently exists would be removed, to recommend that those areas be replaced with amended soil. He said staff recognizes that the buffer that has been proffered would also have to mitigate the parking lot, and that there are additional measures that may be worth exploring. He said there have been discussions recently with the applicant and engineer about potentially incorporating a filter strip on the downside of the parking lot to help capture pollutants, and that there may be other options to look into as well, including locating the parking outside of the flood plain. He said he would look to the Board for feedback as well.

Mr. Rapp mentioned the long-range documents that support the concerns with the encroachment in the flood plain for the parking lot. He said the Comprehensive Plan's Objective 6 is, "To retain and improve land cover near rivers and streams to protect wetlands." He said the application was not improving the land cover, and that while the footprint was being slightly reduced, the use of the parking lot was being intensified.

Mr. Rapp said the Comprehensive Plan references using the Development Area Master Plans to identify important streams and wetlands and that they should be protected. He said they would dive into the Master Plan for that area to discuss this.

Mr. Rapp mentioned the plan discussing the Parks and Green Systems land use designation, noting that the intent is to protect areas providing ecosystems, cultural services, and critical environmental resources, and that flood plains and stream corridors are listed as critical environmental resources. He said the primary use of the designation is to protect sensitive environmental features including stream buffers, flood plains, and steep slopes. He said stream buffers and flood plains certainly are on the property.

Mr. Rapp said buildings in many areas should avoid critical environmental resources and protect natural systems where shown in the Master Plan. He said a portion of the property is shown as natural systems.

Mr. Rapp said the last point from the plans he wanted to make is that intermittent streams (of which the stream on this property is one) have value for water quality, and other ecosystem services. He said leaving a vegetated and undisturbed buffer around streams, undeveloped where possible, is encouraged. He said the plans also point out that development on properties classified as Parks and Green Systems should carefully evaluate and preserve potential stream channels and adjacent buffers, as they serve stormwater management functions in maintaining the water quality of the Rivanna River. He said this intermittent stream does eventually reach the Rivanna River, which is not far away, and that protection of that riparian corridor is a priority.

Mr. Rapp said staff tried to work through these issues to come up with as many solutions as possible, but that the issue with the parking lot and flood plain causes concern.

Mr. Rapp said that in summary, based on the items he discussed and staff's analysis (summarized in Attachment I, which describes proffers and concerns), and specifically regarding the increased use of the parking within the flood plain, staff does not recommend approval of the ZMA application, and recommends that the Board adopts the ordinance disapproving ZMA201900015 Child Development Center.

Ms. Palmer asked Mr. Rapp when the stream was designated as an intermittent stream.

Mr. Rapp replied that he did not know, but that he believed it has been an intermittent stream for quite some time.

Ms. Palmer said she wondered with all the development in the area in recent times if it was still an intermittent stream, as development is taking water off a lot of areas now.

Ms. Palmer said it was clear to her that staff worked hard to try to work with the applicant to solve the issues, expressing her appreciation for that. She said it was also true that a daycare center or child development center such as this could be accommodated on an R1 zoning with a Special Use Permit, which would have been much easier to go forward with. She said it was very concerning that this has gone to needing this rezoning.

Ms. Palmer recognized that there have been many emails to the Board supporting the child development center, and that before the public hearing, she wanted to say that she appreciated all the

emails, and that she had no doubt in her mind that this is a wonderful childcare operation. She said this for her, however, was not about approving a childcare center, and that it was about the rezoning and going from R1 to C1 when, for this particular use, there is not a need to do that. She recognized there were other issues that the Board does not look at that was driving that.

Ms. Palmer said when the County rezones a property, they significantly increase the value of the property for the property owner and that for that, the County expects to get improvements in alignment with the Master Plan. She said she is very concerned about the fact that so much of this is in the flood plain and has been designated as green space in that Master Plan. She said she would expect this to be replanted with trees and be reclaimed for the green space that it needs to be in the Master Plan.

Ms. Palmer said that going across the street, on the flood plain, it takes into consideration some of the homes on the other side of the street. She said when she drove there recently, she noticed that the homes were up high. She asked Mr. Rapp how those got approved in the flood plain.

Mr. Rapp replied that the Zoning Ordinance does allow modification to a flood plain, and that it gets into a FEMA process of Letter of Map Revision and evaluation of capacity of the flood plain. He said if they were to encroach and fill a flood plain, they would need to create additional capacity in other areas. He said he would assume those homes went through that process. He said Ms. Nedostup may be able to speak to that.

Ms. Nedostup said that the Riverside Village project went through the process to amend the flood plain map.

Ms. Palmer asked if they built it up, to some extent, or simply amended it.

Ms. Nedostup replied that she would defer to Mr. Justin Shimp on the specifics of the engineering. She said they surveyed the line, as the applicant here is proposing to do, and found that the line was not mapped correctly.

Ms. Price said that much like Ms. Palmer, she also wanted to state her support for the applicant. She said she met with the applicant a few months earlier and was very supportive of the school program. She said she read news reports about the risk of losing many daycare providers as a result of the pandemic. She said families will need exactly this service.

Ms. Price said the issue, however, was not about support of the school. She said as Ms. Palmer mentioned, the issue is this particular piece of land.

Ms. Price said the materials that were provided show that under the current zoning, a permitted use would be a school or childcare center, which is what the applicant is asking for here, albeit under a zoning change rather than for a special use. She asked how different the special use application, if approved, be in relation to the commercial use, based upon the proffers that have been offered by the applicant where certain things have been constrained as a result of that proffer, were it to be accepted.

Mr. Rapp replied that a special use would only allow that particular use whereas in this rezoning, it opens it up to all the other uses that have not been proffered out under the C1 category. He said there is nothing holding it to a childcare center here for any length of time, and that it could potentially be anything allowed within that C1 designation.

Ms. Price asked if it were to be re-designated C1, and if the owner of the property were then to sell it, it would then be open to any non-proffered, unlimited C1 use and no longer simply limited to the special use exception. She asked if this would be a substantial difference in the future uses of that property.

Mr. Rapp replied yes.

Ms. Price asked if this would make no difference at all with regard to the flood plain concerns, whether it is a special use or a C1.

Mr. Rapp replied that this was correct.

Ms. Price said as she read through the materials and listened to the presentation, there were a number of concerns that were raised, many of which individually appeared to be resolvable. She asked if the cumulative effect of each of these issues further adds to the concern or complexity of approving this particular application, as there are so many different things that required some sort of modification.

Mr. Rapp replied that he believed it did. He said his approach to rezonings and the planning process involves always trying to find ways to work with applicants, identify those concerns, and explore as many options as they can to help them move through the process. He said staff's attempt was to try to identify how they can address all the concerns, and that he believes they have been successful working through most of them.

Mr. Rapp said staff has found mitigation measures for all of them, except for the outstanding issue of the encroachment into the flood plain, and how severe of an impact they feel this is. He said staff are looking to the Board for some direction on that, as there are some mitigation measures (e.g. stream buffer plantings, potential filter strips). He said this is not in line with the goals of the long-range plans, as

a whole.

Ms. Price said where she believed they stood at that point is that there are concerns with the flood plain, and that principally, there is the issue of up-zoning from R1 to C1.

Ms. Price said she understood the kind of constraint under which the applicant was working and that given the totality of the circumstances, they are trying to find a new location in a timely manner in order to register and continue with school next year. She said everyone on the Board was sympathetic in understanding that situation. She said this may help explain why the process that this particular application has gone through was not the normal process and has been short-circuited, so to speak.

Ms. LaPisto-Kirtley said she was in support of the project, but that she did understand the concerns. She asked about the stream and if being an intermittent stream, it meant that it is sometimes dry.

Mr. Rapp replied yes.

Ms. LaPisto-Kirtley said she has seen the stream herself, and even after the rain, it is not a heavy stream. She said she realized that floods can and will happen, but that the solution to that is to build a buffer zone or a mild filter, which her understanding was that the applicant has offered to do.

Ms. LaPisto-Kirtley said the applicant is caught between a rock and a hard place because of the zoning and long-range plan and there being discrepancies there, which makes it difficult for anyone who wants to develop some land.

Ms. LaPisto-Kirtley asked if the application were approved, and with the proffers agreed to by the applicant, if the proffers would not also go to any future buyer.

Mr. Rapp replied that they would, as they would run with the land.

Ms. LaPisto-Kirtley said those proffers would run with the land, so a future buyer could not do something else. She said if the proffer said one could not build a 10-story building, and if the property is sold in the future (e.g. 30 years), someone cannot build a 10-story building.

Mr. Rapp replied this is correct.

Ms. LaPisto-Kirtley said her point was that the proffers entered into, at this point, really do protect the County and the area, as they do not allow for certain types of businesses to then go in. She said there could be another business apply, not use as much of the parking lot in the flood plain area and create much more disruption while also not being as beneficial to that neighborhood as a childcare center.

Mr. Rapp said this was correct. He said this was getting into the combination of Proffers 1, 3, 4, 5, and 8 that help address the concerns about uses, densities, and intensities of uses on the site. He said the site is constrained and has its challenges, so it would not accommodate a different type of business, but that they also do not know what could happen there.

Ms. LaPisto-Kirtley said the intermittent stream that flows underneath Stony Point Road goes into the other side, and evidently, there were things that were done for Riverside Village to allow that to be constructed. She asked if the flood plain lines on that project were moved by FEMA.

Mr. Rapp replied that it would be worth asking the engineer (Mr. Shimp) that question.

Ms. Nedostup said it was her understanding that Riverside Village went through that process with FEMA to adjust the flood plain line there.

Ms. LaPisto-Kirtley said flood plain lines are then not necessarily hard and fast in that they can be changed. She said for the most part, the County wants to protect its waters, but that they were not talking about that much area, and if they are talking about a flood plain area, half of that is already natural and will not be disturbed. She said the other half is a gravel parking lot, and that part of it will be removed. She said with a buffer for an intermittent stream and a possible biofilter, she could not see that this would be the reason for denying this application.

Ms. LaPisto-Kirtley said she agreed that it would have been nice to go to R1 Residential, and that she wanted the applicant to explain the reasoning for going C1 as opposed to remaining Residential, knowing they could build a childcare center under R1.

Ms. Mallek said she was concerned about the process. She said she worked in preschools and understood the value of preschools, but that this was not a preschool question. She said as someone already mentioned, this could have gone in as R1 and be up and operating by now, as it would be much simpler.

Ms. Mallek said the problems are that they have so many unknowns, and that she was not comfortable with this level of unknowns on a high-risk, very small piece of property where the intentions are that the County should accept 20,000 gross square footage having a large-impact operation with no future control or discussion about what is going in there. She also mentioned the associated traffic. She

said she found that Proffer 8 completely unenforceable, and that there could be a big traffic disaster before the County would find out. She said if the building is already built and uses are already there, they could later find out that it is much more damaging to the traffic than anticipated.

Ms. Mallek said the problem to her was not the preschool at all, but the fact that there is insufficient information available about the rest of the impacts from whatever these possible uses might be under C1 on a tiny piece of property where two-thirds of it is impacted by FEMA.

Ms. Mallek said she was on the Board during the approval of Riverside Village, and that it was a very small change in the FEMA flood plain line to allow a quarter of a building to go there. She said it was not 30% of the property that was affected and is therefore not in the same category of comparison, in her personal opinion.

Ms. Mallek said a flood hazard is something the Board must pay attention to. She said if they remember anything from May of 2018, they should never forget what can happen when they think that things are perfectly safe, because they are not. She said the fact that this little stream has a ravine means that occasionally, there is a lot of water ripping through there, which is a concern. She said people would rather do something to say "yes" than to preserve and protect these parks and green spaces, which are there for topographic reasons as much as good planning and community reasons.

Ms. Mallek said she wished the preschool were not entangled with all these factors, as it makes their life difficult in trying to present something as conforming when they are not conforming buildings on the site. She said those buildings are not being taken down and are somehow being legitimize by this application instead of making them conform. She said the same was true for the parking lot. She said she is a rule follower and when she sees that rules have not been followed over the years, approving them was not the way to go, in her opinion. She said she looked forward to more information.

Ms. McKeel said she had grave concerns. She said while she loves to approve preschools, as she knows the community needs them, this is not an approval that is based on looking at and approving a preschool but was about land use. She said there is a flood plain there and many challenges.

Ms. McKeel said she always sees a red flag when she sees all the problems that staff kindly spent time trying to work out for an applicant. She said she remains very concerned, and that she would wait to see what the discussion would be.

Mr. Gallaway said he would hold his questions until the discussion was before the Board again. He asked the applicant to share her presentation.

Ms. Jennifer Slack, founder of Our Neighborhood Child Development Center, said her program is an early childhood program inspired by the schools of Virginia. She said she founded the school nearly nine years ago because what is available for the youngest citizens is not enough. She said 80% of brain development happens before the age of 3, and that too many young children do not have access to, or their families cannot afford, high-quality childcare. She said young children's crucial developmental years are being wasted or worse, children are learning that the world is not safe and that they must judge, compete, and hide their authentic selves to be accepted. She said her school wants a different kind of place and that they are making that place.

Ms. Slack said the school currently serves 48 children ages 0-3, and that the new facility would allow them to more than double in size. She said currently, even if one gets onto a waiting list when pregnant, it is unlikely that a space will be available by the time they are ready to return to work. She said there is a serious shortage of early childhood programs across the country, and that locally it is no different.

Ms. Slack said the Center for American Progress maps what they call "childcare deserts," or areas in which there are more than three children under the age of 5 for every licensed childcare provider. She said significant parts of Albemarle County were on the presented map that represented childcare deserts. She said this is where zoning comes in.

Ms. Slack said the school has been looking for a space to grow for years, but that the only zoning that allows by-right use for childcare is Commercial Zoning. She said commercial property is scarce and rarely has the outdoor greenspace that young children need and deserve. She said when faced with a systemic problem such as this, it can be hard to consider how they can impact it. She said the well-being of young children is everyone's responsibility, but that the Board can address the zoning issue.

Ms. Slack said zoning ordinances have a significant impact on the shortage of childcare. She said other states and counties have made changes to their ordinances to try to address the childcare crisis.

Ms. Slack said 1395 Stony Point Road is the school's perfect home. She said in the Master Plan, the area is marked as Urban Density Residential. She said school and childcare is a primary use, with office and commercial uses as secondary.

Ms. Slack said the portion of the property that is in the 100-year flood plain is not a problem for the school the way that it would be for other commercial users. She said they are happy to have the large greenspace, clean up the property, and protect the intermittent stream.

Ms. Slack said everything presented up until then was based on pre-pandemic information. She said there was a childcare crisis before this pandemic and that sense then, things have only gotten worse. She said the Governor has urged early childhood programs to stay open, if possible, to serve essential personnel. She said the Early Childhood Foundation of Virginia, however, estimates that Virginia has lost 210,000 childcare spaces due to closures during the pandemic. She said experts estimate that 50% of closed programs will never reopen. She said that without childcare, parents cannot work, and that moms in particular will exit the workforce. She said this matter now more than ever.

Ms. Slack said she is proposing redeveloping an underutilized and questionably compliant residential site without increasing impervious area on the site. She said this proposal will significantly improve conditions both on and off the site. She said they are improving the landscaping to comply with Entrance Corridor requirements. She said they have already brought buildings on the site into compliance and will maintain full zoning compliance. She said they are closing an entrance on the property that was, per VDOT requirements, too close to the primary entrance and dangerous. She said they have proffered road improvements to accommodate for future growth of the school.

Ms. Slack said they are installing Best Management Practices (BMPs) to improve the quality of the stormwater runoff through the form of a stream buffer. She said they are removing the razor wire fencing. She said they are connecting the property to public water. She said they are installing a fire hydrant because there is currently not one close enough to the site. She said they have proffered limitations to ensure any future development of the site will be limited in size, scale, uses, and traffic trips generated, consistent with the Master Plan and neighboring developments.

Ms. Slack said they were not only addressing and mitigating their impacts, but also impacts created by others who have come before them. She said the school is the best use of the site.

Ms. Slack said the only outstanding issue, as staff has presented, is the parking in the flood plain. She said for a number of reasons, she has proposed keeping an existing parking area, which is located in the flood plain. She said although they searched for alternatives, reducing, improving, and maintaining the lot is the best option for their property.

Ms. Slack said she sought from the beginning to mitigate any impacts. She said the Master Plan is not law and serves as a general guide for planning. She said she met with County staff in October and November of 2019 to confirm that the parking in the 100-year flood plain is lawful, both in the proposed C1 use and in the current R1 use. She said this parking area, without any protection for the stream, is lawful. She said as staff stated, neither the Zoning Ordinance nor the Water Protection Ordinance prohibit parking in the 100-year flood plain.

Ms. Slack said this is an example of how ordinance have not caught up with best practices, so needing a higher bar of rezoning, they researched mitigation options. She said their project does not create this impact on the stream, as it is an existing impact that they are mitigating from the current use. She said if they want to continue to use the space for parking, they are happy to promote better care.

Ms. Slack said in addition to cleaning up the area and preserving the greenspace, they have proffered a 30-foot vegetative buffer to protect the stream, not only by the parking area, but along the full length of their southern border. She said the language from this proffer came directly from the Albemarle County Water Protection Ordinance. She presented a drawing, noting that they are reducing the total impervious area and removing 5,622 square feet (or 38%) of the current gravel parking lot.

Ms. Slack said the Albemarle County Climate Action Plan recommends increasing tree cover and needed vegetation in urban areas, particularly adjacent to streets and parking areas, as well as the protection and restoration of natural areas on private land. She presented a map, noting that the dark-colored circles are new trees and vegetation. She said the proffered stream buffer will travel with the property, protecting the sensitive area for years to come. She said the Comprehensive Plan states, "Stream bank restoration can also be used to restore flood plains for their ecological function." She said this is what she intends to do.

Ms. Slack said moving the parking would not only stall this project for time, but that it would also push the parking to the front of the building, which is not a desirable design in the Entrance Corridor. She said moving the parking would also increase the total land disturbance, causing a greater environmental impact. She said in the Virginia Code, Declaration of Legislative Intent states that residential areas be provided with healthy surroundings for family life.

Ms. Slack urged the Board to vote to approve the ZMA so the school is able to continue its work caring for the community's youngest citizens. She said they are early childhood education providers, and that the Board's rezoning decisions matter.

Ms. Palmer had no questions for the applicant but mentioned that she looked up the elevation of the site on the GIS, and that she understood what Ms. Mallek had said about the edge of the property across the street.

Ms. Price said she had no questions but thanked Ms. Slack for her detailed presentation.

Ms. LaPisto-Kirtley asked about the current buildings not conforming, as her understanding was that all the current buildings with the R1 zoning were conforming.

Ms. Slack replied this was correct. She said there was a non-permitted shed attached to the large garage that has been removed.

Ms. LaPisto-Kirtley asked Ms. Slack to explain why she wanted to go to C1 rather than keeping R1 zoning.

Ms. Slack replied that she searched for this for a long time, and it was part of their original discussion with County staff in the fall of 2019. She said there were a couple of reasons, with one being the cost of the property. She said the cost of properties in the area is very expensive, and as one of the Supervisors mentioned, it increases the property value when the property is zoned C1. She said this was not to line her pockets, but to allow the school to be able to get the 504 SBA loan. She said it needs to be able to assess at the value that the owner is asking for it, plus all the costs the applicant is putting into it, or the bank will not lend them the money.

Ms. Slack said C1 zoning also prevents them from being in a loop of coming back to the Board when there is a secondary use that is needed. She cited Tandem Friends School as an example, as they had to come back to the Board to have a building added.

Ms. Slack said because the Urban Density Residential listed not just childcare, but also other commercial uses, they felt that C1 was the best option to be able to match the Master Plan and meet their needs. She said unfortunately, there is not a zoning change that they can take to adjust to Urban Density Residential, and that C1 was the closest match. She said with those size, scale, and intensity proffers, this was the best they could get in terms of being close to Urban Density Residential zoning.

Ms. LaPisto-Kirtley asked if Ms. Slack could also address Proffer 8.

Ms. Slack said Proffer 8 is the trip generation proffer, and that there had been some back and forth about the specific details of this. She said the trip generations will be listed on any future site plans. She said the site plan will have a list of trip generations, including standard daily trips as well as peak hour trips. She said this way, it will trigger the use of the proffer if it reaches that threshold.

Ms. LaPisto-Kirtley mentioned that the applicant has also agreed to make road improvements when the trips reach a certain level.

Ms. Slack replied yes, noting that this is triggered based on the Certificate of Occupancy, which limits their license to capacity through the Department of Social Services.

Ms. LaPisto-Kirtley mentioned that there had been a community meeting that winter, and that the majority of everyone who attended that community meeting of residents in the area were appreciative and approved of the preschool. She said they liked the idea of having the preschool there rather than some kind of other commercial entity.

Ms. Slack said that in the map Mr. Rapp presented, it showed a lot of residential use around the property, but that directly across the street in Riverside Village are the commercial properties.

Ms. LaPisto-Kirtley said there is a coffee shop, restaurant, and other businesses there.

Ms. Mallek asked Ms. Slack if she had any information about where these future commercial buildings would go. She said there was some confusion in what she read about how the garages would be used, and whether those would become teaching spaces after major renovation. She asked about how much land coverage was being created in the long run.

Ms. Slack replied that in the immediate site plan, there were no additional buildings planned. She said the large garage is being renovated to accommodate infants and toddlers, and that it was large-scale renovation. She said it will have a porch on the front and become a more appealing space, with the large garage doors coming down and large glass classroom windows going up.

Ms. Slack said there were no plans to build additional buildings in the future, but that perhaps in the 10- to 20-year range, if they were to add a building, it would have to occur within the top triangle on the presented map. She said as Mr. Rapp showed, there are buffer requirements on the outside of the building, and that this is the only area that would be suitable for development.

Ms. Mallek asked if this would be the triangle north of the driveway.

Ms. Slack replied yes. She said it is in front of the house and to the north. She said if the school were to grow, it would be to provide either additional space for staff, or additional preschool spaces, or a large gathering space, of which none were currently planned for.

Ms. McKeel said Ms. Slack's presentation was excellent and had no questions.

Mr. Gallaway asked if the primary reason for the C1 request was due to the value of the loan, and if it was not an option, moving forward, if they didn't have that.

Ms. Slack replied yes. She said they do not have any other financing options with what the property owner is looking for.

Mr. Gallaway said he would wait until hearing from the public to ask his other questions. He opened the public hearing.

Mr. Leonid Petrov (City of Charlottesville) thanked Ms. Slack and Our Neighborhood Child Development Center for their excellent service. He said he thoroughly enjoyed his son's time there, and that the school helped him grow as a parent. He said his son spent one year (age 2-3) there because they waited for two years to get into the school. He said hoped that the growth of the center would open it up to more people.

Mr. Petrov said he wanted to address the issue of rush hour traffic by pointing out that the school provides excellent service and opens at 7:30 a.m., before rush hour. He said this means the parents drop off before rush hour starts.

Mr. Petrov said this is an environmentally conscious school and that there, his son learned about separating trash, nature, how to make toys from things made from nature, and how to increase the sustainability of everything he does. He said having a school that teaches environmental thinking and the value of sustainability to children would increase and mitigate any environmental impacts for generations to come. He said long-term, this school should be able to grow and allowed to continue at this new location at Stony Point.

Ms. Teddy Hamilton said she had no qualms about the daycare center and wanted to speak specifically to the rezoning application. She said she wanted to discuss the fact that rezoning is such a critical part of the application, and that she wanted to note that the rezoning raises a multitude of concerns, including the parking area in the flood plain. She said County staff have indicated that substantial upgrades to the parking lot would be required in order to serve the proposed use of the property.

Ms. Hamilton said far more importantly is the future by-right use once it would become Commercial. She said this is with regard to every aspect of the by-right use in the future. She said this rezoning could involve many other kinds of commercial possibilities that everyone who has reviewed the information is aware of.

Ms. Hamilton said enabling the continued and likely intensified use of the flood plain area for parking or any other activity would clearly be inconsistent with the Comprehensive Plan Parks and Green Systems designation for this area. She said it also conflicts with efforts to improve the natural resiliency of the community and the County's ongoing Climate Action Planning process, which is the leading strategic priority.

Ms. Hamilton said the County needs to be aware of the changing environment, and the possibility of increased (not diminished) flood zones and avoid development in known flood zone areas. She said the future possible uses on the property would conflict with this necessary standard.

Ms. Hamilton said the proposal, as currently presented, conflicts with the County's Comprehensive Plan, the Pantops Master Plan, and the Climate Action Plan. She said additionally, staff had recommended that the proposal not be approved. She said if the Board were to choose to approve this proposal, it would make a clear statement regarding how the Board views its own sanctioned policies and guidance, and it would set an uncomfortable precedent for future proposals with similar conflicts.

Ms. Hamilton said for these reasons, she hoped the Board would consider, at a minimum, a delay so that a plan that does not include rezoning to Commercial can be devised. She said if that is not an option, then in her opinion, denial of the rezoning request would be the appropriate choice. She said in her opinion, all of this has to do with the future by-right commercial uses that could happen, and that this is what the application is all about as far as what the Board needs to consider.

Mr. Ben Lobo (Scottsville District) said he and his wife have been sending their children to Our Neighborhood Child Development Center for over four years, and that they wished everyone could start their children off with the respectful, high-quality care his children have received there. He said the practices and policies they practice at the school have made he and his wife better parents and have allowed them to make their children into confident and resilient people.

Mr. Lobo said as a resident of Albemarle County, Our Neighborhood Child Development Center is exactly what he would love to see more of in the County. He said it is a small business that will preserve greenspace; enriches the lives of the youngest citizens and their families (and thereby, the broader community); and contributes to the economy by employing teachers at a living wage, paying taxes to the local economy, and allowing more parents to enter and stay in the workforce.

Mr. Lobo said he sees Our Neighborhood Child Development Center more than just a child development center. He said it also helps develop teachers and parents through professional development days and conferences, as well as regular parent classes. He said Our Neighborhood Child Development Center is open to the entire public, unlike the UVA daycare, for example, that is only catered to specific employees of UVA.

Mr. Lobo said he fully supports the rezoning off 1395 Stony Point Road for Our Neighborhood Child Development Center and encouraged the Board to vote in favor of the rezoning petition to allow existing and future families in the Charlottesville area to benefit from this wonderful school.

Ms. Genevieve Lyons said her child attends Our Neighborhood Child Development Center. She said there is a severe lack of high-quality daycares in the area and that it would be a travesty to lose this one, especially given the current economic crisis due to the pandemic.

Ms. Lyons echoed Mr. Lobo's comments about the high quality of the childcare provided, adding that this is a small business that pays a living wage and provides healthcare to its employees. She said this is exactly what the residents want in Albemarle County, and that other people have pointed out this is also an ecofriendly business. She said much of the space will be preserved as greenspace for the kids. She said her two-year-old child loves to be outside, and that she is glad to know her child is learning about sustainability and love of nature at school.

Ms. Lyons said many of the concerns that have been stated are about how this is more about the zoning issue rather than a referendum on preschools. She said since this is about zoning, the Board needs to acknowledge that the reasons for seeking the zoning change are legitimate, and not just for getting the loan, but for the use of the property as a childcare center. She said Ms. Slack has legitimate reasons for not seeking the variance for R1.

Ms. Lyons said there are not many suitable places to put a childcare center, and that this needs to be taken into consideration.

Ms. Lyons said the only issue is with the parking in the flood plain, and what Ms. Slack is proposing to do with the land is actually better than its current use. She said this is a residential property surrounded by commercial property and is not a desirable residence at this point anymore. She said the proposed use for Our Neighborhood Child Development Center is much better than is currently going on, and that meanwhile up the street, there are housing subdivisions going in. She expressed there are environmental impacts associated with those.

Ms. Lyons agreed that Ms. Slack gave an excellent presentation, and that this is how Ms. Slack does everything. She said she has every confidence in Ms. Slack to continue to run her business in this way.

Ms. Stephanie Lowenhaupt said she is a lifetime resident of Charlottesville, VA and is now a resident of the County, in the Key West subdivision. She said she is also an active member of the community and is a member of the Pantops Community Advisory Committee, which helped shaped the Pantops Master Plan. She said she is very much in tune with what happened with that plan.

Ms. Lowenhaupt prefaced her comments by stating that this was not about the childcare center but was about the zoning and proposed zoning changes. She said she definitely supports the childcare center, its mission, and the need for better space, but that this was not the location that is appropriate for this particular business.

Ms. Lowenhaupt said it is very much in violation of the Pantops Master Plan, the Climate Action Plan, and the Comprehensive Plan. She said she is deeply concerned in reference to the environmental impact. She said when staff presented about the flood plain, it is 2.1 acres out of 3.75 acres, so more than 50% of that land is in the flood plain. She said this is in violation of all the plans and regulations regarding building in the flood plain.

Ms. Lowenhaupt said she is also concerned in reference to C1 zoning. She said there are options in some of the proffers to build other buildings. She said these are financially difficult times and that potentially, someone may build buildings that are more commercial, such as restaurants and shops.

Ms. Lowenhaupt said she is concerned about the traffic and traffic impacts in adding more buildings to that. She said managing the traffic in and out of that facility would be another major concern, especially considering all the other traffic that goes on on Stony Point Road and not being able to handle all the traffic.

Ms. Lowenhaupt encouraged the Board to vote "no" on this because of the zoning, flood plain, and environmental issues and the grave concerns in violating the Master Plan and Climate Action Plan. She said staff have done their due diligence and worked very hard on this. She said they worked on it in January, when it was first heard by the Planning Commission. She said the Commission also voted against it, 4-1, so she feels the Board should support what the Commission had to say, and that staff has done a lot of heavy lifting on this.

Ms. Liza Rubenoff (Jack Jouett District) said she is a parent of two children who attend the school, who have attended for over three years. She said she is also a resident of the County and was born and raised there. She said one of the things that is severely lacking in the community, and considering the pandemic they will continue to face in the months and years ahead, is the high-quality childcare that this school offers, which is not available to all families within the community.

Ms. Rubenoff said with the amount of development and added families to the Charlottesville-Albemarle region over the last 5-10 years, one of the things that has been substantially, significantly seen by families with young children is the lack of ability to send the children to adequate care that not only supports the parents, but the children as they develop. She said it is important to recognize that this school is not just a school, but a development center that focuses on developing children as whole people, and as they develop into schools within the County. She said this is what Ms. Slack, the teachers, and staff at Our Neighborhood Child Development Center diligently work for each day.

Ms. Rubenoff said as parents, they have all seen in the last several weeks, being at home, how important it is to maintain and to keep high-quality teachers and educators within the community. She said this school is not just a school but is a lifeline for the families. She said her family would not be able to go to work and be dedicated citizens of the County if they did not have a safe place to send their children to each day.

Ms. Rubenoff said Ms. Slack is one of the most poignant and respectable people she has ever met, and the outline and plan she has made for the school and the rezoning in the new space legitimately answers and addresses a lot of the concerns and questions that the community has for building and development. She said the impact they will create on the community is far greater than any of the downfalls that were presented by staff.

Ms. Rubenoff implored the Board to allow their children to be a part of the community and allow the space to grow so that they can have a greater impact on the community in the months and years to follow.

Ms. Karen Beach said the school and community are extremely important to her and to her family. She said her son attended the school for two years, and that she was hopeful her daughter and son would be able to attend in the fall.

Ms. Beach said she heard many comments about the environmental impact that rezoning this property to C1 would have, but that there is a current environmental impact that is unmitigated by this property being an R1 property. She said the owner is allowed to have his parking wherever he wants, and that he is not engaging in any mitigation efforts. She said Ms. Slack has proposed a plan to reduce the parking and to reduce the environmental impact of the parking through buffers and filters.

Ms. Beach said through her experience with the school, every decision they make is made carefully, particularly considering the environmental impact that it will have. She said they use recycled and upcycled materials, compost, and engage in the teracycle program, which comes at a great burden to the teachers. She said they are willing to go out of their way in order to have a positive environmental impact. She said she didn't think there would be any difference in this instance.

Ms. Beach said having a school available in this area seems, to her, to be in line with the Master Plan. She added that Ms. Slack and Our Neighborhood Child Development Center are an important part of the community. She said not only do they provide childcare, but they provide parenting support groups and classes, which have personally made her a better parent. She said she has repeatedly found herself falling back on the skills that she has learned from the teachers at the school, especially during this difficult time when parents are at home with their children. She said she wished more parents in the area had access to this.

Ms. Beach urged the Board to vote in favor of this rezoning because the school will improve the property and the community around them if they are allowed to go forward.

Ms. Rachel Schnorr (City of Charlottesville) said she loves the school and that it has had a great impact on her daughter, who has attended there for three years. She said it has made them better parents and a better family.

Ms. Schnorr said most of the Board has vocalized their support for this childcare business and have acknowledged that childcare center scarcity is now even more of a problem. She said it was before the pandemic, and that the crisis is clearly impacting this as well.

Ms. Schnorr said the Board has talked about supporting the project and yet, by recommending against the rezoning (which Ms. Slack has outlined the economic necessity for this), they seem to be ignoring the fact of what it really means for a high-quality childcare center to operate.

Ms. Schnorr said they are ignoring the fact that if they are honest, most of the childcare centers are low-quality, which doesn't mean they do not care for the children. She said it does mean that they are not equipped, nor educated or supported as childcare providers, to provide this true, high-quality care. She said they are often not cared for themselves, and that Ms. Slack's commitment to paying a living wage and training her teachers, as well as providing an environment that is motivating and encouraging to them, truly makes a difference. She said the support for both the students and the teachers is what shows that this business really understands what it means for high-quality childcare.

Ms. Schnorr said it continues to be expressed that children are important, and that the Board loves projects like this and yet, they are ignoring the economics of what it takes to support this. She said the country, in general, continues to severely underpay child educators. She said the public schools continue to decline. She said they are not teaching children empathy or ways of being aware in managing their emotions and problem-solving, and that this is because it is difficult. She said it requires not only the commitment and reinforcement, which Our Neighborhood Child Development Center provides, but that she herself has become educated about how a child's brain works and why it matters how she responds.

Ms. Schnorr said society is increasingly polarizing and violent, emotionally, and physically, and that there is a need for the next generation of children to be empathetic, creative problem solvers for the future of the County, City, and country.

Ms. Schnorr said the amount of respect shown to the children, staff, the environment, and the community tells her that the Board could not find a better owner for this property. She said it will increase the value for the County and community, and that it is a necessity if the Board says it supports high-quality childcare.

Mr. Patrick Hanberry (Ashcroft resident) said he is a parent of one child who graduated from Our Neighborhood Child Development Center, and another who is still there. He said he can only support everything that all the other parents and community members have said about the high quality of the daycare center. He said his family is happy they have been able to send their children there, and that they were thankful for the quality and care they give in their work.

Mr. Hanberry said he would speak to the specific concerns that have been brought up. He said with regard to the question of changing to a C1 designation and the potential long-term downsides of that, it seems to him that those are things that the proffers can resolve. He said they can prevent a large, uncontrolled commercial development going into this spot, and that this seemed to be a resolvable issue.

Mr. Hanberry said with regard to the overall environmental impact, he understood that there was concern about putting a parking area in a flood plain. He pointed out that there is already a parking spot there, and that this seems to be an overall improvement and reduction in the negative environmental impact.

Mr. Hanberry acknowledged that this was not a perfect site, and that it was a tough site to develop in any way. He said the current structures there are not perfect. He said he was not sure that they would find a better occupant than a child development center that is reducing the overall footprint of the parking area and reducing the overall environmental impact on the flood plain. He said he didn't see how this was in opposition to any of the plans because it is an improvement over what is on the site now, and is likely the best fit for that location. He said otherwise, he didn't see how this property would ever get mitigated or improved.

Mr. Hanberry urged the Board to take the opportunity to work through the problems and figure out a way to seize the opportunity to put a good owner and match in this location.

Mr. Sean Tubbs (Piedmont Environmental Council) said he was supporting staff's recommendation and concurred with the comments of both Ms. Hamilton and Ms. Lowenhaupt of the Pantops CAC. He said as stated by Mr. Rapp earlier, the Comprehensive Plan places a premium on protecting environmental features, and that language in the Pantops Master Plan also echoes that.

Mr. Tubbs said it is the 21st century and is a time when they are setting a high standard for what they want Albemarle to be. He said this means making sure that any new development doesn't treat natural resources as an afterthought. He said the reasons these rules are in place is because much of this type of development happened in the late 20th century, and that the community opted to adopt ordinances to do better. He said those rules are in place and as they have heard that evening, staff works hard to find solutions in these cases. He said there are many mechanisms, such as through proffers that Mr. Hanberry referred to, but that in this case, staff doesn't feel it is there yet, and PEC supports this.

Mr. Tubbs said they have heard clearly that there is a childcare problem that has existed for a long time and is underscored by the pandemic. He said many of his colleagues are currently juggling their duties with childcare, and that they understand. He said earlier that day, the Board also heard a report on retail strategies and perhaps in that work, and as they think about some of the empty retail spaces, perhaps some of those areas provide an opportunity to find space. He said perhaps this will not help in this case, but that PEC recognizes there is a problem and that there needs to be a solution for childcare.

Mr. Tubbs said in this case, PEC encourages the Board to follow the rules and perhaps continue to work on this application.

Ms. Valerie Long said she was speaking in support of the application. She said she was not involved in it but has been following along out of interest. She said she had her own challenges when her children were young (or not even born yet) trying to find childcare and also be able to continue working. She said a facility like this one has a commitment to high-quality childcare, which has been thoroughly documented as being so critical to educational outcomes and minimizing adverse impacts. She said children who attend high-quality preschools like this one show up ready for kindergarten, which benefits them and the community as a whole throughout their entire educational career.

Ms. Long said because she knows it is important to focus on the land use issues, she wanted to ask the Board to take into consideration the fact that although there is a preference for protecting and keeping all structures out of the flood plain, this already exists. She said the applicant is not adding any structures to it, and they are substantially mitigating the preexisting impacts that the prior owners created and improving the situation substantially as compared to what is there now, or to what is permitted by right (whether residential or commercial).

Ms. Long said there are also other elements and components of the Comprehensive Plan that are important to keep in mind. She said in particular, the most important at this point was economic development. She said as many of these parents have stated, they cannot work without quality childcare

for their children, and that she could not imagine the challenges they have been enduring over the past few weeks in trying to juggle all of this.

Ms. Long said there are other components of the Comprehensive Plan with regard to education and economic development. She said it is important to balance all of those goals, and that the way the applicant has carefully and thoughtfully responded to each of the concerns that have been raised, and successfully mitigated all those impacts, left her very impressed. She said staff has acknowledged that those issues have been successfully mitigated. She asked the Board to keep in mind that there was not an impact that has not yet been mitigated.

Ms. Long said this is a substantial improvement and that there are legitimate challenges and realities with regard to securing financing, which is the reality of trying to run a business these days. She said it is difficult to find a property that available, much less remotely affordable, and then try to figure out how to finance it while trying to pay employees living wages and keep the tuition rates at levels that are affordable for families.

Ms. Long said with regard to the concerns about uncertainties, all of those uncertainties have been sufficiently mitigated with the application plan and the proffers.

Mr. Michael Erickson (White Hall District) said he and his wife have two children who attend Our Neighborhood Child Development Center, including one who was among the very first students, so they have known Ms. Slack and the school for a long while.

Mr. Erickson said he heard from the Board that this was not about the childcare business but was about the rezoning. He said if this would be rezoned for any business, this is the business they would want to do it for. He said it is in extremely high demand that fills a critical community need. He said no one can predict the future, but that this is a business that is necessary in both a good and bad economy, and that there are not many new businesses that are trying to build new facilities or grow right now. He said there is a reasonable expectation that this business will be in the area for a long while.

Mr. Erickson said the school is in extremely high demand not only because it fills a need, but because it is so good. He said everyone feels better for being a part of it. He said people other than himself can speak better about how teachers are compensated well above local market benchmarks, and how the school provides a substantially better opportunity for continuing education. He said teachers at other schools who have gone to the weekend outreach sessions can speak better to those, and the school's role in the local education community.

Mr. Erickson said he could speak to this as a former parent. He said this is a business that is a compassionate organization, where teachers want to be there. He said parents there feel good leaving their babies and young children there for the day, and that their children learn how to be a positive classmate and community member by virtue of spending time there. He said the baby is better off at the end of each day by spending time there, and that parents learn how to be better parents by virtue of their young child having gone there. He said the parents learn how to speak to their children, and how to manage and teach conflict resolution.

Mr. Erickson said the school is a green, compassionate, and community-teaching organization. He said he was sure there were plenty of unknowns when the Board looks to approve a rezoning, and that they would always be there. He said the trees that will be planted there will help the location feel greener and good when it is done. He said approving a rezoning requires trust in a business owner and trusting the unknowns in a responsible way. He said this is the business that the Board would want.

Mr. Erickson said Ms. Slack is very well prepared, but that she is also very well positioned. He said if trusting unknowns is the requisite for doing something with this land, he urged the Board to trust Ms. Slack and Our Neighborhood Child Development Center with this land and opportunity.

Mr. Tucker Hart said he grew up down the street from this site, in the Franklin neighborhood. He said his brother is raising his children in Fontana. He said his child currently goes to Our Neighborhood Child Development Center. He echoed the parents who spoke about how great the organization is.

Mr. Hart said the proposed use is going to have significantly less impacts to the environment than the existing use. He added specifically in Pantops, there has been a tremendous increase in density, and that these are mostly young families who have a dire need for a daycare. He said regionally, the County would only benefit from having neighborhood services that are located close to large communities.

Mr. Hart said his understanding of the Pantops Master Plan is that not only is daycare a primary use for the location, but commercial is a secondary use. He said based on his reading of the proffers, it appears that whatever commercial use that could go on the site in the distant future would be fairly constrained and oriented towards the needs of the immediate neighbors, which would be valuable.

Ms. Katie Boyagian said she lives in Orange County but works in Albemarle County as a teacher for Our Neighborhood Child Development Center. She said many people have talked about how this isn't about the school, and how it is about zoning. She said in her opinion, she didn't think they could separate the two. She said if the Board votes to approve this rezoning, it directly impacts the preschool and the businesses that are available in the community, more specifically schools.

Ms. Boyagian said it is hard to find appropriate space for young children. She said they are

dedicated to high-quality childhood education, which includes having natural spaces for children to work in. She said it is very hard in Albemarle County to find commercial space that also has good outdoor spaces for children to play in and explore. She said this property offers a great outdoor space for children.

Ms. Boyagian said this would add great value to the community, and if the Board does want to support early childhood education, they need to have the spaces to house them. She said her job at Our Neighborhood Child Development Center is the best job she has ever had, and that the school supports the teachers and the community it serves.

Mr. Paul Brewer (Charlottesville) said he is a practicing environmental scientist with a PhD in the Field. He said his family is also a client of the childcare center. He said the center is excellent, but that he would spend his time speaking about the environmental impacts.

Mr. Brewer said the proposed work will restore a significant portion of the flood plain from the existing use to native greenspace and improve the riparian zone. He said the natural area buffer between the stream and the parking lot will be increased in this proposed plan, by over 20 feet. He said this means there will be much more soil and [inaudible] available for filtering and absorbing runoff from storms.

Mr. Brewer said he suspected that some of these changes will decrease existing risks and mitigate impacts of the site on water quality and wildlife habitat.

Mr. Brewer said being a client of this business, he knew the importance of improving the environment to the owner and teachers. He said this is a core value they practice and teach to the children, and that they care a great deal about their local impact. He said if given the opportunity to use this location, the center will continue to mitigate its impact on the site and stream. He said he would volunteer to offer his knowledge and time to that effort.

Ms. Donna Sy (108 Lewis Mountain Circle, Charlottesville) said she lives a couple of blocks from the current location of Our Neighborhood Child Development Center. She said she and her husband both work full-time, and have children aged 1, 4, and 6 who have all attended the center. She said they got onto the wait list when she was first pregnant, and that it still took nearly two years to secure a space in the program, which has unfortunately long been limited by the size of the building it rents. She said the school has been trying to make do with the building they had outgrown years ago.

Ms. Sy said that for her, Our Neighborhood Child Development Center is not a daycare. She said to her, it is an innovative child development center that is the best in its class not only for the city, but for the state. She said it could hold its own when compared with the best in the country. She said it is an innovative teaching environment for early childhood that supports not only the children, but the teachers and parents, and aims to make the youngest people in the world better citizens of a just and equitable society.

Ms. Sy said the school's teachers, who already work so hard, go above and beyond volunteering their time to organize and host educational conferences that benefit teachers far beyond the single school. She said this occurs at the end of a long, hard workday with young kids.

Ms. Sy said the choice of this parcel and rezoning is necessary in support of Ms. Slack's inspiring vision and plan of growth for the school. She said Ms. Sy has been looking for a long time for a piece of land that she can possibly finance in today's economic climate, and that this was before COVID-19. She said that all they will have left around here are religious and UVA-exclusive daycares if only those who have significant institutional backing can afford to invest in a school location.

Ms. Sy said Ms. Slack is a person of strong ideals and tremendous dedication to the needs of young children. She said she has never known her in anything but the best of good faith, and the suggestion that this application could be filed with anything else in mind should be rejected out of hand.

Ms. Marielle Sheridan (City of Charlottesville) asked the Board to approve the rezoning request, which was inseparable from approving the school's continued existence, despite some speakers' requests that the two be separated. She said her daughter is 22 months old and currently enrolled in the school.

Ms. Sheridan said touring daycare centers was one of the most depressing parts of her pregnancy. She said before her daughter was ever born, she was having to plan for the moment when she first entrusted someone else with her daughter's care. She said that adding to her distress, center after center presented her with the awful reality of spending over 10% of their paychecks on low-quality care. She said the children she saw in these centers looked shell-shocked, the care providers looked exhausted and defensive, and the center directors spoke of discipline, schedules, and security more than child development.

Ms. Sheridan said to top it off, most of these centers have wait lists of a year or more. She said the lack of access to high-quality affordable childcare is a national crisis, and that the County is feeling the effects of this.

Ms. Sheridan said her tour of Our Neighborhood Child Development Center was different. She said the children were active, curious, conscientious, independent, and bright-eyed. She said she saw

two-year-olds cleaning up after themselves and negotiating peer conflicts. She said she saw one-year-olds exploring materials and feeding themselves, and teachers who seemed happy and at ease. She said during the tour, Ms. Slack talked about what children need to thrive.

Ms. Sheridan said after the past 1.5 months, they have had a taste of what their lives would be like without this school. She said with the school closed for COVID-19, she and her husband have struggled to maintain normalcy for their daughter, as she has lost the relationships she had come to trust. She said they both work full-time and cannot sustain their current reality. She said if this rezoning is not approved, however, they may have to. She said they do not have a backup plan, as they are unable to find alternative care for their daughter that is suitable.

Ms. Sheridan said if there is lingering concern about the environmental impact of the parking in the flood plain, which Ms. Slack has offered a plan to mitigate, she would ask the Board to consider the net environmental benefit of teaching hundreds of children to love the outdoors. She said this school is the only center-based care that they found that takes children outside for hours a day, rain or shine, all year long. She said the school teaches children to be good stewards of their environment, and that this site has unique characteristics that will help foster children's connection to the environment.

Ms. Sheridan said she would close with a message that one of the teachers sent the community after her first visit to the site. She read the message aloud: "I just had a chance to walk around the new school site with Jen, and I'm so excited. There's going to be ample parking, but more importantly, from the road, you don't realize what a private, beautiful little enclave it is. Once you get into the backyard, there are magical mature trees all around, and the brook is going to be so much fun. There is also lots of covered outdoor play space, and interior spaces are going to inspire creativity and meet our needs well."

Ms. Sierra Brown (Rio District) said not only is she a teacher at the school, but she also has a background in environmental science. She said the school spends hours outside teaching kids how to love the environment and that in doing so, they are definitely creating a better environment at this property than what it is currently. She said her understanding was that there is garbage on the stream beds currently on this property, and that the school plans to invest time in teaching the students how to take care of it. She said the children will be playing in the stream, and that of course they would be taking care of it. She said they want to do everything they can to mitigate, through promises of the buffer zones and mitigation of the parking lot.

Ms. Brown said the proffers will keep the property clean for years to come, and that there will be an opportunity to reevaluate if there are any larger businesses with larger commercial uses to them.

Ms. Jen Buckett (Rivanna District) said she has a five-month-old daughter and a two-year-old son. She said she is both a parent and a teacher at Our Neighborhood Child Development Center. She said the school is an incredible resource for children, parents, and teachers in the community. She said allowing the program to relocate to this larger site will only spread the positive influence in the community, which now, more than ever, needs high-quality early childhood education.

Ms. Buckett said they are an accredited program with an already-long waiting list. She said after the pandemic, some programs will close, and more parents will be looking for high-quality care. She said the school needs the Board's approval so that they may stay open. She said this was not just about growth, but that they are losing their current space. She said they want to continue to support parents when the pandemic is over.

Ms. Buckett said this school has influenced the way that she both parents and teaches. She said after her son was born, she left her job teaching middle school because she wanted to be fully immersed in what Our Neighborhood Child Development Center had to offer. She said good early childhood education is key to her son's readiness for kindergarten and his larger success in life, from a lower chance of being incarcerated to a higher chance of graduating.

Ms. Buckett said she appreciates the experience of childhood that the school offers -- one that engenders confidence, emotional intelligence, and care for the environment. She said they could not impart those values in a strip mall.

Ms. Buckett said she has known Ms. Slack since the school's inception and that she is the most principled, transparent, and generous leader she has worked with. She said Ms. Slack is committed to elevating the early childhood profession in supporting parents to develop secure, respectful relationships with their children. She said MS. Slack and the rest of her colleagues worked tirelessly to provide exemplary, relationship-based care for children, classes and support for parents, and professional development and advocacy for teachers.

Ms. Buckett said this is part of the reason for the C1 application. She said they want to be able to provide outreach for parents and teachers, and not just childcare. She said the property on Stony Point Road will allow the school to grow to serve more children and families. She said they will preserve the property's trees and greenspace and create a haven there where children can experience childhood surrounded by nature in a convenient location for parents. She said the school values nature, and even on the currently small city lot, they make it a goal to take the children outside twice a day.

Ms. Buckett said they will be invested in preserving the stream on the property for the children to experience it, and that she could think of no better use for that land. She said for the good of the community, the children, parents, and teachers, she urged the Board to support the application.

Ms. Savannah Robb (White Hall District) said she is a parent and teacher at Our Neighborhood Child Development Center. She said her infant daughter is enrolled there.

Ms. Robb said that currently, in Crozet, there are only two very small childcare centers available, and that housing developments are going in everywhere, which leaves very few options for all the families in her area. She said thankfully, at Our Neighborhood Child Development Center, she has a place to send her child, and she is paid a living wage while being provided with healthcare.

Ms. Robb said she would speak to the school's environmental work. She said they take children outside every day where they can learn about the elements through experience. She said they learn what rain and sun offer the earth and see firsthand what happens when flowers are watered versus when they are not. She said the children dig with their hands into the soil and place new plants into the earth. She said they are then coached to care for those plants, and that they are so excited when the time comes to finally pick a flower or eat a tomato they have waited on for so long. She said young children are impulsive, and it takes a lot of effort to hold off for the right time.

Ms. Robb said she has been asked by the children where wind comes from and why plants have roots. She said these children are brought into garden spaces. She said they are not shooed away for fear that they might damage something. She said they create new garden spaces yearly with the help of the teachers who coach them about sunlight. She said they help children understand why bees and worms are good for the environment and help them understand composting and recycling. She said they have three trash bins in the two-year-old classroom and one-year-old classroom, and that those young children know where to put their garbage based on what they hold in their hand. She said they know that plastic is not compostable, but that their carrots are.

Ms. Robb said the school actively seeks ways to lessen its environmental impact and that for these reasons and more, she knows that any environmental concerns will be addressed, and that the children will be taught to care for the land and water around the school. She said the school exists to serve the families and community as a whole and that for them, this includes the environment.

Ms. Robb said she had previously thought that the school should buy a retail space, but there is the question of how to raise young stewards of the environment if they are surrounded by concrete. She asked how they can teach children how to love the earth and care for it if they are never given the chance to experience it with their hands and feet.

Ms. Robb said the Board must consider their constituents, as they are elected by the people, and the people need childcare. She said the community needs a place where the love of environment can be fostered for years to come. She said Our Neighborhood Child Development Center is a solution to both of those needs.

Ms. Rachel Berry Young (City of Charlottesville) said she wanted to address the concerns about the plan. She asked the Board to consider the concerns about the environmental impact and the Albemarle County Climate Action Plan. She said the action plan includes promoting education on climate action, which she believes the center does. She added that the plan includes protecting local, natural environments, and that the current use would allow to build at least three private residences on the site, for which the construction would have a far greater negative impact on the environment than the proposed use by the school.

Ms. Young said not allowing the school on this site does not eliminate the problem that the Board proposes but moves those problems to another location within the County. She said the school needs to exist, and that if she knows anything about Ms. Slack, she will keep searching and looking until she finds some kind of way.

Ms. Young said parents not only need access to quality childcare, but they need it close to their homes. She said moving this childcare center to someplace else in the County will require a longer commute for parents and more car emissions.

Ms. Young said with regard to the flood plain, any use of this property will have an impact on that flood plain, including the current zoned R1 use. She said new buildings on this flood plain will have a huge environmental impact, and that the proposed use for the school is the most environmentally-friendly use.

Ms. Young said with regard to the concerns about future use, the proffers stipulate what can and cannot be built in the future, and that the Board's concerns in that regard are not valid.

Ms. Young asked the Board to consider what the better solution is than the proposed school in this location. She said she didn't think there is one, and that this proposal is unrealistic.

Ms. Young said the Board has mentioned support for this type of organization, but just not in this location. She asked the Board to consider what impact they will find unreasonable at any location. She asked if moving the school further away would really improve the local environment or contribute to achieving the Climate Action Plan.

Ms. Young said Ms. Slack is the kind of person who commutes by bike to school whenever she can. She said as residents of Albemarle County, they should all be inspired by her example and try to

use public transportation and biking. She asked the Board to focus more on things like adding bike lanes and public transportation, instead of opposing this rezoning.

Ms. Robin Criscuolo (Charlottesville) said she is a former teacher at Our Neighborhood Child Development Center and studies the impact of access to nature in early childhood experience. She said her experience working at Our Neighborhood Child Development Center helped her grow professionally. She said Ms. Slack and the entire team offer amazing opportunities to help early childhood educators stay in this incredibly important field.

Ms. Criscuolo said connection to nature has been proven to increase wellbeing and self-regulation for young children and humans of all ages, and to mitigate the impact of adverse childhood experiences in times of increased stress, noting that everyone was experiencing this lately. She said to paraphrase environmental educator and advocate David Sobel, children must be given the opportunity to fall in love with nature before they are expected to save it.

Ms. Criscuolo said it is well documented that prioritizing early childhood education has positive long-range outcomes for communities from the standpoints of the economy, mental and emotional health.

Ms. Criscuolo said Ms. Slack is one of the most thorough people she knows, and that her detailed presentation is an example of her dedication and thorough approach. She said the teachers at the school are some of the most dedicated people she has ever had the privilege of working with. She said the parent community is incredibly committed and involved, and that parents already volunteer to help maintain and steward the school grounds.

Ms. Criscuolo said the plans and proffers that Ms. Slack has presented to mitigate negative impacts address the concerns that have been stated. She asked the Board to approve this rezoning application.

Ms. Dawn Bryant said she is a teacher at Our Neighborhood Child Development Center, where she has taught for the past six years. She said it has changed her life, the lives of all the families it has reached, and the community at large. She said they are committed not only to stewardship of the environment, but to raising and supporting global citizens who will become members of the communities who will have learned to be empathetic, helpful, and conscious of their responsibilities to the earth and to their fellow humans.

Ms. Bryant said they are a tight-knit community led by an incredible woman. She said the Board heard how impassioned Ms. Slack is, how committed she is, and how determined she is to change the face of early childhood and the world. She asked what better way to show the Board's support of the community than to approve the project.

Ms. Bryant said the Board asserted that their main concerns are environmental. She implored the Board to keep in mind that healthy child development directly affects environmental impact. She asked if children are not educated, how they will understand the challenge of protecting and enhancing the environment. She said if they move their center outside the region, there will be an increase in transportation and a greater environmental impact. She said those who oppose this seem to think that the environment and childcare are separate issues, but that they are not. She said healthy children create a healthy environment and a healthy economy. She said decades of research on childhood development support this.

Ms. Bryant implored the Board to support the school by approving its proposal.

Ms. Bethany Blalock (City of Charlottesville) said she was speaking in support of Our Neighborhood Child Development Center's rezoning application. She urged the Board to approve it because even though her children do not actually attend the school, she has benefitted from their services as a community member. She said she and her husband have attended parenting enrichment classes that Ms. Slack has offered at affordable fees. She said she has many friends whose children do attend or have attended the school in the past, and that it is remarkable to her how much she has learned from other parents who have picked up techniques and practices that the school has taught them.

Ms. Blalock said the reach of Our Neighborhood Child Development Center is much broader than the children and families that it serves directly through the preschool. She said she hoped the Board would give them full consideration and take early childhood education seriously when it considers the application.

Mr. Brad Rodgers (Jack Jouett District) said he is the parent of two children who previously attended Our Neighborhood Child Development Center.

Mr. Rodgers said he heard from the Board members that they are universally in support of the school as a development center but have issues with the potential rezoning. He said as Ms. Slack made clear, those two are inseparable. He said from a financial standpoint, the continuation of Our Neighborhood Child Development Center is dependent on this rezoning. He implored the Board to consider this strongly.

Mr. Rodgers said he wanted to touch on comments from someone who spoke in opposition to the rezoning, who had mentioned they should be looking for retail spaces to use as alternative sites. He said as Ms. Robb pointed out earlier, that is not only impractical, but impossible because one of the

fundamental core philosophies of Our Neighborhood Child Development Center is letting children explore the outdoors, being outside on a daily basis, and having greenspace. He said this was not something they would find in a concrete cube in a retail space.

Mr. Rodgers said that as Ms. Slack pointed out, the availabilities of property in and around Charlottesville are scarce, especially when it comes to greenspace, which is of the utmost importance.

Mr. Rodgers said in the current situation with the pandemic and having the majority of childcare centers being closed, including the center that both of his children are at currently, and being a parent that is working full-time along with his wife working full-time and trying to juggle childcare, it makes them appreciate the value that quality childcare has and will always have, both now in this pandemic and in the future. He said the continuation of Our Neighborhood Child Development Center as one of the premier childcare centers in the area depends on this rezoning, and that those two are inseparable.

Mr. Reed Hurt said he didn't have anything to add to the support of this project except to say that as a resident of Fontana (the neighborhood adjacent to this project), he couldn't think of a better use for this space. He said he looked forward to being able to send his kids there. He said he understood the remarks about the flood plain, but that the benefits of the project outweigh the concerns.

Mr. Gallaway closed the public hearing. He said the Board had received one email that was addressed for the public hearing from Ms. Candace Baker, which he read into the record: "If there were a school community policy that sponsored the collection of carbon footprint samples to report data to the Parks and Green Systems, such as initiating a carpool circle and fencing off the parking lot to regulate usage, would this meet the need that moving forward in environmental responsibility?"

"What contractual trust to document accountable protection of land use? Could the school partner with the Conversation Committee Community Project? This could be part of forward thinking and how community regulates its uses for environmental protection. It's easier to say yes or no, but when communities can help reshape laws and roles as a flexible way to problem solve for meeting community needs, then there should be no discrepancy in the lawfulness of protecting an area. If another commercial entity were to come in afterward, a potential contractual land use agreement would be necessary for regulating commercial purposes."

Mr. Gallaway gave Ms. Slack an opportunity to respond to public comments.

Ms. Slack said she appreciated all the public who came out to speak. She said she wished they were all in a room together so she could feel their energy, although they would see her crying.

Ms. Slack said staff stated that this rezoning is consistent with the Comprehensive Plan and the Master Plan. She said this property is in a development area, in a neighborhood development center. She said this land is currently inconsistent with the Master Plan, and that this would be a significant improvement on which they will continue to improve the space.

Ms. Slack said to Mr. Tubbs that the children deserve more than being relegated to a retail space. She said zoning ordinances do impact the availability of childcare. She said the children have a right to be a part of the City and County.

Ms. Slack agreed with those who share their concerns with the environment. She said she shares those concerns every time she goes to the site. She said she wished she could clean up the litter, remove the improper storage and materials, and replant the stream bank. She said she finds parking areas generally not desirable, and she wished there were a better solution. She said if everyone commuted on bike, and Albemarle County would allow them to have no parking on site, they would do so.

Ms. Slack said she envisioned children playing there, and that she was honored to bring forward a rezoning that reduces, rather than increases, environmental impact. She said she knew the future uses were uncertain but putting the school there right now would stop the bleeding and would be the best environmental protection for that area.

Ms. Slack said the image she ended her slides with was her daughter playing in that stream. She said this is a better use for the current situation and the best use, going forward.

Ms. Palmer repeated that it is very clear that this is a wonderful school and incredibly important to the community. She said the applicant has explained to the Board very clearly that the rezoning will make the property valuable enough to have the bank give her a loan. She said this tells the Board that the owner of the property is clearly trying to sell it for much more than what it is assessed. She said this is not the Board's business and that they are not supposed to be evaluating the finances of the applicant.

Ms. Palmer said what the Board must do is say that they are giving the owner of the property a significant profit, and that the County has to ask for something in return. She said in her mind, this is to have it consistent with the Master Plan, which is to have that area (where the parking spot is now) be a greenspace, as is proposed in the Master Plan. She recognized that this is an R1 property, and that there could be a child development center on an R1, but the problem is that the owner is asking for too much. She said she had to put that issue aside and say that if they are going to do a rezoning, they need something for that rezoning to improve the area and do what is suggested in the Master Plan.

Ms. Palmer said unfortunately, she was still where she was beforehand in wanting that area to be

greenspace. She said that staff really has made a lot of changes to accommodate the site, and that she appreciated all of that work. She said she was still of the opinion, however, that the flood plain needs to be put into greenspace.

Ms. Price thanked staff and the Planning Commission for the work they did. She said they did their jobs, and they did it right in following the plans the County has. She said when she ran for office, one of the comments she made frequently came from Naval aviation: "Plan the flight and fly the plan." She said the County has a Comprehensive Plan, Master Plans, and Climate Action Plan, and that they should follow those plans.

Ms. Price said it was important to remember that it is not this applicant, but the property. She said while she recognized that the two are inseparable, the issue is that once the property is rezoned, then it will forever have that zoning. She said they cannot ignore that.

Ms. Price said she was also concerned about what she would categorize as incremental creep, where there is a piece here and a piece there, resulting in no longer having a plan. She said as Ms. Palmer just mentioned, she thinks that what lies in the controversy is the sale price for the property, of which the Board has no control. She said this strikes her as the factor that is driving the situation for the zoning rather than a special use.

Ms. Price said she then looks at the other side. She said the Economic Development Office has repeatedly briefed the Board on the shortage of different types of commercial and business properties in the area. She said one of the public speakers mentioned ACEs (Adverse Childhood Experiences), and that the reality is that significant ACEs have a lifelong impact on that child, and even changes their DNA.

Ms. Price said when her first grandchild was born, and when her daughter went back to work, on the first day of daycare, her grandchild was at least neglected if not actually abused. She said her daughter fired the woman that day. She said she took a year off from work to watch her grandson, but that she could not afford to continue doing this and had to go back to work.

Ms. Price said when her daughter was pregnant with her second child, she took her older grandson to daycare every morning and picked him up every night. She said she was pleased with the caliber and quality of the care that he had.

Ms. Price said if they simply used a computer formula that input data and came up with a calculation, they would not need a Board of Supervisors. She said she believes that reasonable minds can differ, and although she could only speak for herself, she believes the Board is there to lead and not simply decide. She said she believes the Board must do well, but also must do good, and make what they believe are the best and right decisions.

Ms. Price said she looked at the matter this way: once the land is rezoned, they cannot change that. She said if the school does not stay there, there will be other uses that this property can be used for that are beyond what the Board would approve it for today. She said she sometimes believes in taking a leap of faith, and if there ever was a time, they should consider making an exception to the Comprehensive Plan, Master Plan, and Climate Action Plan for the children. She said she will support the application.

Ms. LaPisto-Kirtley said this is in her district. She said as soon as she saw the property and heard about the childcare center, she thought this was perfect location. She said she saw other locations where there is no grass, no area to play, and surrounded by buildings. She said this is a perfect location for a childcare center.

Ms. LaPisto-Kirtley said the Board needs to remember that eventually, this will be rezoned and that it would not remain R1 forever. She said therefore, it is an area that is a combination of residential and business. She said there are no buildings in the flood plain area, and that she understands the environmental concern about the flood plain. She said half of the area is all grass, and the other half is where there is a current parking area (which will remain). She said the applicant is going to reduce the size of the parking area and put in a biofilter and buffer stream. She said they are actually improving the area around the stream.

Ms. LaPisto-Kirtley said she has been there and seen it, and that it is an excellent location for children to learn. She said learning in an empty storefront is not a solution.

Ms. LaPisto-Kirtley said that if it is rezoned, the proffers go with the land. She said in the future, those proffers remain. She said they will not have some of the businesses that they would not want. She said she realized it was a challenge but agreed with Ms. Price. She said she is a former teacher and principal and knows the value of quality education for children. She said this is the future, and those children will be leading everyone into a better world.

Ms. LaPisto-Kirtley said there are concerns about the environment, but about the quality of early childhood education as well. She said Our Neighborhood Child Development Center is the type of early childhood development that is wanted and needed. She said the whole area is filled with homes and children, including Fontana, Wilton Farms, and Cascadia. She said those residents are screaming for childcare. She said if it is not there in that excellent location, it will go elsewhere, and that opportunity will be lost.

Ms. LaPisto-Kirtley asked what they want to be known as, in the County of Albemarle. She said they want to make good environmental decisions, but that they also want to have good quality schools, as this is their future. She said the school is environmentally responsible, and that the program is extraordinary. She said she would definitely support the application, as this is what Albemarle should be all about. She said she also believes in making common sense choices and decisions, and that the Board has the power to do that. She asked the Board not to paint itself into a box where they do not have the flexibility as Supervisors to make a good decision when they see one.

Ms. Mallek said she always has to train herself to avoid making a decision based on the wonderful applicant before them. She said this is not the way that she thinks the Board can make a successful decision. She said she has been trying hard for a long time to find a way to vote "yes" on this, and that she didn't know if she had found it yet.

Ms. Mallek said she was still concerned about the traffic issues, which were not really discussed that evening but were very important to members of the Master Plan Committee or Pantops CAC, as well as at the Planning Commission.

Ms. Mallek proposed that they more significantly pull back the gravel parking lot (to a quarter of the size it currently is), which improves the sustainability of the flood plain and gives more area for the biofilter and native plantings to be able to do their job when the high water comes. She said there was no question that the high water would come.

Ms. Mallek said they know from all the recent discussions that office space is in very short supply in the County, and that the applicant has talked about how, for a very long time, there would be small impacts (10,000-square-foot footprints). She said if the applicant can make the finances work and consider to stipulate that they will have one building of 2-3 stories with a 10,000-square-foot maximum footprint north of the southern driveway, that would give some potential office space building north of the driveway and also increase the improvements done to the flood plain on the south end, while allowing the renovation of the large garages into what could be a spectacular learning space if it can meet the building code requirements.

Ms. Mallek said she would see if her suggestions receive any traction for discussion.

Mr. Justin Shimp, engineer for the project, said the points brought up by Ms. Mallek are addressed in the proffer, in two ways. He said the maximum building footprint cannot exceed 10,000 square feet, and that they have proffered a maximum number of trips. He said if Ms. Slack just uses the buildings she has for daycare, she will use about 60% of the traffic available to her. He said any further development only has 40% to remain.

Mr. Shimp said in essence, the proffers achieve what Ms. Mallek is asking and that between the constraints of setbacks and of the traffic, there could not be a 20,000 or 30,000 square feet of additional commercial space on that property. He said the maximum buildable was somewhere in the 5,000- to 10,000-square-foot range. He said it is already proffered.

Mr. Shimp said in reading the list, the Board might see other things that could be done, but when adding up the traffic, they would not be able to do those without having to come back to the Board to amend the proffer to increase the allowable trips. He asked Ms. Mallek if this provided clarity.

Ms. Mallek replied yes, adding that she would like feedback on the idea of greater protection for the flood plain area. She said it would be helpful to everyone if that kind of explanation were made in this part of the application rather than having it be something they would have to piece together.

Mr. Shimp said what they have proposed for stormwater mitigation is effectively in the vegetative filter strip, which is the same as a biofilter. He said if they were just building the parking lot as-is, they would only need to install about a 60-foot-wide strip of this. He said Ms. Slack has proffered about 600 feet across the entire length to build the vegetative buffer. He said the mitigation proposed is already in excess of what would be normally required, and so Ms. Slack is already going above and beyond the minimum.

Mr. Shimp said if they pulled out the parking lot and put it out of the flood plain, and no proffer was attached to it, one could build a parking lot and buy nutrient credits. He said one could take the water from that parking lot and pipe it directly into the creek. He said it was no difference other than the parking lot is next to or up the hill, because that is what the regulations allow. He said in total, even though the reduction in impervious area would not require any new stormwater treatment, they are providing it for the parking and across the strip where the southern side of the creek is. He said those are already strong measures, and he didn't know if they could lose any parking.

Ms. Slack said the school is required to have a specific number of parking spaces, and that those spaces are meeting that requirement. She said they have looked at as many options as they could, including different maps, locations, and layouts. She said this was the best solution they could find, and that she is committed to protecting the stream. She said she brought up a comment about permeable pavers early on in the process, and that they had discussed this being gravel rather than paved. She said she is willing and committed to protecting the environment and has constraints on the site.

Ms. Slack clarified that there will never be any buildings in this flood plain. She said this is not allowed, per the ordinance, and would not occur. She said if there were a new building, it would definitely

be built above that driveway.

Ms. McKeel agreed with much of what has been said. She said she looked at the Planning Commission meeting, and that Mr. Kevin McDermott (Transportation Planner) made a comment that left turns will be very difficult. She said this is an issue with the site that she understands.

Ms. McKeel said Mr. McDermott said there is an option that they could make right turns, which would be fine, then go to the signal where they make a left and take Free Bridge to go back to the City, or make a right to go through the development of Fontana and back to 250. She said everyone currently deals with traffic going neighborhoods and hears concerns from neighborhoods about that. She said Mr. McDermott also said they could make a U-turn at the signal, which was very concerning to her.

Ms. McKeel said when Ms. Slack was asked the question at the Planning Commission about the Special Use Permit versus the Commercial rezoning, Ms. Slack had said that selecting the land use wasn't an option. She said Ms. Slack went on to say that she wanted to host events, conferences, and visiting teachers from other communities who want to see examples of high-quality, early childhood programs. She said Ms. Slack had said she didn't have any plans to develop anything on the site, but that she could imagine the possibility of something like a coworking space or early intervention office working out of the site because that would be convenient.

Ms. McKeel said this had been Ms. Slack's explanation of the Special Use Permit versus the C1 zoning. She asked if Ms. Slack could take some time to explain this.

Ms. Slack said she had explained earlier that there are two factors: the financial piece of what the property owner is asking and what she needs to get funded by the bank; and also the uses that the school has, which came up in the early meetings to decide between a Special Use Permit and C1. She said they do host visiting teachers for study, and imagine that if they had spaces, they could have parents co-work out of additional space they have for staff. She said this would be an appropriate use for the site, and that they would not want to have a Special Use Permit that then would require circling back to the Board, pay additional Board fees, and ask for permission to have an office of four people working with children of special needs or a use of that nature.

Ms. Slack said they had envisioned what the possible future uses could be and asked specifically to Rebecca of the Zoning Department at that meeting what would qualify under a Special Use Permit. She said staff informed her that hosting teachers likely would qualify, as well as parenting classes. She said exploring what would be allowed under the Special Use Permit, she felt that for the school to have the clarity going forward of what is and is not allowed on the site would be beneficial.

Ms. LaPisto-Kirtley said she wanted to let Ms. McKeel know that she believed that south of the entrance to Darden Towe, it becomes a two-lane road. She said having driven Stony Point many times, one always has to be careful about people making the left turn into their property, or even onto some of the smaller streets. She said where they would be making the left turn into the property is open and wide. She said people can see the traffic, and slow down to make the left turn. She said if the school's numbers were to increase, they would have to put in a dedicated right turn lane coming from Route 250 and going into the property.

Ms. McKeel said it was left turns.

Ms. LaPisto-Kirtley said if she remembers correctly, there are two lanes there, as there is a four-lane road there. She said to address Ms. Mallek, she wanted her to know that the person who spoke from the CAC was not representing the Pantops CAC. She said she is on the Pantops CAC, and while that person is a member of the CAC, she is not speaking for the group but giving her own opinion. She said the member's concern was traffic, as she lives in Key West. She said as in any other development, people are not in favor of more traffic, even though this would be minimal, as it would be during certain hours.

Ms. Mallek said she was referring to Mr. Cal Morris, who has been on the committee for 20 years.

Mr. Gallaway asked if Mr. McDermott was on the call.

Mr. Rapp replied no.

Mr. Gallaway said he hadn't thought about the U-turns at the light, and that he supposed this came up as it is permissible there, though he never thought of it as a U-turn spot.

Ms. McKeel said she had been reading from the Planning Commission minutes.

Mr. Gallaway said he had missed the portion about the U-turn and didn't think of that spot as a U-turn. He said he heard Ms. Mallek say that the second driveway would go away, and that there would only be one in and out.

Ms. Slack replied this was correct. She said there will only be one entrance, which is a VDOT requirement.

Mr. Gallaway said transportation often comes up when he looks at rezonings, and he was thinking about how transportation would impact it. He said the intersection at Route 250 was not great

but that thankfully, there were some projects coming forward that will help the intersection.

Mr. Gallaway asked if the Comprehensive Plan designation is Urban Density Residential.

Ms. Slack replied yes.

Mr. Rapp said there are two designations. He said the property outside of the flood plain is Urban Density Residential, and that the property within the flood plain is Parks and Green Systems.

Mr. Gallaway said if the project was in front of them trying to go from R1 to allowing 6-34 units, then they would be in a situation where the Board would ask if this is too much density for the site and for the infrastructure to handle. He asked if this was a fair assessment.

Mr. Rapp agreed it would be a discussion.

Mr. Gallaway said they were getting to whether or not these flood plain lines can get redrawn, like they did across the road for those units to go in. He asked if this was a real possibility, as it was across the street.

Mr. Rapp clarified that what they had was an approximate flood plain elevation and was not a surveyed elevation until the applicant went through the survey process to confirm that. He said this is fairly common with FEMA in that when they have development in the area, they have to go through the process to establish the actual elevation. He said this very well could have been what happened on the adjacent property as well, as it sounds like it was not modified much due to encroachment.

Ms. LaPisto-Kirtley asked if it had been surveyed, and that this was the additional line that is seen on the map. She asked if this has been done and was consistent with the flood plain that was there before.

Mr. Rapp replied yes, adding that as developments happen, FEMA will eventually update their maps like they did recently over the past few years. He said they release maps periodically as more information is available.

Mr. Gallaway said he assumed the reason why more uses were not proffered away was that this would come into the value of the property. He said if they start to proffer away everything, they may as well keep the R1 and go to a Special Use Permit.

Ms. Slack said this was correct. She said they had aimed to proffer away only the uses that were not suitable to the Neighborhood Service Area and Urban Density Residential, and able to be kept to size and scale, with minimal impact.

Mr. Gallaway said when he looked through all the proffer statements and how staff responded to them, it looked as though the one that was remaining was the parking in the flood plain. He asked if Mr. Rapp had been satisfied with all the other proffers, and if there was only the one proffer that was not satisfactory.

Mr. Rapp replied that this was correct. He said staff felt the mechanisms and mitigation offered through those proffers addressed the other concerns.

Mr. Gallaway asked if the one proffer still outweighed supporting all the others for staff's initial recommendation.

Mr. Rapp replied that he has to follow the existing plans that have been adopted, and that they have been clear about what should be in those Parks and Green Systems, in the flood plains, and how to protect those.

Mr. Gallaway said one of the concerns was that the time was not given to staff to be able to work through some of the issues. He said they know that if time is given, staff tries to find a way to say yes. He asked if there would be a way to work through this proffer if the time was given to find a solution.

Mr. Rapp replied that it came down to if a parking lot within a flood plain is acceptable to the Board. He said a planted buffer along the stream bank has been proposed, and that there have been discussions about a filter strip. He noted that this has not been proffered at this point, and that a concept plan has not been proffered, either. He said those things have just been discussions and are not officially on record.

Mr. Rapp said as to what options would be acceptable to the Board, staff would appreciate some guidance as to what would be acceptable within that flood plain. He noted that the applicant has made efforts to reduce the existing parking lot footprint, have been receptive and have made some offerings to plant a buffer. He said they are open to other suggestions as well. He said he would like to think that there are ways to address some of those concerns.

Mr. Gallaway asked if the size of the parking lot is required by the County.

Mr. Rapp replied yes.

Mr. Gallaway asked if Mr. Rapp could explain the number of spaces and what triggers it.

Mr. Rapp deferred to Ms. Nedostup.

Ms. Slack replied that she could answer. She said the childcare center is required one space for every 10 children, and one space for every staff member. She said the total required spaces is 38.

Mr. Kamptner said there was site plan the Board saw that showed a reduced parking lot, but that this has not yet been proffered.

Ms. McKeel asked if Ms. Nedostup wanted to make any comments.

Ms. Nedostup said she has been chatting with the planner, who is reviewing the site plan. She said the planner told her there are 35 required parking spaces, and that the school is providing 38. She said she didn't have the calculation in front of her, however.

Ms. Slack said the reason there are 38 spaces instead of 35 is because this will allow the school to expand to the 124 that they can put in existing building structures, once the turn taper is completed, without doing additional construction in the flood plain later on. She said leaving the three spaces there is allowable and provides for the space necessary later on, with less construction.

Ms. Mallek asked if the 35 parking spaces were needed for the school proper, and if the extras were for the new use in a new building.

Ms. Slack replied no. She said the current site plan is planned for 100 students, and that they would like to have 124. She said they cannot put in 124 until the turn taper is completed. She said they would not like to do additional parking destruction at that point.

Ms. Mallek asked Mr. Rapp if there was a waiver possibility for the required parking. She said she was not sure what the experience was with the current childcare location and wondered if they had 18 spaces full of people all the time (half of what they are proposing). She said Ms. Slack must have some experience about what her real parking needs are and asked if 35 was much more than what was needed.

Ms. Slack replied that the City has a lower requirement for childcare use. She said in the City, they are only required one space for every 10 children, plus a half space for every staff member. She said the County requirement is more. She said they do currently have parking issues, and that there are currently 7 spaces, which is not enough.

Ms. Mallek asked if there was a waiver possibility to reduce that parking requirement.

Ms. Nedostup replied that the applicant can request a reduction from the Zoning Administrator, who would take into consideration things such as public transportation and access to bike and pedestrian facilities. She said there is a bus stop near the site that could be considered, but that this request has not been made, to date.

Ms. Slack said they had asked about possibilities about the parking and requested that it remain gravel. She said she was told that if they applied for that waiver, it would not be granted. She said her engineers are also saying that it is unlikely that a reduction in number of spaces would be granted, given the location and access. She said there is a bus stop, but no bike lanes. She said if there were a waiver, however, she would happily reduce the parking.

Ms. Palmer asked if staff has looked at putting some of the parking out of the flood plain in another spot.

Mr. Rapp replied no. He said he would defer to the applicant to explore opportunities for that. He said it is their property and project and that he does not want to dictate specifically how they should lay out their project. He said he assumed this had been mentioned before.

Ms. Palmer asked if it had only been mentioned as something to discuss but has not yet been discussed.

Ms. Slack said the applicant did research parking areas outside of the flood plain, and as she stated in her presentation, it would push the parking to the front of the building. She said from an Entrance Corridor perspective, the guidelines prefer that parking is put behind buildings. She said it would also increase total land disturbance. She said she believes the parking as-is, with the mitigation offered, was more desirable.

Ms. Palmer asked if the only proffer for the flood plain currently was the 30-foot buffer.

Ms. Slack replied yes.

Ms. Mallek said rather than voting now, she would be pleased to have written statements of these four elements that have been discussed (but have not been put in writing) about the permeable pavers and the reduction in parking. She mentioned the biofilter and the vegetative buffer as the kinds of the things that the Board needs to see written down, as she has heard too many times over the past 12 years

people saying things. She said she wants to believe everything will happen and then when it doesn't, they have no leg to stand on if things are not written down.

Ms. McKeel said Ms. Mallek mentioned permeable pavers. She said the Board has been told in the past that in this area, they do not work because of red clay, and that they should not be using those and expecting a result at all. She said she remembered the County's engineer telling her this for years.

Ms. Mallek said the pavers require drainage underneath, and that the ones at Greenhouse Coffee work beautifully. She said they do require more work than simply putting them down.

Ms. LaPisto-Kirtley asked if there was a way that they could include the proffers they want to include as a motion.

Mr. Kamptner replied no. He said the proffers are to address the development in the flood plain, and that this is up to the applicant to decide whether she wants to address that and include proffers.

Ms. LaPisto-Kirtley asked Ms. Mallek what she had in mind, as perhaps Ms. Slack would want to address each one of the suggestions.

Ms. Mallek said she was only referring to things that the applicant and their engineer has mentioned, and that she would like to see things written down.

Ms. Slack said they were working to have a clear, amended proffer statement for that evening that would include a bio retention filter strip, but that it is difficult to get everyone on exactly the same page with what makes sense. She said Proffer 7, which addresses the stream buffer, has actually undergone a revision before that was then revised back to the original wording. She said there may be disagreements among staff, or engineers, or between one domain and another, around what is the best. She said perhaps permeable pavers will not work in the area, and that they do not know all the details of that.

Ms. Slack said she was happy to put anything in writing, and however that could be done that evening. She said they are willing to do what is necessary to protect the environment, and that she is willing to put that in writing in whatever way is legally appropriate.

Mr. Kamptner said typically, unless the applicant is an authorized agent of the owners, the debtors will need to sign the proffer statement. He said the Board will have to determine whether these amended proffers that were discussed would materially affect the overall proposal. He said if they do, then another public hearing is required. He said if they conclude that they do not materially affect the overall proposal, then the applicant could come back without an advertised public hearing, and as early as the Board can accommodate them, for action.

Ms. Mallek said years ago, the process was changed so that things like this would not change it on the fly.

Mr. Gallaway said it sounded like there was some consideration for what Ms. Mallek has said about getting this in writing. He asked Mr. Kamptner if this would be a deferral or delay.

Mr. Kamptner replied that it would be a deferral. He said if the Board is comfortable with using the bio filter in the parking lot, then the Board can determine whether these changes to the proffers materially affect the overall proposal. He said if not, the applicant can come back. He said they would need to have signed proffers available for the Board and the public before it returns to the Board.

Mr. Kamptner said this could be as early as May 20. He said he would defer to Ms. Nedostup and Mr. Rapp as to whether or not staff would need any additional time to evaluate any revisions.

Ms. Slack said from her perspective, delaying until May 20 would effectively deny the project due to the school's timeline. She said she understood this was on her and not on the County. She said one of the Board members told her earlier before the meeting that she was not one to make perfect the enemy of "good enough," and that she hoped the Board would consider this. She said the application is not perfect, but that the school is committed to doing what is right for the space, and that there is a significant improvement over the current environment.

Mr. Gallaway said it sounded like the applicant wanted the Board to make a vote that evening with the current application. He asked if there were further questions or comments from Board members.

Ms. Price asked Mr. Kamptner if there was anything that precludes a property owner, at a later point in time, adding additional constraints on the property.

Mr. Kamptner replied no, but that there was nothing that compels them, either.

Ms. Price said she understood.

Mr. Kamptner added that the Board would be meeting on May 11 and May 14, and that those dates are available as well. He said he didn't know if that turnaround time was practical, however.

Ms. LaPisto-Kirtley said what she understood was that when the Board meets on May 11, there

was a statement saying that the applicant would agree to the vegetative buffer and the biofilter and asked if this would ease Ms. Mallek's concern.

Ms. Mallek said it was not for her to determine what the owners want to put in there. She said she didn't have a problem with the timing, but that she would rather work longer to get to "yes" than to have to say "no," as they have no valid information with which to hold someone accountable right now because it was not written down.

Ms. LaPisto-Kirtley asked if something were written down for the May 11 meeting about the biofilter for the parking lot and the vegetative buffer, if this would ease concern.

Ms. Mallek replied that she thinks this is a staff and legal recommendation to evaluate.

Mr. Kamptner clarified that what he was speaking to was not a reduction in the number of parking spaces, but the commitment shown on the site plan that Mr. Rapp showed to remove the gravel from the existing parking area.

Ms. Mallek said this was essential and what was offered to be done.

Ms. LaPisto-Kirtley asked if this wasn't part of the proffer. She said she thought it was already agreed to.

Mr. Kamptner said they are showing it on the site plan, but that they are not committed to it.

Ms. Mallek said it wasn't written down.

Ms. LaPisto-Kirtley asked if it was about making the lot asphalt.

Mr. Rapp replied that the site plan has not been proffered, and nor has the concept plan. He said anything that happens on that that they were seeing was not related specifically to the rezoning.

Ms. Mallek said everything was being talked about and nothing was being written down. She said people talk about reducing the size of a parking lot by a certain amount, which would make it more palatable, but nothing has been written down. She said people have homework to do if they are serious about what they are saying.

Mr. Gallaway said that May 20 was not a possibility for the applicant. He asked Ms. Slack if May 11 was too much of a delay.

Ms. Slack replied that May 11 would not be too much of a delay, from a construction point of view, but that she didn't know that it could happen in that amount of time. She said she was willing to put in effort and return documents promptly, but that there were many people to get on the same page.

Ms. Slack said she was not aware that the site plan should have been proffered or organized in some different way. She said the site plan before the Board in the exhibits is the site plan. She said if it is delayed, it will delay the project and will not be able to be completed in time to open that fall. She said the site plan is the one that needs to be approved for the project to occur.

Mr. Gallaway said there was the possibility of May 11. He asked if there was support from the Board to consider this.

Ms. Palmer said as others have said, the Board cannot say what to proffer. She said she didn't know what it would look like, and that she would need a significant decrease in the parking in the flood plain in order to get to a "yes" vote.

Mr. Gallaway asked if Ms. Palmer had no issue with considering this by May 11, if it could be pulled together.

Ms. Palmer replied she had no problem with that.

Ms. LaPisto-Kirtley said she had no problem with May 11.

Ms. McKeel said she was uncomfortable with pushing it off until May 11 because she didn't think the applicant wanted to do this.

Ms. LaPisto-Kirtley said she could vote tonight.

Mr. Gallaway said he was happy to take a vote if the applicant wanted the Board to do so. He said they have made considerations in the past, for some applicants, to perhaps change what their vote could be, but if they wanted to proceed with a vote, he could do so.

Ms. McKeel said it seemed like this was what the applicant was asking for.

Mr. Gallaway asked if the applicant was ready for the Board to take a vote, as-is.

Ms. Slack replied yes.

MOTION: Ms. LaPisto-Kirtley **moved** that the Board approve the Childcare Development Center, ZMA201900015. Ms. Price seconded the motion and asked if the motion should include that it was subject to the proffers that have been made.

Mr. Kamptner replied that there was a draft ordinance he could read that would be made part of the motion. He said this was an ordinance to amend the Zoning Map of Tax Parcel 07800-00-00-3058K0: be it ordained by the Board of Supervisors of the County of Albemarle, Virginia that upon consideration of the transmittal summary in the staff report prepared for ZMA201900015 and the attachments, the information presented at the public hearing, any written comments received is material and developing factors in Virginia Code Section 15.2-2284 and County Code Section 18-22.1, that for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA201900015 with proffers dated April 8, 2020.

Ms. LaPisto-Kirtley **moved** to approve. Ms. Price **seconded** the motion. Roll was called and the motion failed by the following recorded vote:

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

Mr. Gallaway said the vote was split, meaning the motion failed, and the application will not move forward.

Mr. Gallaway thanked everyone who participated in public comment, as well as staff and the applicant's team.

Agenda Item No. 15. **Public Hearing – FY 2020 – FY 2021 Revised Proposed Operating and Capital Budgets.** To receive comments on Revised Proposed Operating and Capital Budgets for FY 2020 – FY 2021.

Ms. Lori Allshouse said opened the public hearing on the budget. She said she was joined by Mr. Andy Bowman (Budget Manager). She said this is a public hearing on the revised proposed FY 21 budget. She said they have revised the schedule on this proposed budget due to impact on revenues and the community, due to the COVID-19 pandemic. She said she would provide a brief overview of the budget.

Ms. Allshouse said the proposed budget adheres to the development principles they put in place when they put the budget together, and it adheres to the County's financial policies. She said it continues to respond to the essential service needs of the community. She said it positions the organization to lead recovery efforts. She said they want to remain flexible and adaptable, and that this budget is set up to do so. She said it maintains strategic reserves as they enter into FY 21.

Ms. Allshouse said this budget was prepared with a system in place that they are calling "3-6-6." She said because of the economic situation and uncertainty, they want to look at things as specific periods of time. She said they are studying and monitoring the current situation in FY 20 and have already made changes to address the revenues, as the revenues have already begun to change. She said they are evaluating discretionary spending and have already frozen vacant positions. She said they have reviewed the capital projects in the current year, in close coordination with the School Division on capital project and operating budget changes.

Ms. Allshouse said as they go into FY 21, they think about it in two half-years. She said the focus in the first part of FY 21 will be on responding, recovering, and recalibrating the approach. She said they will monitor the economy and the impact on revenues throughout the entire process.

Ms. Allshouse said in the second half of FY 21, they will revisit things along the way and respond accordingly. She said they will make longer structural changes at that time, if needed.

Ms. Allshouse said the All Funds budget is a look at all funds (Schools, Capital, General Government, and Special Revenue Funds) as one budget. She said revenues were shown on the left-hand side of the slide, with expenditures on the righthand side. She said when comparing the revised FY 21 budget to FY 20, there will be almost a \$60 million decline.

Ms. Allshouse said she would move to the General Government and General Fund, where the revenues come in. She said it is the fund that supports the services that are provided directly to the public. She presented a slide showing the different types of touchpoints the County has with the community. She said the next few slides would address this part of the budget.

Ms. Allshouse said the General Fund is where general property taxes or other local taxes, State revenues, federal net revenues, and transfers come into the budget. She said looking at the General Fund and comparing it to FY 20's General Fund, this decreases at \$6.4 million.

Ms. Allshouse presented a slide showing how the expenditures in the revised recommended budget are categorized, and how there are different sections of the budget. She said the important point of this slide is that the large blue area represents the transfer to the schools. She said this documents the County's dedication to schools in the community, with a large portion of General Fund expenditures being

transferred to the School Division.

Ms. Allshouse said they were discussing three concepts, and that the first concept is to respond. She said one of the most important things that staff feels this budget does is to be thoughtful about public safety. She said the budget includes 12 positions for Advanced Life Service (ALS) coverage for Ivy and Pantops. She said this was in the FY 21 budget prior to the revision and continues to stay in the budget as it is an important item the County wants to continue to move forward on.

Ms. Allshouse said the budget also includes an amended proposal to strengthen the entire Fire Rescue system and provide support to Crozet and Pantops. She said the revised proposal includes 10 positions that are anticipated to be supported by a FEMA grant, and provides matching funds within the budget. She said staff believes they will be competitive in receiving a FEMA grant to help support the 10 positions, noting that they would eventually have to support it fully with the General Fund over a time period. She said in May, they will be putting the application in for the FEMA grant.

Ms. Allshouse said the budget includes funding for a fire engine and two ambulances to support the whole Fire Rescue system, and also includes technology infrastructure, radio, and mobile computers to help support not only the Fire Rescue system, but the Police Department as well.

Ms. Allshouse said another concept is to recover, and that this budget continues to support the County's community partners. She said the ABRT process is a community-based process through which the County reviews applications for many community partners that support individuals in the community. She said they have continued to place those funds to support those community agencies and did not reduce it from what was in the FY 21 recommended budget prior to the revision.

Ms. Allshouse said this also includes emergency utility funding that the County will increase. She said it includes a healthcare worker at Yancey Community Center. She said it includes language and accessibility support. She said it also has strong support for businesses, and in the current year, it includes microbusiness support, as well as places funds in the budget to support partnerships with businesses for this year and into the future.

Ms. Allshouse said it includes capital investment, which staff has studied carefully. She said they are being strategic about this, and that the budget continues to support capital investment for construction jobs, engineering, and important projects such as the Scottsville Elementary and Red Hill Elementary capacity-building activities in the near future.

Ms. Allshouse said the other concept with this budget is recalibration. She said they want to continue supporting public safety and many areas of the budget, but that they also have to be mindful that they have some serious revenue reductions planned in this budget. She said 10% operating budget reductions have been taken for County departments. She said the budget proposes 35 frozen, vacant positions. She said as of budget development, there were already 15 positions frozen.

Ms. Allshouse said they will be cancelling some of the summer recreation projects and programs. She said they will not be opening the beaches or hiring temporary Recreation Department personnel that summer. She said they will keep the parks open, which was important for the community to know, but that they would have to cancel recreation projects.

Ms. Allshouse said another thing that will be reduced that the public may see is that some beautification programs will be done on a more limited basis. She said this is another area they will have to reduce due to revenue reductions.

Ms. Allshouse said there was a proposal in the FY 21 budget prior to when they recalibrated the budget, and the Registrar's Office was going to move to accommodate early voting. She said based on the efforts of staff and how they have found that people can telework, they are going to keep the Registrar's Office in the County Office Building on 5th Street, which will be a savings to the community. She said they feel this is a good choice, based on the changes they were able to overcome with people working out of their homes and providing opportunities for those parking spots to be available for early voting.

Ms. Allshouse said this budget is both an operating budget and a capital budget, and the capital budget approach is that they will reduce the funding from what was proposed prior to the new revised budget. She said staff used a structure that they thought was appropriate for capital. She said they want to preserve cash, minimize additional debt requirements until there is more certainty about the economy, and delay certain projects as they continue to monitor the economic situation. She said they still want to support the local economy with capital investment, and so it is a balancing act.

Ms. Allshouse said the consideration, moving forward, is to always support mandates and obligations. She said it is important to maintain the buildings they have and do the essential maintenance. She said there are select projects currently underway that they want to continue such as capacity improvements at Red Hill and Scottsville Elementary Schools, and projects such as sidewalk projects that have limited operating budget impacts.

Ms. Allshouse said she went through this quickly, and that the Board had heard this on April 22. She said the Board had had a work session on April 29, where they worked in great detail as they asked important questions and looked through the entire budget, page by page. She said on May 11, there will be a Board work session scheduled at 4:00 p.m. She said on May 14, staff will ask the Board to approve

the FY 21 budget, with appropriation scheduled for June 3.

Ms. Price said she appreciated the comment Ms. Allshouse made about maintaining some of the capital improvement expenditures because of the impact that this has positively on the economy. She said unlike the federal government, the County has to operate under a balanced budget approach, and it is the closest thing they can do to help stimulate actual business beyond short-term measures that they have otherwise been able to try and effectuate. She said it is important for residents to understand that as they continue to maintain the projects that they can afford, they are actually helping the economy.

Mr. Gallaway opened the public hearing.

Mr. Jay James (City of Charlottesville) said he is the Assistant Director of The Bridge Ministry Substance Abuse and Management Program, and was there on behalf of their Executive Director, Mr. William Washington, who is a member of the Scottsville District.

Mr. James said he wanted to talk about what is an at-risk group of individuals, which are the inmates in the local jail, and specifically during this pandemic. He said he is concerned about it as a member of the Jail Board and also because his program is uniquely equipped to help with the crisis during this pandemic. He said they have designated 40 beds on their over 17.3-acre facility to provide a safe and secure alternative so that they can move people out of the jail at risk of the virus and keep them safe. He said they are one of the only programs that are available that is able to test every candidate for COVID-19 through their private physician before they come to their facility.

Mr. James said in order to take on this extra responsibility, they need the Board's help because it requires them to significantly increase their budget.

Mr. James said he spoke to Superintendent Martin Comer at the jail, and he asked him to write a letter encouraging their leaders to use the beds that were designated for the Charlottesville-Albemarle community because he knows that safe and secure alternatives are needed to move the inmates out of the jails successfully and safely because of the virus. He said Commonwealth Attorney and City of Charlottesville's Joe Platania also wants to use those beds and has also written a letter of support on the program as well.

Mr. James said when looking at the local data, he sees there are people being arrested daily, which is a threat to bring the virus into the jail. He said they also know that there are individuals who were released out of concern for the virus but have reoffended and are also at risk to bring the virus into the jail because of the lack of support and alternatives to be successful.

Mr. James said he wanted to point out the life-changing opportunity as well as the financial and safety benefit to the County by utilizing the program. He said as he has shared with the Board over the last three years, they have saved the County over \$1 million out of the public safety budget and monies that would have been spent to incarcerate individuals that the program brought out of the Albemarle-Charlottesville Regional Jail and into their program. He said if they just take 20 of the individuals of the 40 they want to reserve, it will cost the County nearly \$700,000 in order to incarcerate those individuals, and that his funding request is \$240,000 to bring them into the program.

Mr. James said the program keeps the individuals for 18 months, providing them with vocational training and treatment. He said the program's graduates leave with a guaranteed job, making \$16-20 per hour, with an 86% success rate. He said the people who used to be a tax burden to the County are feeding their families, paying their taxes, and contributing to the economy, and that there is an 86% chance that they will not return to the jail. He said they can keep spending \$35,000 per individual a year to incarcerate individuals who have a 5- to 15-year history repeating the same addictive behaviors, or they can be sent to the program, keep them safe from the COVID-19 virus, and change their lives.

Mr. James said he needs the Board's help and was not asking them to find new revenues. He asked the Board to look at their request from the public safety budget or if necessary, from a non-profit measure. He said he believes together they can do great things and is grateful for the opportunity.

Mr. Peter Krebs thanked everyone the Board and staff for persevering and demonstrating nimbleness. He said he thinks the "3-6-6" plan is smart. He said he has been checking in with staff and feels good about how the plan is laid out. He said it has a good chance of success.

Mr. Krebs gave a nod to the Parks Department for keeping the parks and trails open. He said he didn't have tons of data for the Board, but did have one piece of data, which is that during March of 2020, four times as many people used the John Warner Parkway trail than that of March 2019. He said the papers have confirmed the data and shows how important investment in connectivity and access to greenspace is. He said it is about quality of life, but also about much more. He said it is essential infrastructure, and that he hopes the commitment to that will remain.

Mr. Krebs said the same can be said about Biscuit Run Park. He said everyday access to fresh air has never been more important, focusing away from parking lots and more towards community-accessible parklands.

Mr. Krebs said the general aversion to projects that imply future costs is logical, but that the Board may want to make an exception, as they would like to get Biscuit Run open as soon as possible.

Mr. Krebs said he would like to touch on Economic Development and the funds being left intact for that. He said this is fine, but that he would like to remind the Board that the most recent success story of Woolen Mills, in which investment went into the pedestrian bridge, is catalyzing development while also delivering a direct benefit to the community.

Mr. Krebs said this is a difficult time, but that the County was doing a great job. He said it brings him comfort that the Board and staff are working together to get through this difficult time.

Mr. Gallaway closed the Public Hearing.

Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said there would be a brief discussion on two topics. He said Ms. Price had a discussion regarding public hearings.

Ms. Price said she wanted to bring up for the Board a conversation for constituents and residents about the process that the County Board of Supervisors is using in these virtual meetings. She said it is prefatory information, and that they are operating in a new territory. She said there have been a number of meetings now, and that the County staff has worked exceptionally well both in terms of establishing an electronic mechanism for both constituent communications to the Board as well as participation. She said it has done so in such a fashion that she believes has allowed the Board to operate very effectively and efficiently.

Ms. Price said in the Navy, she learned there are three types of navigation: celestial, GPS, and map and compass. She said no matter what type of navigation system was being used, it was important to periodically check situational awareness to find out if they are getting where they wanted to go. She said it was appropriate at this time, now that there have been several meetings and an opportunity to work through this process, for the Board to discuss for its constituents' benefit where they believe they are and should proceed with regard to virtual meetings.

Ms. Price said as each Board member is aware because of the communications that have been sent either individually or to the Board collectively, there have been constituents who have written in and asked that certain meetings that can be deemed as contentious be delayed until after the disaster has been declared over, and they are able to go back into public meetings in Lane Auditorium.

Ms. Price said she had several concerns with that. She said this appears to be selective in terms of how the County handles applications before the Board, which she didn't think was an appropriate way to handle it. She said another concern is that by delaying actions, they are potentially denying applicants a timely hearing on a matter before the Board. She said clearly for the staff, they are simply creating a log jam.

Ms. Price said she personally believed that the mechanism and process that they have put into place provides the adequate and required opportunity for constituent involvement. She said there are many mechanisms by which residents can communicate with the Board. She said it was not necessarily just on the day of a meeting, but through email, letters, and any other variety of mechanisms. She said much like when they meet in person in Lane Auditorium, there may be individuals who are not able to attend at that time. She said it is simply a fact of life and a reality that not every person can be present for every discussion.

Ms. Price said she believed they have done a good job, and that this is the way that they should proceed. She said it was important to give each of the members of the Board an opportunity to make their own statement or expressions as to where they believe they are in terms of the virtual meetings.

Ms. Palmer agreed with Ms. Price. She said her concerns are that comments on land use applications get put into the record. She said she wanted the public to know that the Board is reading the e-comments and that they are in the record. She said she meant the record with respect to the particular action. She said she also understood that they do have the ability for people to call in on the phone, which is very important, as Ms. Mallek has pointed out not everyone has the ability to have good internet connectivity.

Ms. Palmer said she also recognized that this is a work in progress, and that when they get back into being in the County Office Building, they consider the fact of allowing people to continue to do a Zoom presentation until they get through the COVID-19 pandemic. She said she thinks people appreciate this format.

Ms. Palmer said Ms. Kilroy would provide the numbers, but that she has been told that the Board meetings are actually getting more participation than they were having before, which is important for people to know.

Ms. Palmer said she would like the Board to consider going back to having "Matters from the Public Not on the Agenda for Public Hearing" at the beginning of the meetings, as they have done in the past and as it was important to offer that option.

Ms. Mallek said she supported continuing on with the virtual meeting process and agrees that

more people are able to participate and verbally engage, even if they are not able to come to the meeting. She said from the State Board activity that she has had that they are having much more participation all across the State because people do not have to drive 6 hours to get to a meeting in Richmond. She said it is far more convenient and actually more inclusive than having people in the room. She said the point of view she heard from many State leaders and workforce people is that it is even more important for transparency if everything is available to everyone online, on the phone, or on the radio so people can see what is going on.

Ms. Mallek said the only reason she believes it is sometimes important to take longer is that they get more information that is applicable to the particular application, and that then, it can be successful. She said rushing to get a "no" is not beneficial to anyone. She said there have been times over the past few years that the Board has used the full nine months, statutorily between the Planning Commission and Board, to be able to develop more information with which to evaluate a particular situation, whether that is traffic studies or other things that fill in the knowledge gap. She said she appreciated how staff's success has allowed them to continue to do their jobs.

Ms. McKeel agreed with what the other Supervisors had said. She said she would like to give Ms. Kilroy an opportunity to talk about what she is seeing with the engagement with the public. She said it sounded as if it has actually increased.

Ms. Kilroy said she didn't have the exact numbers in front of her, but that they have seen a large increase in the number of people who are participating in the meetings. She said they are being broadcast through the traditional Granicus livestreaming, which has been part of the agenda management system online for the past several years, but that they also now have the Zoom webinar and e-comment feature that has been added to the agenda management system. She said the number of people who are watching the Granicus livestream has seen at least a four-fold increase compared to a strong, pre-COVID-19 meeting.

Ms. Kilroy said there have been several dozen people that have been participating on the Zoom webinar option, which is the way in which people who want to speak can participate in the meeting. She said the e-comment feature resulted in about 80 comments on that evening's meeting's agenda. She said comparing those numbers to the number of people they traditionally see in Lane Auditorium during the meeting, and when looking at the historical Granicus livestream viewership, the historic numbers are much lower as far as people participating actively.

Ms. Kilroy said they would continue to see an increase in the number of people tuning in, and that evening, they had a large number of people speaking during the meeting. She said staff feels confident they are offering a range of opportunities that are resonating with people.

Ms. McKeel said that in itself speaks volumes for public engagement. She said another thing she understood was that the County's employee townhalls they have had around the budget have had a large number of people tuning in for those as well.

Ms. Kilroy said yes, noting there had been a challenge with staff, as there are not only the two County Office Buildings, but the challenge of first responders working 24 hours a day. She said with the way shifts work, not everyone is there during the day at the same time to be able to tune in. She said there are also people who work out in the field who cannot step away from that work to come and attend an hour-long meeting at one of the office buildings.

Ms. Kilroy said they have seen what is typically 150 people attending an employee townhall meeting going to, in the first couple of virtual meetings, 500 people. She said they continue to see several hundred people tuning in for employee townhall meetings, which was great and so important in the current situation to have some level of connection with each other.

Ms. McKeel said they were seeing not only higher levels of engagement with the public but also with the County's own employees, which is a win-win. She said it may be that once they start to come out of physical distancing, they will want to have a serious conversation about what they want their new normal to be, going forward.

Ms. McKeel said she would like to talk about how they could go back to inserting the public comment about items not on the agenda, as this was a worthwhile exercise. She said many times, they would not hear any comments, but that there were good comments they have heard from the public.

Ms. Mallek said she was going on the radio the next day and would love to be able to tell people where the phone number for the meetings can be found so if one does not have a computer and wants to speak in a meeting, they have a number to call. She asked if Ms. Kilroy could send this to her.

Ms. Kilroy replied that one can visit Albemarle.org/BOS and scroll down below the photo of the Board to find the link, "Click here for virtual meeting information." She said this includes the link for the meeting that allows one to make a comment during Matters from the Public or public hearings, and also all the call-in information. She said the call-in number has both a Maryland area code, but that there is also a toll-free option so that people participating do not have to incur a long-distance fee if using a landline phone.

Ms. Palmer said she has been looking for e-comments in I-Legislate and that she only saw 30 comments, while Ms. Kilroy had said there were 80. She asked if she should not be using I-Legislate to

check for e-comments, or if she should be looking at the actual website.

Mr. Travis Morris replied that they should actually be using I-Legislate. He said Granicus said they had an error that day that they were apparently working on with the transmission of all comments, so what has been happening is that as they reach 30 comments, it has been dropping the previous comments.

Ms. Palmer asked Ms. Kilroy how she could get to all the comments.

Mr. Morris said they would provide all the comments to the Board after the meeting.

Ms. Palmer asked if she should normally be able to go to the Board of Supervisors website.

Ms. Kilroy replied that anyone in the community can go to the website where the Board's agenda is, and click either the agenda, the video stream, or an option to make or look at all the e-comments that have come in. She said clicking on the e-comment for the agenda date, all the comments anyone has made should appear so that people can see what anyone in the community is saying.

Ms. Palmer said she did see 77 comments on that page.

Mr. Gallaway said he did not object to continuing with the process they have established. He said he was also in favor of adding "Matters Not Listed for Public Hearing," and didn't believe there was any objection to that. He asked Mr. Kamptner if the Board needed to take any sort of formal action to put this back in, as he believed it was part of an earlier vote.

Mr. Kamptner replied that it was. He said the Board had suspended that part of the agenda, and so another motion to reinstate Matters from the Public would be needed. He said one caveat was that one of the reasons why this was suspended was because in virtual meetings, they cannot control who is calling in and what they will be talking about. He said they have their three minutes, but that it was different with calling in versus coming to Lane Auditorium and standing before the Board.

Mr. Gallaway said he understood.

Ms. Price proposed the Board consider coming up with a plan before actually making a motion on this. She said things they should consider would be either limiting the amount of time or the number of individuals so that they do not find themselves with 50-75 people who have signed up. She said they should put a reasonable constraint on this. She said they should also ensure that in part of the procedures for that, they reiterate the importance of civil discourse and that anyone who violates that will be muted.

Ms. Mallek said Mr. Kamptner should weigh in on this.

Mr. Gallaway said they have to contend and hope that people will be responsible, or they should not have it. He said it was not something that they can limit.

Ms. Price said in Lane Auditorium, they have the capacity to stop a speaker.

Mr. Kamptner said it is a forum that is unrestricted. He said the person is allowed to speak about anything, and they are given three minutes. He said they can suffer the consequences if they defame anyone, but that they can use whatever language they choose during those three minutes. He said it is different from anyone who is speaking during a public hearing because then, they need to speak to the matter at hand or otherwise, they are disrupting the meeting.

Ms. LaPisto-Kirtley said she wondered if Mr. Kamptner were referring to the fact that anybody from anywhere around the world or the U.S. could call in and therefore make a comment. She said with the auditorium, one has to physically show up, and so there is a good chance that person lives in Albemarle County. She said they need to make sure that whoever is speaking lives in Albemarle County or otherwise, they can get anyone from anywhere calling in and saying anything.

Mr. Kamptner said this gets complicated because they have City residents and residents in surrounding counties who may have matters of interest that pertain to Albemarle County.

Ms. LaPisto-Kirtley said there could also be people from out of state.

Mr. Kamptner said yes.

Ms. McKeel said this speaks to what she had said at an earlier point. She said she remembered a time when she was on the School Board when they had what they considered to be a controversial issue with ramifications. She said it was not land use related. She said their system completely crashed because they had so many emails from California, Florida, Texas, and all over the U.S. She said they took down the whole system.

Ms. McKeel said if they are talking and thinking about this in those terms, this could present a situation that needs to be considered.

Mr. Gallaway said they either do it or don't do it. He said there was a rationale for why they did it,

but there was also rationale about wanting to bring people together in groups.

Ms. McKeel clarified that they were emailing and not calling, so they took down the School Board's email system.

Mr. Gallaway said if the Board wishes, since this was coming up that evening for the first time, they could take a couple days to think it through. He said they do not have public comment at the work sessions, so they can put it as a discussion item at the end of that meeting.

Ms. Palmer said she was fine with this, but that she thinks if they try it and it turns out to be something horrible, they can deal with it at that time.

Ms. McKeel reminded Ms. Palmer that it is hard to pull it back.

Ms. Palmer said they did 10 comments at the beginning, and that she has always not wanted to limit the number of comments at public hearings. She said as far as "Matters from the Public Not on the Agenda," however, it is reasonable to limit this to 10, as they have discussed before.

Ms. LaPisto-Kirtley asked if they could find out what other counties or cities are doing with regard to that.

Mr. Kamptner replied that he could check.

Mr. Gallaway said they could bring this up as a discussion item at the work session on Monday to give everyone a chance to think it through.

Ms. Mallek asked if anyone had changed their mind about a rent waiver for the Crozet Artisan Depot as it pertains to the comments made by the market strategist about supporting local retail. She asked if there were two more people on the Board who would like to spend \$5,000 to keep the business successful.

Ms. Palmer said she has not changed her mind. She said she has not had the information to base anything on.

Ms. McKeel said with all due respect, she appreciated what Ms. Mallek was doing, but that they cannot go back and revisit every vote they have taken when some people are unhappy with a vote.

Ms. Mallek agreed that there is a procedure.

Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

There was none.

Agenda Item No. 18. Adjourn.

At 10:06 p.m., the Board adjourned their meeting to a budget work session on May 11, 2020 at 4:00 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Chair

Approved by Board
Date 08/04/2021
Initials CKB