

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 3, 2020 at 1:25 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 May 20, 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 Chair, Mr. Gallaway, called the meeting to order at 1:25 p.m. 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.

Mr. Gallaway announced the supervisors and officers present at the meeting and instructed all other staff to introduce themselves later in the meeting when they spoke.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Mr. Gallaway led the Board in a moment of silence. Before doing so, he asked participants to reflect on the life of George Floyd and what his family was enduring. He said George Floyd was murdered, and the nation again was in turmoil, reacting to the realities of the failures to overcome matters of racial injustices.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said an item previously stated as 5A was a motion to allow public comments on matters previously considered by the Board or matters that are pending before the Board. He said Ms. Price had a motion ready, and asked Mr. Kamptner if he wanted to say any introductory comments before making the motion.

Mr. Kamptner said the motion spoke for itself. He said it was a follow-up to the Board's discussion on May 20 expressing a desire to consider lifting the suspension of Matters from the Public. He said if this motion is adopted, it does reinstate the opportunity for members of the public to speak on matters that have already been considered by the Board or are pending before the Board.

Ms. Price **moved** that the Board repeal its temporary suspension of receiving comments from the public on Matters Not Listed for Public Hearing on the agenda; and adopt an interim rule that allows public comments on matters previously considered by the Board or matters that are pending before the Board, and that these public comments be allowed at each regular meeting of the Board under the applicable rules already in place; and that this interim rule be in effect until it is superseded, or for as long as the Board is meeting by electronic communication means, whichever occurs first. 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 said that as the motion carried, they would hold Matters from the Public, as stated, at 6:00 p.m. that evening. He said in future meetings, they will be scheduled during the typical times of 1:00 p.m. and 6:00 p.m., moving forward.

Mr. Gallaway asked Ms. Mallek if she had a proclamation and two other items to park for later that evening.

Ms. Mallek said she would like to list the topics so that people are not surprised when they get back to Matters from the Board that evening. She said one is to discuss and decide if they wish to adopt the proclamation which was circulated about gun violence. She said the second was a request for an update about the process ongoing for fill and waste. She said finally, she would have a quick

announcement about a new program at LEAP.

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

Item No. 5. a. Consider Motion to Allow Public Comments on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

(Note: The Board amended the agenda order to consider Item No. 5. a. under the adoption of the Final Agenda).

Ms. Price said Mr. Gallaway's remarks during the Moment of Silence were timely, poignant, and important. She said she was reminded of two quotes from two leaders in her past. She said one was President Kennedy, who stated that, "Those who make peaceful revolution impossible will make violent revolution inevitable." She said the other was from Dr. Martin Luther King, Jr., who stated that, "Riot is the language of the unheard." She said they as white Americans have a moral duty and a legal obligation to take a knee, to stand up with their Black brothers and sisters to end the systemic and institutionalized racism in America. She said it is the only way that the country can move forward, and it is important to know that Black lives matter.

Ms. Palmer agreed that Ms. Price's words were very important. She thanked the community for sharing their thoughts and concerns expressed through emails, phone calls, and peaceful demonstrations. She said the community has remained dedicated to the core goal of equal treatment for all, and that she was grateful for all the efforts that have been made to date, adding that there was still more to do. She said she knew they were still in the midst of a pandemic, which disproportionately affects minority communities, which is compounding the community's grief. She thanked everyone in the community who have worked hard on these issues as well as County staff, who have been working hard on these issues and the pandemic for some time.

Ms. McKeel said she wanted to thank Ms. Price for quoting two wonderful Americans. She agreed with what others have said. She said she would like to remind people that peaceful protest is enshrined in the Constitution, and when they say the Pledge of Allegiance, they pledge justice for all. She said they have to create a justice system that is truly just. She said she would add that she has been pleased to see all the white faces in the crowds on television, and that she appreciated the community's peaceful protest. She expressed her gratitude for the protests and said they need to continue.

Ms. Mallek asked if they were finally at the turning point when no one can look away and pretend that everything is fine. She asked how it was that her grandson can assume his safety when he leaves the house, but that the sons and grandsons of her neighbor across the street cannot. She said all parents teach their children the rules of behavior and respect, which is the basis of civil society. She said some of her grandson's friends of color are taught very specific rules of engagement, however, for interactions with law enforcement, not just for respect, but for their very survival.

Ms. Mallek said the daily dangers visited upon children and adults in inequities across medical care, educational services, and so many other programs are truly issues on which the community and County Government can make change, here locally for all of the County's residents. She said that by preserving strengths and personal relationships in the community binds them together better than headlines. She said everyone has a role to play to make the future better. She said all humans are created equal, and they must make sure that everyone has the same access to opportunity and to justice. She encouraged everyone to listen with open ears and learn, then all work together for a safer, better future for all people.

Mr. Gallaway said he was very proud of the community in the face of the pandemic, the lingering frustration with Mr. Floyd's murder, and frustration with failed national leadership to still have the endurance to go out and protest in a profound, impactful, and peaceful way. He said he was especially proud of Albemarle High School students, where young people are showing us how to lead. He thanked them and said he was committed to their ideals. He said he hoped they would accept his invitation to learn from them and learn how everyone can contribute and continue to do things better in Albemarle County.

Mr. Gallaway said one of the students from a County high school was invited by the Governor to make remarks the day before. He said he appreciated the Governor giving that Albemarle student a chance to speak.

Ms. LaPisto-Kirtley said what they were talking about was so very important to the community. She said she, too, hopes that adults learn from the children. She said children will be the ones who lead the world into a better future. She said she applauds those who are holding peaceful protests. She said Albemarle County is a very special place. She said they must hold onto it and make sure that it works for everyone, and not just a few. She said this was their time to shine and show the world what compassion, inclusivity, and equality means. She said she wished that previous generations had done this. She said

they, and especially youth, must now do it.

Mr. Gallaway asked if there were any brief announcements from the Board.

Ms. Mallek said she didn't know who installs the software for the application process for boards and commissions, but she has received reports from citizens about a good experience when they sign up. She said automatic saving features and a notification when their applications have been received have been gratifying, and that she wanted to pass along that good news.

Ms. Mallek said last Friday was the first virtual Rivanna Roll Call, with 35 organizations and many others listening. She said this is a group of dozens of individuals in groups who work with veterans who are retired, and who transition to retirement and active duty also. She said there is a focus on the homelessness of veterans and the retired.

Ms. Mallek said the MITRE team discussed their consultancy and design inquiry process. She said they are learning to work with citizens expected to benefit from the work and have them develop the plans and actions underway. She said like the appreciative inquiry process used by Habitat to plan Southwood, they are very hopeful that this will achieve far better results all across government and agency actions.

Ms. Mallek said Walt Key is the transition coordinator at Rivanna Station, who presented a PowerPoint with lots of information and services, which she would be circulating once she receives it.

Agenda Item No. 6. Proclamations and Recognitions

Ms. Mallek said this proclamation was brought to the Board by local citizens, declaring the first Friday in June 2020 to be National Gun Violence Awareness Day in Albemarle County, to honor and remember all victims and survivors of gun violence and to declare that the country must do more to reduce gun violence.

Ms. Mallek **moved** to accept the proclamation and read it into the record. 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.

2020 PROCLAMATION DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY

This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the County of Albemarle to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, more than 100 Americans are killed by gun violence and on average there are more than 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, Virginia has 992 gun deaths every year, with a rate of 11.4 deaths per 100,000 people. Virginia has the 34th highest rate of gun deaths in the US; and

WHEREAS, communities across the nation, including in Albemarle County, are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is local government's highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, local officials and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, the pandemic facing America has drastically impacted communities and individuals sheltering in place which may result in situations where access to firearms results in increased risk in intimate partner violence gun deaths, suicide by gun and unintentional shootings;

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 5th, the first Friday in June in 2020, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 5, 2020 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that Chairman Ned L. Gallaway of the county of Albemarle declares the first Friday in June, June 5, 2020, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Agenda Item No. 7. Consent Agenda.

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

Item No. 7.1. FY 2020 Appropriations.

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

The total change to the FY 20 budget due to the appropriations itemized in Attachment A is \$3,706,299.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

By the above-recorded vote, the Board adopted the Resolution (Attachment B) to approve the appropriations for local government projects and programs as described in Attachment A.:

Appropriation #2020064 **\$ 2,583,453.00**

Source:	General Fund fund balance	\$4,883,453.00
	CIP Fund fund balance	(\$2,300,000.00)

This request is to appropriate \$4,883,453.00 of FY 19 General Fund year-end undesignated funds for the following uses, pursuant to the Board's direction during the FY 21 annual budget development process:

CIP Cash Equity	\$2,300,000.00
CIP Advancing Strategic Priorities Reserve	\$1,556,299.00
Housing Fund	\$527,154.00
Economic Development Fund	\$250,000.00
Climate Action Reserve	\$250,000.00
TOTAL	\$4,883,453.00

This proposed use of General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 19 undesignated funds that would be available for other uses.

Appropriation #2020065 **\$ 1,072,846.00**

Source:	Proffer Fund fund balance	\$1,072,846.00
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This request is to appropriate \$1,072,846.00 from Proffered Fund fund balances to the Housing Fund, where it will be added to a reserve in the Housing Fund for the performance agreement between the County, Economic Development Authority, and Habitat for Humanity of Greater Charlottesville. This includes the fund balances from the following proffered funds that are dedicated to affordable housing:

Belvedere Station	\$89,308.00
Poplar Glen II	\$34,689.00
Avinity	\$228,294.00
Kenridge	\$52,340.00
Leake (Glenmore)	\$93,501.00
Livengood	\$85,124.00

Greyrock West	\$20,467.00
Estes Park	\$254,841.00
Rivanna Village	\$214,282.00

Appropriation #2020066 **\$ 0.00**

Source:	Housing Fund Reserve*	\$200,000.00
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* This appropriation does not increase or decrease the total County budget.

This request is to appropriate \$200,000.00 from the Housing Fund Reserve as follows:

- \$100,000.00 to the Economic Development Authority (EDA) pursuant to the performance agreement between the County, EDA and Habitat for Humanity of Greater Charlottesville. Habitat for Humanity of Greater Charlottesville has met the first of six milestones for cash contributions pursuant to the terms of the performance agreement.
- \$100,000.00 to a reserve in the Housing Fund for the performance agreement between the County, EDA, and Habitat for Humanity of Greater Charlottesville. This amount, combined with the \$527,154.00 for the Housing Fund included in appropriation #2020063 and \$1,072,846.00 for the Housing Fund included in appropriation #2020064 will create a total reserve of \$1,700,000.00 for the remaining cash contributions included in the performance agreement. Future appropriations of this reserve will be requested for Board of Supervisors approval pursuant to the terms of the performance agreement.

Appropriation #2020067 **\$ 0.00**

Source:	Transportation Leveraging Program*	\$200,000.00
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*This appropriation does not increase or decrease the total County budget.

This request is to appropriate a total of \$200,000.00 from the Transportation Leveraging Program to the Berkmar Drive Bicycle and Pedestrian Improvements Project. This appropriation is to fund the design and engineering of the segment of a Shared-use Path on Berkmar Drive which was previously recommended as part of the Quality of Life Bicycle/Pedestrian funding. The Board appropriated funding on February 5, 2020 for a segment of a Shared-use Path between Woodbrook and Hilton Heights which was awarded funding under the State Revenue Sharing Program. The Quality of Life project would extend that path south from Woodbrook Drive to Rio Road. Appropriation of these funds would allow the design of these two projects to occur simultaneously thereby reducing overall costs of the project and allowing them to proceed together. A future appropriation for the construction funds for this southern segment can be re-examined following the design phase.

Appropriation #2020068 **\$ 50,000.00**

Source:	ECC Fund Balance	\$50,000.00
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The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate \$50,000.00 as approved by the ECC Management Board from the ECC's fund balance for the conversion, renovation, and painting of existing interior office space.

Appropriation #2020069 **\$ 0.00**

Source:	Geographic Information System (GIS) Project*	\$70,000.00
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*This appropriation does not increase or decrease the total County budget.

This request is to expand the scope of the GIS project, described below, to utilize \$70,000.00 in funding to provide consulting services for installation, configuration, and migration support of three separate ArcGIS Enterprise Environments – Production, Staging, and Development. This new cloud server infrastructure provides greater protection and redundancy related to security and disaster recovery; increases performance for citizens and staff; and adds greater flexibility to adjust servers to fit data needs and performance. This new server infrastructure and supporting software will increase efficiency and, through modern Web Applications, enable GIS to deploy more mapping resources and tools directly into the hands of staff and the public.

Prior Scope: The initial GIS project was established to fund the priorities identified in the five-year Geographic Information System (GIS) implementation plan and scheduled as recommended by the GIS Steering Committee. Specifically, this project had included the acquisition of 2018 Aerial Photography & Topography and Land Cover Mapping & Land Classification Modeling based on 2018 Data. The capturing of aerial photography is part of a statewide program that occurs every four years whereby the state captures aerial photography of the County at no cost to the County. Higher resolution aerial photography in the County's urban areas and updated 4' contours Countywide can be obtained through this contract for a fee. The imagery resolution for

the urban areas is being upgraded jointly with Charlottesville, ACSA, and RWSA for the benefit of staff and the public. The first phase, which deployed a new GIS-Web user interface, included responsive design for mobile devices and faster load times for aerial imagery, able to make use of modern web technology. The 2018 aerials and topography were completed and delivered in 2019. Phase I of the GIS Web user interface upgrade is 95% complete while the Land Cover and Land Classification portion is still being determined.

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**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2020064; #2020065; #2020066; #2020067; #2020068 and #2020069 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
2020065	3-8570-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$52,340.00
2020065	4-8570-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$52,340.00
2020065	3-8536-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$89,308.00
2020065	4-8536-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$89,308.00
2020065	3-8578-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$254,841.00
2020065	4-8578-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$254,841.00
2020065	3-8577-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$20,467.00
2020065	4-8577-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$20,467.00
2020065	3-8548-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$228,294.00
2020065	4-8548-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$228,294.00
2020065	3-8573-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$93,501.00
2020065	4-8573-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$93,501.00
2020065	3-8574-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$85,124.00
2020065	4-8574-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$85,124.00
2020065	3-8546-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$34,689.00
2020065	4-8546-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$34,689.00
2020065	3-8584-51000-351000-510100-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$214,282.00
2020065	4-8584-93010-493010-930029-9999	SA2020065: Transf. Affordable Housing Proffers to Housing Fund (1200)	\$214,282.00
2020065	3-1200-51000-351000-512066-9999	SA2020065: Transf. from 8570-KENRIDGE to Housing Fund	\$52,340.00
2020065	3-1200-51000-351000-512068-9999	SA2020065: Transf. from 8536-BELVEDERE to Housing Fund	\$89,308.00
2020065	3-1200-51000-351000-512083-9999	SA2020065: Transf. from 8578-ESTES PARK to Housing Fund	\$254,841.00
2020065	3-1200-51000-351000-512087-9999	SA2020065: Transf. to Housing Fund from 8577-GRAYROCK WEST	\$20,467.00
2020065	3-1200-51000-351000-512088-9999	SA2020065: Transf. to Housing Fund from 8548-AVINITY	\$228,294.00
2020065	3-1200-51000-351000-512095-9999	SA2020065: Transf. to Housing Fund from 8573-LEAKE (Glenmore)	\$93,501.00
2020065	3-1200-51000-351000-512096-9999	SA2020065: Transf. to Housing Fund from 8574-LIVENGOOD	\$85,124.00
2020065	3-1200-51000-351000-512070-9999	SA2020065: Transf. to Housing Fund from 8546-POPLAR GLEN II	\$34,689.00
2020065	3-1200-51000-351000-512038-9999	SA2020065: Transf. to Housing Fund from 8584-RIVANNA VILLAGE	\$214,282.00
2020065	4-1200-89000-489000-563110-1008	SA2020065: EDA/Habitat Agreement Reserve	\$1,072,846.00
2020067	4-9010-41020-441200-950081-9999	SA2020067 - Berkmar Bike/Ped Add Design for Add. Portion	-\$200,000.00
2020067	4-9010-41350-441200-950531-9999	SA2020067 - Berkmar Bike/Ped Add Design for Add. Portion	\$200,000.00
2020068	3-4100-51000-351000-510100-9999	SA2020068 - ECC FB: Renovations and Painting	\$50,000.00
2020068	4-4100-31040-435600-331800-1003	SA2020068 - ECC FB: Renovations and Painting	\$50,000.00

2020069	4-9010-81010-481020-950147-1240	SA2020069 - GIS Scope Appropriation	\$0.00
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Item No. 7.2. Yancey School Community Center: License Agreement with the Commonwealth of Virginia, Virginia Department of Health.

The Executive Summary forwarded to the Board states that, at the Board of Supervisors' March 7, 2018 meeting, the Board endorsed a use framework for the Yancey School Community Center that included the differentiation of user group types, space types, and an associated fee structure. That framework provided for in-kind/no cost use for community agency partners such as the Commonwealth of Virginia, Virginia Department of Health (VDH).

The proposed agreement for VDH's use of the Yancey School Community Center will not require a public hearing. Virginia Code § 15.2-1800(B) generally requires public hearings for the "disposal" of County property, but makes an exception for "the leasing of real property to another public body, political subdivision or authority of the Commonwealth."

Since the inception of the Yancey School Community Center, staff has met with the Thomas Jefferson Health District (TJHD) concerning the feasibility of opening a clinic to support the needs of the Esmont community and surrounding areas. The TJHD has been actively involved in community discussions to identify services that could be offered and has secured grant funding for the purchase of equipment and to fund a part-time Community Health Worker/Office Services Support Specialist. Attachment A provides a detailed summary. The proposed License Agreement (Attachment B) allocates 551 square feet of dedicated space to be used as the clinic and 484 square feet of shared space that would be used as a waiting room when needed.

There is no budget impact anticipated.

If the Board wishes to approve the proposed License Agreement, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a License Agreement with the Commonwealth of Virginia, Virginia Department of Health.

By the above-recorded vote, the Board adopted the Resolution (Attachment C) to approve a License Agreement with the Commonwealth of Virginia, Virginia Department of Health:

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE AND THE COMMONWEALTH OF VIRGINIA, VIRGINIA DEPARTMENT OF HEALTH

WHEREAS, the Board finds it in the best interest of the County to authorize the Commonwealth of Virginia, Virginia Department of Health to use a portion of the Yancey School Community Center, located at 7625 Porters Road, Esmont, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a License Agreement between the County of Albemarle and the Commonwealth of Virginia, Virginia Department of Health, once it has been approved as to form and substance by the County Attorney.

LICENSE AGREEMENT

This LICENSE AGREEMENT, (hereinafter referred to as “Agreement”) dated this 23rd day of April, 2020, is by and between COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (“Licensor”), and the COMMONWEALTH OF VIRGINIA, VIRGINIA DEPARTMENT OF HEALTH (“Licensee”).

1. The purpose of this Agreement is to permit Licensee to use a portion of the property of Licensor known as the Yancey School Community Center located at 7625 Porters Road, Esmont, Virginia 22937 (the “Property”) including the non-exclusive right to use the parking spaces in the parking lot and non-exclusive use of an access easement to the Property. Licensee shall have exclusive use of Rooms WR and TL (the “Premises”), and shall have shared use of Room 2 and common areas as more particularly shown and described on Exhibit A attached hereto and incorporated herein by this reference, under the terms and conditions set out herein.
2. Licensee acknowledges that this Agreement is not and shall not be construed as a rental agreement or lease. Licensee shall have no possessory interest in any portion of the Property.
3. Licensee and Licensee’s agents, invitees, employees, officers, and personnel (collectively, “Licensee Parties”) are hereby authorized to access the Premises twenty-four (24) hours per day, seven (7) days a week during the term of this Agreement. In addition, Licensee and Licensee Parties shall have (a) ingress to and egress over the Property to access the Premises, (b) the non-exclusive use of any fixtures, equipment, systems, telecom equipment, cabling, supplies, and any and all other personal or tangible property located on or in the Premises or serving the Premises, and (c) the non-exclusive use of any parking facilities, sidewalks, and other appurtenant facilities serving the Premises or Property.
4. The Premises shall be used by Licensee and Licensee’s Parties for the purpose of providing public health services to the community, including clinical services, in accordance with all applicable laws, rules and regulations, including environmental laws.
5. The term of this Agreement shall commence on the 1st day of July, 2020, and extend for a period of one (1) year, ending on the 30th day of June, 2021 (“Initial Term”). This Agreement shall automatically renew and continue from year-to-year (each year a “Renewal Term”) on the same terms and conditions as existed immediately prior to the commencement of such Renewal Term, if neither party has given a timely notice of termination as provided in Section 9(b) of this Agreement.

6. No Rent shall be charged for Licensee's occupancy of Licensor's Premises. The Licensor shall provide water, sewer, electricity, access to existing wireless internet, and heating and cooling services at no expense to Licensee. Licensor shall further provide custodial services (to common areas only) and arrange for the regular collection of a shared dumpster at no expense to Licensee. Licensee shall dispose of its medical waste off site.
7. Licensor agrees:
 - (a) To be responsible for the cost of all maintenance and repairs to the Property.
 - (b) To provide all utilities at Licensor's expense
 - (c) To keep the climate control equipment serving the Premises in good working order.
 - (d) To allow Licensee to make the Premises available to other providers to use, subject to the Licensor's advance review and written approval.
8. Licensee agrees:
 - (a) That Licensee has inspected the Premises and accepts the Premises in its current condition, subject to the provisions of this Agreement.
 - (b) Not to make any repairs, improvements, modifications or alterations to the Property without the express written consent of Licensor. To the extent authorized by law, Licensee shall be liable for any damage to the Property or the personalty of Licensor at the Property caused by Licensee. Licensee shall have the right to place signs on the interior or exterior of the Property with the prior written approval of the Licensor. Notwithstanding anything to the contrary contained herein, Licensee may (a) install a phone line within the Premises, (b) install a fax line within the Premises, at Licensee's expense, and (c) outfit with and bring upon the Premises what furniture, fixtures, and other personal property and supplies Licensor deems necessary or desirable (subject to all laws and ordinances), and Licensor hereby consents to any and all such action and agrees to cooperate with Licensee to facilitate the foregoing.
 - (c) Not to injure or disfigure either the Property or any part thereof in any way, nor allow the same to be done by its employees or agents. Any such damage will be repaired or replaced by Licensee at Licensee's expense.

- (d) That Licensee will not allow the Premises to be used for any illegal or immoral purpose.
9. It is mutually covenanted and agreed by Licensee and Licensor:
- (a) That any and all notices affecting this Agreement may be served by the parties hereto or their duly authorized agents as effectively as if the same were served by any officer authorized by law to serve such notices.
 - (b) Either party may terminate this Agreement at any time upon sixty (60) days' written notice to the other party. If the date of termination is not the last day of a month, then the monthly license fee will be pro-rated based on the number of days in the month in which termination occurs.
 - (c) This Agreement constitutes the entire agreement between Licensor and Licensee, and shall not be amended or waived except in writing, signed by both parties and approved by the Governor of Virginia or his designee.
10. Wherever a notice is required under this Agreement, notice shall be deemed to have been duly given if in writing and either: (i) personally served; (ii) delivered by prepaid nationally recognized overnight courier service; or (iii) forwarded by Registered or Certified mail, return receipt requested, postage prepaid. Each such notice shall be deemed to have been given to or served upon the party to which addressed on the date the same is delivered to the appropriate address in accordance with this Section 10 or such delivery is refused. All notices from Licensee to Licensor shall be addressed to:

County of Albemarle
Attn: County Executive
401 McIntire Road
Charlottesville, Virginia 22902

All notices from Licensor to Licensee shall be addressed to:

Denise Bonds, MD, MPH
Director, Thomas Jefferson Health District, VDH
1138 Rose Hill Drive
Charlottesville, Virginia 22903

with a copy to:

Division of Real Estate and Facilities Management
Attn: Director
1100 Bank Street, 3rd Floor
Richmond, Virginia 23219

11. This Agreement was made in the Commonwealth of Virginia and shall be governed by and construed in all respects in accordance with the laws of the Commonwealth of Virginia.
12. The agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Licensors and Licensee.
13. If (a) the purposes for which Licensee entered into this Agreement shall no longer exist, (b) Licensors and/or Licensee fail(s) to receive necessary funding to meet its/their continuing obligations under this Agreement, or (c) Licensee shall be reorganized or otherwise dissolved with no successor entity designated, then this Agreement shall be terminated as of the date of such event.
14. Insurance
 - A. Licensors acknowledge that Licensee is self-insured for the following coverages and upon request will provide a certificate of self-insurance:
 - i. General Liability – Licensee shall keep and maintain a program of public liability and property damage with respect to the Premises and the business operated by Licensee. The limits of public liability for bodily injury and property damage shall not be less than One Million Dollars (\$1,000,000).
 - ii. Automobile Liability - \$1,000,000 per accident.
 - iii. Workers' Compensation - Statutory requirements and benefits. Coverage is currently compulsory for employers of three or more employees, including the employer. Employer's Liability - \$100,000 each accident/\$100,000 each disease-policy limit/\$500,000 each disease-each employee. This policy shall specifically list Virginia as a covered state.
 - B. Fire and Extended Coverage. During the initial and any renewal term of this Agreement, the Licensors shall insure and keep insured, for the benefit of the Licensors and its respective successors in interest, the Premises, or any portion thereof then in being. Such policy shall contain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage," as the same may exist from time to time. The

Licensor agrees to name Licensee as an additional insured on such policy, as its interest may appear.

- C. Evidence of Insurance. Copies of a Certificate of Self Insurance is required to be maintained by Licensee and the Licensor pursuant to this Section 14 shall be delivered by the Licensor or Licensee, as the case may be, to the other upon the issuance of such insurance and thereafter not less than thirty (30) days prior to the expiration dates thereof.

[Signatures Appear on Following Pages.]

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals.

LICENSOR: COUNTY OF ALBEMARLE
a political subdivision of the Commonwealth of Virginia
By: [Signature]
Name: Jeffrey B. Richardson
Title: County Executive

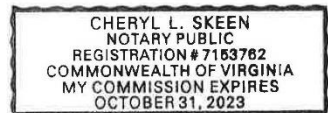
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville, to-wit:

The foregoing License Agreement was acknowledged before me by Jeffrey B. Richardson, in his/her capacity as County Executive of Albemarle County, on the 8th day of June, 2020, in the jurisdiction aforesaid.

My commission expires: Oct. 31, 2023
Registration No.: 7153762

[Signature]
Notary Public

[Signatures Continue on Following Pages.]



LICENSEE

COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF HEALTH

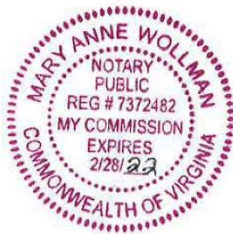
By: Robert W. Hicks
Name: ROBERT W. HICKS
Title: DEPUTY COMMISSIONER FOR
COMMUNITY HEALTH SERVICES

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond, to-wit:

The foregoing License Agreement was acknowledged before me by
Robert W. Hicks, in his capacity as Deputy Commissioner of the
Commonwealth of Virginia, Virginia Dept of Health, on the 23rd day of
June, 2020, on behalf of this agency, in the jurisdiction aforesaid.

My commission expires: 2-28-22
Registration No.: 7372482

Mary Anne Wollman
Notary Public



[Signatures Continue on Following Page.]

The Commonwealth of Virginia, Department of General Services, consents to the execution of this License Agreement.

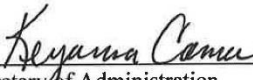
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF GENERAL SERVICES

Director
Date:


6/16/20

APPROVED BY THE GOVERNOR:

Pursuant to § 2.2-1149 of the Code of Virginia (1950), as amended, and as the official designee of the Governor of Virginia, as authorized and designated by Executive Order 88 (01) dated December 21, 2001, I hereby approve this License Agreement for and on behalf of the Governor of Virginia.


Secretary of Administration

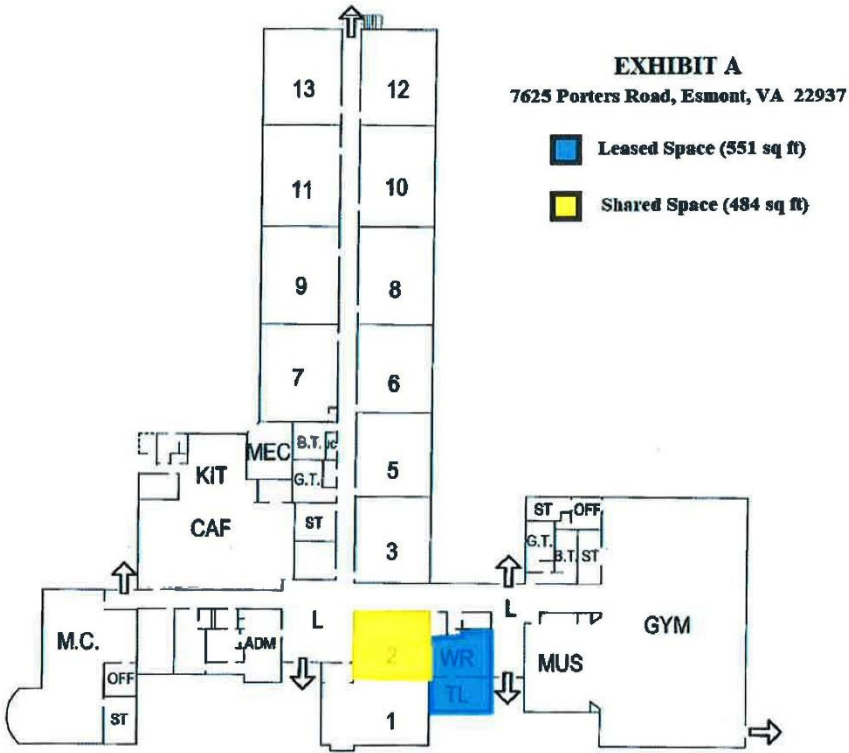
6/17/2020
Date

[End of Signature Pages.]

EXHIBIT A

Space Plan

(Copy attached)



Item No. 7.3. Lease Renewal - Crozet Artisan Depot LLC.

The Executive Summary forwarded to the Board states that for almost 30 years the Old Crozet Train Depot was used as the Crozet Branch of the Jefferson Madison Regional Library (JMRL). After the new library opened in 2013, the County began a search for a new tenant. That search resulted in two leases: the Crozet Artisan Depot lease for 1,100 square feet, and the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) lease for 456.3 square feet. Both have been excellent tenants.

The Crozet Artisan Depot, LLC's lease expires on June 30, 2020, and they have expressed a desire to renew their lease. The proposed Lease Renewal Agreement (Attachment A) would extend the lease through June 30, 2021, and would automatically renew the lease thereafter for additional 12-month terms unless written notice is given by either the County or Crozet Artisan Depot, LLC no later than 60 days prior to the expiration of any term. All other conditions of the existing lease would remain in effect, including an annual rent escalator based on the Consumer Price Index (CPI).

Current annual rental revenue is \$19,381.69.

If the Board wishes to approve the proposed Lease Renewal Agreement, staff recommends that the Board adopt the attached resolution (Attachment B) approving the Lease Renewal Agreement.

By the above-recorded vote, the Board adopted the Resolution (Attachment B) approving the Lease Renewal Agreement between the County of Albemarle and the Crozet Artisan Depot, LLC:

RESOLUTION TO APPROVE A LEASE RENEWAL AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE AND THE CROZET ARTISAN DEPOT, LLC

WHEREAS, the Board finds it in the best interest of the County to authorize the Crozet Artisan Depot, LLC to continue to lease a portion of the Old Crozet Train Depot, located at 5791 Three Notch'd Road, Crozet, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Lease Renewal Agreement between the County of Albemarle and the Crozet Artisan Depot, LLC, once it has been approved as to form and substance by the County Attorney.

* * * * *

LEASE RENEWAL AGREEMENT

~~THIS LEASE RENEWAL AGREEMENT, dated June 8, 2020, is by and between the~~
COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and CROZET ARTISAN DEPOT, LLC,
Tenant.

WHEREAS, the Landlord and Tenant entered into an Agreement of Lease, dated May 12, 2015 (the "Lease"), for the Tenant's lease of certain Leased Premises from the Landlord;

WHEREAS, the initial term of the Lease runs for five years from July 1, 2015;

WHEREAS, Section 3.2 of the Lease allows said Lease to be renewed for an additional period as may be mutually agreed by the Landlord and Tenant; and

WHEREAS, pursuant to Section 3.2 of the Lease, the parties now wish to renew said Lease for a mutually-agreed additional period.

NOW, WHEREFORE, the Landlord and Tenant hereby agree as follows:

1. The parties' Agreement of Lease, dated May 12, 2015, is hereby renewed for an additional term of one year, commencing on July 1, 2020 and expiring June 30, 2021.
2. Thereafter, the parties' Lease shall automatically renew for additional 12-month terms unless written notice is given by either Landlord or Tenant no later than 60 days prior to the expiration of any term.
3. All other provisions of the parties' Agreement of Lease, dated May 12, 2015, shall remain in full force and effect.

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

TENANT

CROZET ARTISAN DEPOT, LLC

By: Gillian Ritchie Ruffa
Gillian Ritchie Ruffa, Registered Agent

LANDLORD

~~This Lease Renewal Agreement is executed on behalf of the County of Albemarle by~~
Jeffrey B. Richardson, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____

Jeffrey B. Richardson, County Executive

Approved as to form:


6.5 July 2020
Albemarle County Attorney

Item No. 7.4. Charlottesville-Albemarle Convention and Visitors Bureau (CACVB).

The Executive Summary forwarded to the Board states that for almost 30 years the Old Crozet Train Depot was used as the Crozet Branch of the Jefferson Madison Regional Library (JMRL). After the new library opened in 2013, the County began a search for a new tenant. That search resulted in two leases: the Crozet Artisan Depot lease for 1,100 square feet, and the CACVB lease for 456.3 square feet. Both have been excellent tenants.

The CACVB's lease expires on June 30, 2020, and they have expressed a desire to renew their lease. The proposed Lease Renewal Agreement (Attachment A) would extend the lease through June 30, 2021, and would automatically renew the lease thereafter for additional 12-month terms unless written notice is given by either the County or the CACVB no later than 60 days prior to the expiration of any term. All other conditions of the existing lease would remain in effect, including an annual rent escalator based on the Consumer Price Index (CPI).

Current annual rental revenue is \$8,039.81.

If the Board wishes to approve the proposed Lease Renewal Agreement, staff recommends that the Board adopt the attached resolution (Attachment B) approving the Lease Renewal Agreement.

By the above-recorded vote, the Board adopted the Resolution (Attachment B) approving the Lease Renewal Agreement between the County of Albemarle and the Charlottesville Albemarle Convention and Visitors Bureau (CACVB):

**RESOLUTION TO APPROVE A LEASE RENEWAL AGREEMENT BETWEEN THE COUNTY OF
ALBEMARLE AND THE CHARLOTTESVILLE ALBEMARLE CONVENTION AND VISITORS BUREAU
(CACVB)**

WHEREAS, the Board finds it in the best interest of the County to authorize the CACVB to continue to lease a portion of the Old Crozet Train Depot, located at 5791 Three Notch'd Road, Crozet, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Lease Renewal Agreement between the County of Albemarle and the CACVB, once it has been approved as to form and substance by the County Attorney.

* * * * *

LEASE RENEWAL AGREEMENT

THIS LEASE RENEWAL AGREEMENT, dated June 8, 2020, is by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and the CHARLOTTESVILLE ALBEMARLE CONVENTION AND VISITORS BUREAU, Tenant.

WHEREAS, the Landlord and Tenant entered into an Agreement of Lease, dated May 26, 2015 (the "Lease"), for the Tenant's lease of certain Leased Premises from the Landlord;

WHEREAS, the initial term of the Lease runs for five years from July 1, 2015;

WHEREAS, Section 3.2 of the Lease allows said Lease to be renewed for an additional period as may be mutually agreed by the Landlord and Tenant; and

WHEREAS, pursuant to Section 3.2 of the Lease, the parties now wish to renew said Lease for a mutually-agreed additional period.

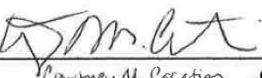
NOW, WHEREFORE, the Landlord and Tenant hereby agree as follows:

1. The parties' Agreement of Lease, dated May 26, 2015, is hereby renewed for an additional term of one year, commencing on July 1, 2020 and expiring June 30, 2021.
2. Thereafter, the parties' Lease shall automatically renew for additional 12-month terms unless written notice is given by either Landlord or Tenant no later than 60 days prior to the expiration of any term.
3. All other provisions of the parties' Agreement of Lease, dated May 26, 2015, shall remain in full force and effect.

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

TENANT

**CHARLOTTESVILLE ALBEMARLE CONVENTION
AND VISITORS BUREAU**

By: 

Courtney M. Recchia, Chair Executive Director

LANDLORD

This Lease Renewal Agreement is executed on behalf of the County of Albemarle by Jeffrey B. Richardson, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By: 
Jeffrey B. Richardson, County Executive

Approved as to form:


Albemarle County Attorney

Item No. 7.5. Lease Renewal - Staengl Engineering LLC.

The Executive Summary forwarded to the Board states that, on July 3, 2013, the Board endorsed a proposal for a retail operation in the larger ground-floor space, and a tourism-oriented use in the remaining space. Those spaces were constructed for potential future uses by the Library. Though the Charlottesville-Albemarle Convention and Visitor Bureau (CACVB) was initially expected to occupy the smaller ground-floor space, that space was later determined to be too large for the CACVB's desired operational needs. Subsequently, that space was leased to Staengl Engineering, LLC in May 2015, which has proven to be an excellent tenant whose market rate rent payments help to offset the operating costs of the Library.

Staengl Engineering, LLC's lease expires on June 30, 2020, and they have expressed a desire to renew their lease. The proposed Lease Renewal Agreement (Attachment A) would extend the lease through June 30, 2021, and would automatically renew the lease thereafter for additional 12-month terms unless written notice is given by either the County or Staengl Engineering, LLC no later than 60 days prior to the expiration of any term. All other conditions of the existing lease would remain in effect, including an annual rent escalator based on the Consumer Price Index (CPI).

Current annual rental revenue is \$20,839.58.

If the Board wishes to approve the proposed Lease Renewal Agreement, staff recommends that the Board adopt the attached resolution (Attachment B) approving the Lease Renewal Agreement.

By the above-recorded vote, the Board adopted resolution (Attachment B) approving the Lease Renewal Agreement between the County of Albemarle and Staengl Engineering, LLC:

**RESOLUTION TO APPROVE A LEASE RENEWAL AGREEMENT BETWEEN THE COUNTY OF
ALBEMARLE AND STAENGL ENGINEERING, LLC**

WHEREAS, the Board finds it in the best interest of the County to authorize Staengl Engineering, LLC to continue to lease a portion of the Crozet Library, located at 2020 Crozet Avenue, Crozet, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Lease Renewal Agreement between the County of Albemarle and Staengl Engineering, LLC, once it has been approved as to form and substance by the County Attorney.

* * * * *

LEASE RENEWAL AGREEMENT

THIS LEASE RENEWAL AGREEMENT, dated June 24, 2020, is by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and STAENGL ENGINEERING, LLC, Tenant.

WHEREAS, the Landlord and Tenant entered into an Agreement of Lease, dated May 12, 2015 (the "Lease"), for the Tenant's lease of certain Leased Premises from the Landlord;

WHEREAS, the initial term of the Lease runs for five years from July 1, 2015;

WHEREAS, Section 3.2 of the Lease allows said Lease to be renewed for an additional period as may be mutually agreed by the Landlord and Tenant; and

WHEREAS, pursuant to Section 3.2 of the Lease, the parties now wish to renew said Lease for a mutually-agreed additional period.

NOW, WHEREFORE, the Landlord and Tenant hereby agree as follows:

1. The parties' Agreement of Lease, dated May 12, 2015, is hereby renewed for an additional term of one year, commencing on July 1, 2020 and expiring June 30, 2021.
2. Thereafter, the parties' Lease shall automatically renew for additional 12-month terms unless written notice is given by either Landlord or Tenant no later than 60 days prior to the expiration of any term.
3. All other provisions of the parties' Agreement of Lease, dated May 12, 2015, shall remain in full force and effect.

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

TENANT

STAENGL ENGINEERING, LLC

By: _____

Galen Staengl, Registered Agent


6/24/2020

LANDLORD

This Lease Renewal Agreement is executed on behalf of the County of Albemarle by Jeffrey B. Richardson, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By:



Jeffrey B. Richardson, County Executive

Approved as to form:


Albemarle County Attorney

Item No. 7.6. SDP2020-11 Boys and Girls Club Northside – Special Exception – Critical Slopes Waiver.

The Executive Summary forwarded to the Board states that County Code §§ 18-4.2.5 and 18-33.43-33.51 authorize the Board to approve a special exception to waive the requirements of County Code § 18-4.2.3 to permit the disturbance of critical slopes.

The applicant is requesting approval of a site plan to construct a new Boys and Girls Club on TMP 06000-00-00-078A0, which is home to the Albemarle County Public School complex. The property is zoned Rural Areas (RA) and is located in the Rural Area 1 of the Comprehensive Plan. As proposed, a Boys and Girls Club will be developed on the subject property as an accessory use to Jack Jouett Middle School and will be used for before and after school care of students and summer care of students.

The proposed development as designed requires the disturbance of critical slopes throughout the site. The site is 216.69 acres, and the applicant requests to disturb approximately 0.79 acres of the critical slopes onsite. A special exception to allow the critical slopes disturbance is necessary before the Final Site Plan can be approved by staff. The applicant's request has been reviewed for both the Engineering and Planning aspects of the critical slopes regulations. See Attachment C for critical slope analysis.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception request, subject to the condition contained therein.

By the above-recorded vote, the Board adopted Resolution (Attachment D) approving the special exception request, subject to the condition contained therein:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 202000011 BOYS & GIRLS CLUB**

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 exception in Albemarle County Code §§ 18-4.2 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception for SDP 202000011 Boys & Girls Club, subject to the condition attached hereto.

* * *

SDP 202000011 Boys & Girls Club Special Exception Condition

1. The area of land disturbance on critical slopes may not exceed the 0.79 acres described in the request entitled “Boys & Girls Club – Northside, Critical Slopes Waiver - Special Exception Request” and shown on the plans entitled “Critical Slopes Waiver Request Exhibit 1,” and “Critical Slopes Waiver Request Exhibit 2,” which were prepared by Timmons Group and are dated April 24, 2020.

Item No. 7.7. Resolution of Intent for Recycling and Materials Recovery Facilities in Industrial Zoning Districts.

The Executive Summary forwarded to the Board states that the Board of Supervisors endorsed the Community Development 2020 Work Program on March 4, 2020. This included the “nimble” project to develop a zoning text amendment to revisit recycling and materials recovery regulations in the Industrial zoning districts to encourage more recycling uses without the need for special exceptions. The “nimble” projects are so named because their focused scope and streamlined process allow us to move more quickly with limited staff resources. Staff noted that the identified nimble projects could be completed without detracting from more substantive work program projects.

The permitted uses and supplemental zoning regulations for the Industrial districts were comprehensively updated in 2012. With that update, Materials Recovery Facilities and Recycling Processing Centers became by-right uses in the Heavy Industrial (HI) and Planned Development Industrial Park 2 (PDIP-2) zoning districts and by special use permit in the (LI) Light Industrial and (PDIP-1) zoning districts. Supplemental regulations were added to County Code § 18-5.1.51 and § 18- 5.1.52 that included regulations pertaining to outdoor activities and outdoor storage in Industrial districts. Since adoption of these regulations, a materials recovery facility was established in an HI zoning district. The facility processes and recycles concrete, asphalt and masonry products. The products are primarily from demolition sites and are brought to the site for recycling into marketable products. In order to establish that facility, a number of special exceptions were approved by the Board to allow that use. During review of that proposal, and during review of the Climate Action Plan, the Board has expressed interest in revisiting supplemental regulations applicable to materials recovery and recycling facilities.

Staff recommends that the scope of this proposed text amendment be limited to consideration of updates to County Code §§ 18-5.1.51 and 18-5.1.52 as they relate to materials recovery facilities outdoor activities and outdoor storage. This may include:

- Waiver of the requirement that all processing be within an enclosed building, subject to certain performance standards.
- Reduction in setback requirements to a Residentially or Rural Area zoned property line, subject to certain performance standards.
- Modification of the required screening requirements for outdoor storage areas to allow more flexibility in types of screening.
- Modification of the height limit of materials in outdoor storage areas, if screening or visual mitigation is maintained.
- Waiver to allow outdoor storage of materials at a recycling/processing facility, which is currently prohibited, subject to certain performance standards.

Any updates considered to these sections will not only consider Climate Action Plan goals and Economic Development goals, but will also consider Scenic Resource goals and impacts to adjoining Residential or Rural Areas.

Staff recommends the following tentative schedule and public engagement for this text amendment:

July-August	Stakeholder and public engagement; draft ordinance
September	Planning Commission work session
October	Planning Commission public hearing
November/December	Board of Supervisors public hearing

These dates can shift slightly, depending on the time necessary to incorporate input at various stages.

Staff recommends utilizing the County website and A-mail to provide information about the

proposed amendment. In addition, staff will seek input directly from relevant industry stakeholders.

There is no identified budget impact. Reducing the number of special exceptions that must be processed will save staff time.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment B).

By the above-recorded vote, the Board adopted the Resolution of Intent (Attachment B):

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
MATERIALS RECOVERY FACILITIES AND RECYCLING PROCESSING CENTERS**

WHEREAS, pursuant to Albemarle County Code § 18-26.2(a), Materials Recovery Facilities and Recycling Processing Centers are permitted as by-right uses in the Heavy Industrial (HI) and Planned Development Industrial Park 2 (PDIP-2) zoning districts and permitted by special use permit in the Light Industrial (LI) and Planned Development Industrial Park 1 (PDIP-1) zoning districts, subject to the regulations of Albemarle County Code § 18-5.1.51 and § 18-5.1.52;

WHEREAS, it is a goal of the Sustainable Materials Management section of the Climate Action Plan to increase the amount of recyclable materials put to positive use and diverted from landfills;

WHEREAS, Materials Recovery Facilities and Recycling Processing Centers are subject to certain regulations pertaining to outdoor activities and outdoor storage areas under Albemarle County Code § 18-5.1.51 and § 18-5.1.52 that may be prohibitive to establishing those uses;

WHEREAS, it is desired to review and potentially amend Albemarle County Code § 18-5.1.51, § 18-5.1.52, and other appropriate sections to encourage such Materials Recovery Facilities and Recycling Processing Centers without regulatory barriers;

WHEREAS, it is desired that any review and amendment(s) to the County Code consider goals and objectives of the Comprehensive Plan including, but not limited to, the following Chapters: Historic, Cultural, and Scenic Resources, Natural Resources, Economic Development; and

WHEREAS, it is desired that any review and amendments to the County Code consider health, safety, and general welfare impacts to properties abutting Materials Recovery Facilities and Recycling Processing Centers.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-5.1.51, § 18-5.1.52, and any other sections of the Albemarle County Code deemed to be appropriate to achieve the purposes described herein.

Item No. 7.8. County Grant Application/Award Report, **was received for information.**

Item No. 7.9. VDOT Monthly Report (June) 2020, **was received for information.**

Non-Agenda Item. Remarks from Chief of Police

Chief of Police Ron Lantz thanked the Board members for their comments. He said he had put out a statement over the weekend. He said in his 32 years of law enforcement, he has never seen something so horrendous, and that he and his department stand fast to condemn those actions. He said he wanted to talk about what they do in Albemarle County, as he was receiving so many questions about what they are doing in the County to make sure that something like what happened to George Floyd does not happen. He said the police are getting questions about training, internal affairs investigations, and other things.

Chief Lantz said he wanted to tell the organization and the community as a whole that he has been responding to every single email they get. He said some of them are from out of the area while some are from the community. He said the police have been in contact with the local faith community and community partners through Albemarle County. He said they are setting up upcoming meetings in the next two weeks. He said there are two meetings set up for some open dialogue next week.

Chief Lantz said one thing many people understand, as it is on the Police Department's website, is that when they went to the Geo Policing in 2012, this was three years before the 21st Century on Policing a Presence drive to have those pillars come out. He said this shows they were on the right track. He agreed that everyone can continue to improve, which is why they take part with the Citizens Advisory Council, not just with the County, to ask any questions and help the department do their job better, but they also have community groups they meet with on a regular basis to make sure they are hearing from the community and doing the right things. He said Geo Policing is taking care of the community. He said

they are the community and not just the Police Department. He said he wants the community to trust the Police Department and have the confidence that they will do the right thing.

Chief Lantz said the questions they have been getting from the community about training are fantastic. He said he has been talking about crisis intervention training and that the Board was provided with implicit bias training the previous day. He said he only hires about 3% of those who apply to the Police Department, and that they do not all make it through training. He said it is therefore less than 3% that they put on the street because his and the community's expectations are so high that the officers perform at an expected level without bias. He said his drive and goal for the Police Department is that everyone in the County is treated equally, and that he has the best trained and equipped officers who know how to talk to community members. He said unfortunately, there were some who came through in the last 6 months who were not able to make it all the way through training because they did not have the ability to talk and listen to the community members and their concerns, rather than talking at or down to them.

Chief Lantz said the six pillars came out in 2015 from President Obama's 21st Century Policing Committee, where some of the most brilliant minds in law enforcement came together to develop the pillars.

Chief Lantz said the first pillar is building trust and legitimacy in the community. He said the second pillar is having policy and oversight over the Police Department, the officers, and their actions. He said the third pillar is to use technology and social media to be able to communicate to the community, via two-way communication that replies to and engages the community. He said the fourth pillar is community policing and crime reduction, which they have seen Geo neighborhood policing do in the last six years.

Chief Lantz said the fifth pillar is training and education of police officers, which couldn't be more relevant than today. He said the sixth pillar is officer safety and wellness, meaning they have officers that are doing this stressful job who need some type of assistance, which is in place for them. He said they have an early warning system in place so that they cannot just flag complaints from officers, but officers that have responded to stressful situations who may need some additional services and be able to talk to people about what they have been experiencing.

Chief Lantz said he and his staff have been working nonstop and that they have meetings set up over the next few weeks where they can engage the community. He said if any police department is now doing this as a knee-jerk reaction and did not start this eight years ago, they are in trouble and behind the curve, but Albemarle County Police Department is not. He said they have been doing this for some time, but that they can always do better, which is their goal.

Mr. Gallaway thanked Chief Lantz and said Chief Lantz would be available via phone or email for Board members to ask any follow-up questions.

Agenda Item No. 8. **Action Item:** FY 21 Resolution of Appropriations.

The Executive Summary forwarded to the Board states that The Board of Supervisors adopted the County's FY 21 Operating and Capital budgets totaling \$396,971,885 during the May 14, 2020 Board meeting. At the Board's June 3, 2020 meeting, staff will ask the Board to consider the following items:

- 1) **Adoption of Annual Resolution of Appropriations:** To provide the authority from the Board to spend these funds, the Board's adoption of an Annual Resolution of Appropriations for the fiscal year ending on June 30, 2021 is required.

Per the May 14 Board meeting, prior to the Board's adoption of the Annual Resolution of Appropriations, staff will provide additional information and analysis on Jaunt's request for \$60,536 in bus driver compensation for the Board's consideration.

The Board will have the option of adopting the Resolution of Appropriations included in Attachment A or alternatively, the Resolution of Appropriations included in Attachment B. Attachment B is the same as Attachment A, however, it includes an increase of \$60,536 to support requested driver salary increases for Jaunt provided from the Reserves for Contingencies.

- 2) **Adoption of Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing:** In addition, the Board's adoption of a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing is required to provide the County with the authority to use bond proceeds to reimburse capital program expenditures for the specified projects.

Discussion:

1) Adoption of Annual Resolution of Appropriations:

The Board has the option of adopting the Resolution of Appropriations included in Attachment A or in Attachment B.

The Resolution of Appropriations appropriates the total County budget, including both general government and school operating and capital funds, School Special Revenue Funds, and Other General Government Funds appropriations in a single resolution. The Resolution of Appropriations in Attachment B includes additional funding to support Jaunt's requested bus drivers' salary increase.

Both versions (Attachment A and Attachment B) of the Annual Resolution include the following:

School Division Adjustments

On May 14, 2020, the School Board also adopted the School Fund and School Special Revenue Funds with no changes to the total budget. There are some minor adjustments to their revenue sources included in this Resolution to align with the School Board's adoption of the School Division's budget reflected in Attachment A.

County Executive Authority

The appropriation resolution continues to authorize the County Executive to do the following:

- A) Transfer funding from specific Board approved FY 21 non-departmental reserve accounts to the appropriate department accounts for expenditure. For FY 21, these specific reserve accounts are: 1) the Salary and Benefits Reserve, 2) the Board of Supervisor's Strategic Priority Support Reserve, 3) the Business Process Optimization Reserve, and 4) the Personnel Savings budget.
- B) Administratively approve budget transfers of unencumbered funds for up to \$50,000.00 per fund in the fiscal year from one classification or project to another within the same general government fund and to allocate the County-wide salary lapse budget between department budgets to appropriately reflect where salary lapse actually occurs.
- C) Administratively approve the carry forward of outstanding grants received and appropriated in FY 20 into FY 21.

In accordance with current practice, all of these transfers or distributions will be reported to the Board of Supervisors as part of the County's quarterly financial reports.

External Recipients of Funds

Section X, Paragraph Six of the attached Annual Resolution of Appropriations adds language clarifying requirements for external recipients of County funds.

2) Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

Attachment C: The Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing allows the County to use up to \$121,751,780 in bond proceeds to reimburse the County for capital program expenditures. This includes \$9,239,658 for FY 21 projects and up to an additional \$112,512,121 for capital program expenditures appropriated in previous years.

The Resolution of Appropriations provides the authority from the Board to spend funds included in the FY 21 Operating and Capital budgets. Revenues and expenditures will be monitored throughout the year per the County's 3-6-6 budget management approach.

Staff recommends the adoption of the Annual Resolution of Appropriations (Attachment A or B).

Staff recommends adoption of the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

Ms. Lori Allshouse, Director of the Office of Management and Budget, said she was joined by Budget Manager Mr. Andy Bowman. She said the desired outcome that day was for some adoptions by the Board. She said the first is to adopt the FY 21 Resolution of Appropriations, and that she would review two options for that. She said the second part is to adopt the FY 21 Resolution of Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

Ms. Allshouse said this was a starting point for the FY 21 budget. She said staff would continue to monitor the budget and the economy and will be providing updates along the way.

Ms. Allshouse said in more detail, Attachment A provides the Board's authority for the spending of the FY 21 budget that begin on July 1. She said the FY 21 budget adopted by the Board of Supervisors on May 14 is included, as well as the School Board's budget adopted on May 14, the same day. She said this included the line item adjustments to the revenue sources, but that the total budget did not change. She said it also includes the continuation of the County Executive's authority to transfer funding for specific purposes and to cover approval of carry-forward of outstanding grant funding from FY 20 to 21.

Ms. Allshouse said Attachment B is exactly like Attachment A, but it does include one change. She said Attachment B would provide the same authority noted above and includes an additional \$60,536 for JAUNT from the Reserve of Contingencies to support requested bus operator salary increases. She said this was an item that the Board requested staff bring back as part of this appropriation discussion.

Ms. Allshouse said Attachment C will provide the official intent to reimburse expenditures with the proceeds of a borrowing.

Mr. Bowman said on May 11 and May 14 during the budget work sessions, there was additional discussion with transit. He said specifically, there was a follow-up for today's meeting to bring back additional information around bus driver wages between Charlottesville Area Transit (CAT), Albemarle County Public Schools, and JAUNT. He said there was a consideration to add approximately \$60,000 to JAUNT's contribution in the adopted budget. He said this would provide a 4% increase from the existing full-time starting wage for JAUNT drivers.

Mr. Bowman presented a slide of data to show how this compares, where currently, the highest full-time starting wage at CAT is \$16.94. He clarified these numbers were for CAT and Albemarle County Public Schools for FY 21. He said the public schools were at \$15.38. He said JAUNT had two numbers: \$14.70, and an increased wage of \$15.29. He said although the increased wage was closer to the numbers of CAT and schools, this really does not close that gap.

Mr. Bowman said the follow-up at the time was a question about understanding the relation to the Albemarle County Public Schools, and as the Board could see in the dollar amounts, JAUNT is not moving ahead further to be leap frogging the current compensation for school bus drivers, though there does continue to be a gap with CAT.

Mr. Bowman said Mr. Brad Sheffield, Executive Director of JAUNT, was attending, as well as Albemarle County Human Resources staff, if there were more detailed questions around the public schools.

Mr. Bowman said staff recommends the Board adopt either Attachment A or Attachment B. He said Attachment B is the version that provides \$60,000 to JAUNT. He said that funding would be provided from the Reserve of Contingencies. He said after Attachment A or Attachment B is attached, staff would recommend the Board adopt Attachment C, as Ms. Allshouse had referred to.

Ms. Price asked with regard to the full-time starting wage how many drivers are at the starting wage that would be impacted if the Board made this change in terms of narrowing the gap, though not closing the gap, to the public schools, much less to CAT.

Mr. Bowman replied that he would need to defer to Mr. Sheffield on that question. He pointed out it was not just a matter of current drivers, but future recruitment and retention of drivers being brought on board.

Mr. Sheffield asked if Ms. Price's question was as far as the number of drivers affected by this particular wage, or the increase in general.

Ms. Price asked for information in general.

Mr. Sheffield said there were about 103 drivers that are affected by this. He said they have about 67 people who fall within the starting range and, as Mr. Bowman indicated, the issue at hand is about the individuals JAUNT is trying to recruit and retain, and the entry into the job. He said once they see people who have stayed with the job for five or more years, the wage isn't as much of a challenge for them because of the growth they perceived. He said it becomes more of the opportunities that are laid before them with staying with JAUNT.

Ms. Price thanked Mr. Sheffield, asking him not to take her questions as opposition. She said one of the things she appreciated was that coming out of the pandemic, transportation will be critical. She said in order to run public transportation, they must have the proper staff they need.

Ms. Palmer said she was curious as to how many JAUNT employees are full-time versus part-time, and if there is a difference between the starting salary for full-time versus part-time. She said she had the same question for the public schools, as she thought that a lot of the bus drivers at the public schools were not full-time, adding she could be wrong.

Mr. Sheffield said JAUNT only tries to recruit full-time positions. He said they do have part-time drivers, but that this is by their choice and not by the recruitment. He said it is that they have either taken on a different job, or they are choosing to scale back their hours. He said they try to focus on the full-time employment, though they do have part-time drivers. He said it is the de facto nature of the fact that they have worked less than 30 hours in a certain period of time that they have to be classified that way.

Ms. Palmer asked if they have the same starting salary.

Mr. Sheffield replied yes. He said they treat all the drivers with the same with the wage, regardless of how they are classified.

Ms. Palmer asked if this was known for the County public schools. She said she didn't necessarily need this information to vote but was curious as to the situation and if they have the same starting salary.

Mr. Bowman asked if the County HR staff on the call could answer.

Ms. Dana Robb, Human Resources Program Manager of Compensation Rewards, said currently, there are 124 bus drivers that are considered VRS eligible, and that 14 of those are starting at \$15.38. She said the remaining are above this \$15.38 minimum.

Ms. Palmer asked if the part-time drivers start at the \$15.38 or above.

Ms. Robb replied that this wage was for those who are VRS eligible. She said non-VRS-eligible drivers start a little lower. She said there are 24 non-VRS-eligible bus drivers currently, who are on the non-VRS-eligible classified pay scale. She said they start at \$14.65 per hour.

Ms. McKeel said she would like to thank everyone for this information. She said this was the first time the Board has been able to wrap their heads around the wages and the comparisons between their transit operators.

Ms. McKeel said CAT also operates their public-school system's transportation. She asked when they are looking at Albemarle County Public Schools, if the CAT public school transit system mirrors the CAT full-time starting wages, or if they are different.

Mr. Bowman said as part of this analysis, staff reached out to CAT for this information on the structure of their salaries and job descriptions, and that he would need to go through his notes to verify this information.

Ms. Robb said she had this information from the information that the City of Charlottesville provided. She said their pupil transit operators are making \$16.64 versus \$16.94.

Ms. McKeel said this was good information to have. She asked how they landed on the 4% increase on this particular matter.

Mr. Bowman replied that in the FY 20 budget, JAUNT had a 2% increase for their drivers. He said the City of Charlottesville had a 4% increase for their drivers, so at the end of FY 20, whatever the gap was, it increased by 2%. He said JAUNT's approach in the FY 21 budget was to request 2% beyond what the City had to help close that gap. He said at the time of the request, the City would have a 2% increase, so to play catchup, JAUNT would request a 4% increase. He said this is where the 4% came from.

Mr. Bowman said the City has since not provided an increase, but there still will be a gap for next year, and the 4% will help close that.

Ms. McKeel said this was helpful information.

Ms. Mallek thanked Mr. Sheffield for his comments via email about how the County needs to be strengthening their regional effort and discussion all along, way beyond the vote today. She said she was definitely in favor of this expenditure.

Ms. Palmer pointed out that the lowest-paid bus drivers are now Albemarle County Public Schools part-time drivers, at \$14.65. She said in the budget, they were trying to change a lot of this, and asked if her understanding was correct.

Ms. Robb said this was correct for the non-VRS bus drivers on the non-VRS scale. She said last year, they did increase the retirement benefits, so a great number of the bus drivers that work 6 hours or more are now VRS eligible, which is why 124 of those are now VRS eligible and are making the \$15.38 or above.

Ms. McKeel said with regard to Ms. Mallek's statement about working regionally, through the Regional Transit Partnership (RTP), they have a sub-committee made up of Mr. Sheffield, Mr. Garland Williams, and others who are looking at driver compensation. She said they took a break over the last few months but at the last meeting, they talked about getting this group back together and getting this work going again. She said Ms. Mallek was right, and that she was hopeful for this work.

Ms. Price **moved** that the Board adopt the annual Resolution of Appropriations (Attachment B). 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.

Ms. Mallek **moved** that the Board adopt the attached Resolution of Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C). Ms. Price **seconded** 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.

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING JUNE 30, 2021**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2021; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2021:

Paragraph One: ADMINISTRATION

Board of Supervisors	\$703,532
Executive Leadership	\$2,790,182
Human Resources	\$856,705
County Attorney	\$1,131,224
Finance Department	\$6,060,031
Information Technology	\$4,076,545
Voter Registration and Elections	<u>\$971,510</u>
	\$16,589,729

Paragraph Two: JUDICIAL

Clerk of the Circuit Court	\$915,467
Commonwealth's Attorney	\$1,577,185
Sheriff	\$2,981,515
Circuit Court	\$193,886
General District Court	\$40,800
Magistrate	\$4,575
Juvenile Court	\$121,674
Public Defender's Office	<u>\$82,717</u>
	\$5,917,819

Paragraph Three: PUBLIC SAFETY

Police Department	\$19,649,017
Fire Rescue Department (including City Fire Contract, System-wide Fleet Mgmt., and Forest Fire Extinction)	\$16,838,927
Charlottesville Albemarle Rescue Squad	\$116,300
Crozet Volunteer Fire Department	\$172,040
Earlysville Volunteer Fire Company	\$187,469
East Rivanna Volunteer Fire Company	\$237,617
North Garden Volunteer Fire Company	\$147,164
Scottsville Volunteer Fire Department	\$164,906
Seminole Trail Volunteer Fire Department	\$293,486
Stony Point Volunteer Fire Company	\$144,891
Western Albemarle Rescue Squad (WARS) (including Contingency: WARS MOU)	\$429,565
Volunteer Fire Rescue Tax Credit	\$90,000
Inspections	\$1,493,179
Emergency Communications Center	\$2,840,549
Albemarle Charlottesville Regional Jail	\$4,199,579
Blue Ridge Juvenile Detention Center	\$465,500
Foothills Child Advocacy Center	\$44,791
Offender Aid and Restoration (OAR)	\$218,805
Charlottesville Albemarle SPCA	\$641,567
Virginia Juvenile Community Crime Control Act (VJCCCA)	<u>\$52,231</u>
	\$48,427,583

Paragraph Four: PUBLIC WORKS

Facilities and Environmental Services	\$4,994,118
Rivanna Solid Waste Authority (RSWA)	<u>\$1,500,947</u>
	\$6,495,065

Paragraph Five: HEALTH AND WELFARE

Department of Social Services	\$15,178,128
Transfer to Bright Stars Fund	\$914,487
Transfer to Children Services Act (CSA) Fund	\$1,846,529
Boys & Girls Club	\$56,650
Charlottesville Free Clinic	\$116,699
Charlottesville/Albemarle Health Department	\$805,822
Child Health Partnership	\$319,861
Computers4Kids	\$14,193
Georgia's Friends	\$24,560
Jefferson Area Board for Aging (JABA)	\$377,985
Legal Aid Justice Center	\$39,435
Light House Studio	\$16,642
Literacy Volunteers	\$26,827
Monticello Area Community Action Agency (MACAA)	\$44,500
On Our Own	\$13,179
Piedmont Court Appointed Special Advocates	\$9,500
ReadyKids	\$72,450
Region Ten	\$813,260
Sexual Assault Resource Agency (SARA)	\$21,855
Shelter for Help in Emergency (SHE)	\$93,443
Tax Relief for Elderly/Disabled	\$1,190,000
The Bridge Line	\$15,914
Thomas Jefferson Area Coalition for the Homeless (TJACH)	\$22,259
United Way	\$173,978
Women's Initiative	<u>\$14,853</u>
	\$22,223,009

Paragraph Six: EDUCATION

Piedmont Virginia Community College	\$24,048
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Paragraph Seven: PARKS, RECREATION AND CULTURE

Parks & Recreation	\$3,114,060
African American Cultural Arts Festival / Chihamba	\$1,500
Charlottesville/Albemarle Convention and Visitor's Bureau	\$757,416
Jefferson-Madison Regional Library	\$4,657,607
Jefferson School African American Heritage Center	\$10,000
Municipal Band	\$8,000
Paramount Theater	\$2,500
Rivanna Conservation Alliance - FLOW Festival	\$4,700
Virginia Discovery Museum	\$2,500
Virginia Festival of the Book	\$10,000
Virginia Film Festival	<u>\$10,000</u>
	\$8,578,283

Paragraph Eight: COMMUNITY DEVELOPMENT

Department of Community Development	\$5,419,999
Office of Economic Development	\$627,788
Central Virginia Partnership for Economic Development	\$54,319
Central Virginia Small Business Development Center (CVSBDC)	\$36,000
Virginia Career Works - Piedmont Region	\$16,295
Central Shenandoah Planning District Commission	\$770
Charlottesville Area Transit	\$516,560
Jaunt	\$2,423,833
Regional Transit Partnership	\$147,886
Transit Reserve	\$245,000
Albemarle Housing Improvement Program (AHIP)	\$412,000
Piedmont Housing Alliance (PHA)	\$60,757
Rivanna Conservation Alliance - Streamwatch	\$15,000
Thomas Jefferson Planning District Commission	\$132,253
Thomas Jefferson Soil and Water Conservation	\$121,980
Virginia Cooperative Extension Service	<u>\$214,644</u>
	\$10,445,084

Paragraph Nine: REVENUE SHARING AGREEMENT

Revenue Sharing Agreement	<u>\$14,589,313</u>
	\$14,589,313

Paragraph Ten: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:

Refunds and Abatements	<u>\$120,000</u>
	\$120,000

Paragraph Eleven: OTHER USES OF FUNDS

Transfer to School Operations	\$134,184,078
Formula Transfer to Capital Projects and Debt Service Funds	\$30,142,066
Transfer to Water Resources Fund	\$1,388,008
Transfer to Economic Development Authority Fund	\$280,000
Board's Strategic Priorities Support	\$145,000
Reserve for Contingencies	\$814,266
Salary and Benefits Reserve	\$150,000
Personnel Savings	(\$978,100)
Business Process Optimization (BPO) Reserve	\$250,000
Early Retirement	<u>\$609,000</u>
	\$166,984,318

Total GENERAL FUND appropriations for the fiscal year ending June 30, 2021: \$300,394,251

To be provided as follows:

Revenue from Local Sources	\$263,038,656
Revenue from the Commonwealth	\$24,753,797
Revenue from the Federal Government	\$7,041,656
Transfers In from Other Funds	\$3,120,169
Use of Fund Balance	\$2,439,973

Total GENERAL FUND resources available for fiscal year ending June 30, 2021: \$300,394,251

SECTION II: GENERAL FUND SCHOOL RESERVE FUND

That the following sums of money be and the same hereby are appropriated for GENERAL FUND SCHOOL RESERVE FUND purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2021:

Paragraph One: GENERAL FUND SCHOOL RESERVE FUND

Transfer to the School Fund	\$1,028,600
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Total GENERAL FUND SCHOOL RESERVE FUND appropriations for fiscal year ending June 30, 2021: \$1,028,600

To be provided as follows:

Use of Fund Balance	\$1,028,600
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Total GENERAL FUND SCHOOL RESERVE FUND resources available for fiscal year ending June 30, 2021: \$1,028,600

SECTION III: REGULAR SCHOOL FUND

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2021:

Paragraph One: REGULAR SCHOOL FUND

School Fund Expenditures	\$193,741,120
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Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2021: \$193,741,120

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$134,184,078
Revenue from Other Local Sources	\$2,046,896
Revenue from the Commonwealth	\$52,771,310
Revenue from the Federal Government	\$3,682,761
Transfers	\$27,475
Transfer from General Fund School Reserve Fund	\$1,028,600

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2021: \$193,741,120

SECTION IV: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2021:

Paragraph One: OTHER SCHOOL FUNDS

Other School Funds	\$17,460,067
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Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2021: \$17,460,067

To be provided as follows:

Revenue from Local Sources	\$6,793,078
Revenue from the Commonwealth	\$1,564,295
Revenue from the Federal Government	\$7,376,573
Transfers	\$1,152,121
Use of Fund Balance	\$574,000

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2021: \$17,460,067

SECTION V: OTHER GENERAL GOVERNMENT FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2021:

Paragraph One: OTHER GENERAL GOVERNMENT FUNDS

Computer Maintenance and Replacement	\$599,550
Yancey Strengthening Systems Grant	\$100,000
Commonwealth's Attorney Delinquent Fines and Fees	\$60,000
Victim-Witness Grant	\$177,949
Regional Firearms Training Center - Operations	\$218,082
Regional Firearms Training Center - Capital	\$90,000
Criminal Justice Grant	\$731,081
Water Resources	\$1,388,008
Courthouse Maintenance	\$30,776
Old Crozet School Operations	\$96,326
Vehicle Replacement	\$700,582
Bright Stars Program	\$1,524,946
Children's Services Act	\$9,633,312
Martha Jefferson Health Grant	\$4,000
Housing Assistance Fund	\$3,465,561
CACVB Fund	\$1,972,107
Darden Towe Memorial Park	\$278,936
Tourism	\$1,239,563
Economic Development Authority	\$442,549
Economic Development Fund	\$35,000

Total OTHER GENERAL GOVERNMENT FUNDS appropriations for fiscal year ending June 30, 2021: \$22,788,328

To be provided as follows:

Revenue from Local Sources	\$3,129,043
Revenue from the Commonwealth	\$7,076,904
Revenue from the Federal Government	\$3,561,306
Transfers In from Other Funds	\$8,833,353
Use of Fund Balance	\$187,722

Total OTHER GENERAL GOVERNMENT FUNDS resources available for fiscal year ending June 30, 2021: \$22,788,328

SECTION VI - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2021:

Paragraph One: PUBLIC SAFETY

Fire Rescue Apparatus Replacement Program	\$1,915,304
Fire Rescue Mobile Data Computers Replacement	\$195,000
Police County 800Mhz Radio Replacements	\$971,111
Police Mobile Data Computers Replacement	\$13,000
Police Patrol Video Cameras Replacement	<u>\$156,600</u>
	\$3,251,015

Paragraph Two: PUBLIC WORKS

County Owned Facilities Maintenance/Replacement	\$1,199,030
Ivy Fire Station 15 Maintenance Obligation	\$50,000
Ivy Landfill Remediation	\$475,000
Moore's Creek Septage Receiving Station	\$109,441
Regional Firearms Training Center Capital Reserve - County Share	<u>\$39,600</u>
	\$1,873,071

Paragraph Three: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Economic Development Funding for Public-Private Partnerships	<u>\$1,000,000</u>
	\$1,000,000

Paragraph Four: HEALTH AND WELFARE

The Center at Belvedere	<u>\$500,000</u>
	\$500,000

Paragraph Five: PARKS, RECREATION & CULTURE

County Owned Parks Maintenance/Replacement	<u>\$82,500</u>
	\$82,500

Paragraph Six: TECHNOLOGY AND GEOGRAPHIC INFORMATION SYSTEMS (GIS)

County Server/Infrastructure Upgrade	<u>\$476,633</u>
	\$476,633

Paragraph Seven: OTHER USES OF FUNDS

Cost of Issuance	\$191,628
Project Management Services	\$1,329,063
Borrowed Proceeds Transfer	<u>\$7,057,770</u>
	\$8,578,461

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2021: \$15,761,680

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$8,107,112
Revenue from Local Sources (Other Transfers)	\$30,776
Revenue from Other Local Sources	\$250,000
Borrowed Funds	\$9,600,524
Use of Fund Balance	<u>(\$2,226,732)</u>

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2021: \$15,761,680

SECTION VII: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2021:

Paragraph One: EDUCATION (SCHOOL DIVISION)

School Bus Replacement	\$930,000
School Maintenance/Replacement	\$6,919,000
State Technology Grant	\$700,000
School Technology Replacement Program	\$988,000

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2021: \$9,537,000

To be provided as follows:

Revenue from the Commonwealth	\$960,000
Revenue from Local Sources (General Govt Capital Programs Transfer)	\$7,057,770
Use of Fund Balance	\$1,519,230

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2021: \$9,537,000

SECTION VIII: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2021:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND

Debt Service - School Division	<u>\$13,788,312</u>
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Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2021: \$13,788,312

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$13,382,027
Revenue from the Commonwealth	\$326,895
Revenue from the Federal Government	<u>\$79,390</u>

Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2021: \$13,788,312

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND

Debt Service - General Government	<u>\$8,850,697</u>
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Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2021: \$8,850,697

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$8,652,927
Revenue from Local Sources (Transfer from Stormwater Fund)	<u>\$197,770</u>

Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2021: \$8,850,697

GRAND TOTAL - DEBT SERVICE FUNDS \$22,639,009

**TOTAL APPROPRIATIONS INCLUDED IN
SECTIONS I - VIII OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING JUNE 30, 2021**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$300,394,251
Section II	General Fund School Reserve Fund	\$1,028,600
Section III	School Fund	\$193,741,120
Section IV	Other School Funds	\$17,460,067
Section V	Other General Government Funds	\$22,788,328
Section VI	General Government Capital Improvements Fund	\$15,761,680
Section VII	School Division Capital Improvements Fund	\$9,537,000
Section VIII	Debt Service	<u>\$22,639,009</u>
		\$583,350,055

Less Inter-Fund Transfers (\$186,408,660)

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS **\$396,941,395**

SECTION IX: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2021:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center **\$6,768,618**

Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2021: \$6,768,618

To be provided as follows:

Albemarle County	\$2,833,190
City of Charlottesville	\$1,478,245
University of Virginia	\$1,409,456
Revenue from Other Local Sources	\$440,102
Revenue from the Commonwealth	\$579,180
Revenue from the Federal Government	\$28,445

Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2021: \$6,768,618

SECTION X

All of the monies appropriated as shown by the contained items in Sections I through IX are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance and Clerk to the Board of Supervisors are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all

realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said

fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County

Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

Any funds appropriated herein to recipients who are not directly governed by the Board of Supervisors ("External Recipients") may be used only for the exclusive and singular purpose for which the funds are appropriated, subject to any additional conditions as stated in the Approved Budget, County policies, County agreement with the External Recipient, or as otherwise required or proscribed by law or ordinance. External Recipients have an affirmative fiscal duty to account for the appropriate and most responsible use of the funds and, as an express condition of the appropriation and in addition to other reporting requirements, must provide an accounting upon request by the County within 30 days in a form determined by the Department of Finance or the Office of Management, or both. External Recipients must be able to at all times account for any County funds appropriated to them separate from donations from any other source. Failure to adhere to these conditions or to the purposes for which the appropriations are made may, among other things, affect future appropriations. The Department of Finance is authorized to withhold transfers of appropriated funds to any External Recipient until any pending requests for reporting and accounting have been met to the County's satisfaction.

Paragraph Seven

The County Executive is authorized to:

- 1) administratively approve budget transfers of unencumbered funds of up to \$50,000.00 per fund in the fiscal year from one classification, department, or project to another within the same general governmental fund;
- 2) allocate funding from the below identified classifications to appropriate budget line-items for expenditure:
 - Expenditure Classifications Eligible for Transfer Under this Resolution:
 - Salary and Benefits Reserve
 - Personnel Savings
 - Board of Supervisors Strategic Priority Support Reserve
 - Business Process Optimization Reserve
- 3) allocate salary lapse between department budgets; and
- 4) administratively approve the carry forward of outstanding grants received and appropriated in FY 20 into FY 21.

Paragraph Eight

The Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, for the appropriations made to these funds for the period covered by this resolution of appropriations.

Paragraph Nine

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Ten

This resolution shall become effective on July 1, 2020.

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

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the “Borrower”) has or 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:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$121,751,780.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

Agenda Item No. 9. **Action Item:** Albemarle County Capital Line of Credit.

The Executive Summary forwarded to the Board states that borrowed proceeds represents the major funding source for the county’s capital improvement program. As projects are approved, the Board simultaneously approves a “borrowing resolution”, allowing staff to secure debt in connection with the project when needed.

Over the years, staff has employed a number of options for securing debt proceeds, including Lease/Revenue bonds issued through the EDA, direct bank placement loans, Virginia Public Schools Association (VPSA) pooled financing, and bonds issued through public referendum. The timing of when debt is incurred is important to ensure sufficient liquidity, adequate fund balances, and to avoid unnecessary interest costs. In recent years, staff has developed more sophisticated modeling techniques, to include the incorporation of spend plans, to better predict the timing of when debt should be incurred. To the extent possible, we have also applied available county funds to support projects, particularly in the early phases of the project.

Other factors can impact the timing of when debt is issued. Delays or interruptions in the execution of projects, volatility in the bond market or interest rate environment, and availability of county cash resources, to name a few.

Establishing a Capital Line of Credit is another widely used best practice to deal with the volatility and uncertainty.

Consistent with best practices, and in consultation with our Financial Advisor, the County has issued a “Request for Proposals” to establish a Capital Line of Credit (LOC). The LOC, which represents a short-term, interim borrowing strategy, will enable borrowing for School and Court related projects on an “as needed” basis. This “just in time” borrowing strategy avoids unnecessary interest costs during this period of project timing uncertainties and market volatility. Interest would be paid only on the funds drawn

down for capital project use. Staff expects to redeem the LOC financing on or before its stated maturity of July 1, 2022 using proceeds from a long-term financing. However, it is possible the County could move forward with a portion of the line being permanently financed either later this fall or early 2021 depending upon the rate of County project spending and the state of the municipal bond marketplace.

The banks were asked to provide a proposal for a Line of Credit in the amount of \$40,000,000 and/or \$75,000,000. The final amount will be determined depending upon the proposals received. The rate of interest may either be fixed for the term or it is possible that it will be set by formula most likely resetting monthly. Both fixed and variable rates were requested. Proceeds from the line will reimburse the County for capital costs already incurred, finance upcoming project costs as well as the cost of issuance. The reimbursement of reserves is important especially in light of the current economic environment. It is expected that the LOC would close before June 30, the end of the County's fiscal year.

The LOC will be issued through the Economic Development Authority of Albemarle County, Virginia ("EDA") similar to long term financings the County has issued through the EDA in the past. The legal structure of the loan, dependent upon the proposals received, will either include collateral or it will not. If required by the lender, the County has identified the County's Office Building located at 401 McIntire Road, Charlottesville, Virginia 22902 as collateral that would be used. In either legal structure scenario, the County would make payments subject to appropriation by the County's Board of Supervisors. The Board of Supervisors will have no legal obligation to make any such appropriations.

The Fiscal Year 2021 budget includes funding for an anticipated Capital-related debt service cost. This funding could be utilized for associated interest expense.

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

Mr. Bill Letteri, Chief Financial Officer, presented. He introduced two people who would be joining the discussion and available to answer questions: Mr. Courtney Rogers, Financial Advisor, and Mr. Chris Culp, Bond Counsel from the firm Hunton Andrews Kurth, LLP, who would be available for questions.

Mr. Letteri said his purpose for presenting was to ask the Board to adopt a resolution approving a plan of finance for the capital program. He said he would spend some time providing some context about this, and then Mr. Rogers would talk about the terms of the financing itself.

Mr. Letteri said the financing will be accomplished through the issuance by the Economic Development Authority, and what they call down a draw-down revenue note or line of credit.

Mr. Letteri said for the Capital Improvements Program projects, the County uses both a combination of cash and borrowed proceeds to fund the programs. He said they try to maintain a healthy ratio of equity to debt, and that those ratios are in line with policies the Board has adopted.

Mr. Letteri said because they have had a relatively strong economy in the last three years, and strong reserve balances, the County has not borrowed for over three years now for the capital program. He said the last issue was in March of 2017, and at that time, they issued a combination of general obligation bonds to referendum and revenue bonds, totaling an aggregate of about \$60 million. He said because they have not borrowed in this timeframe, he believes now is an appropriate time to do so to both restore our balances and also provide necessary resources for the projects ongoing.

Mr. Letteri said one of the things they have recognized over the years is that by moving immediately to a permanent financing position, sometimes the pace at which these projects are executed and spending patterns does not mirror the timing on the borrowing. He said one of the things that Davenport, our financial advisors, have brought to the County and talked about for some time is the concept of a line of credit. He said it would be followed by permanent financing.

Mr. Letteri said this strategy enables the County to do just-in-time borrowing to minimize interest costs and debt service. He emphasized that this strategy is not a reaction to the COVID-19 pandemic situation. He said it is a concept or strategy that he and Davenport have been talking about for three years and, more recently, in the February/March timeframe. He said they probably would have proceeded earlier this year, had it not been for the pandemic. He said the pandemic has triggered some volatility and uncertainty in the bond markets. He said with the advice of their advisors, they have delayed that, which turned out to be fortuitous.

Mr. Letteri emphasized that in spite of not having borrowed in this timeframe, the County is in a very strong financial position and remains in it. He said one of the guides or policy thresholds they look at is outstanding debt to total assessed property values. He said in this case, the Board has established that total outstanding debt should never exceed 2% of assessed property values. He said he was pleased to say that they are well within that threshold.

Mr. Letteri said the second threshold or guide provided by the Board is total debt service to revenues. He said in this case, total principal and interest payments on an annual basis is compared to what they project to be total revenues. He said this ratio is established at 10%. He said likewise, at this time, they are well within that parameter.

Mr. Letteri said these guides or policies are very much in keeping with Triple-AAA counties, of which Albemarle is one. He said it is a prestigious honor they share with only very few counties in the

State and around the country. He paused to say how critically important having a Triple-AAA is to the County, and it is important and critical both for financial reasons and others.

Mr. Letteri said financially, the difference between being a Triple-AAA and a Double-A+ is what they call a "notch," or about 25 basis points that is in particular interest rate environment. He said 25 basis points is 0.25% and may not sound like much, but when applied to large debt issues, e.g. \$75 million as an example, it makes a significant difference in how much interest they pay, both annually and along the term of the loan.

Mr. Letteri said he asked Mr. Rogers to do a quick calculation, and he estimates that savings for the County on \$75 million, should they draw all of this out, would be about \$150,000 a year, or almost \$2 million over the course of the loan. He said this is very significant. He said when applying this difference to the total amount of outstanding debt, those numbers become quite significant.

Mr. Letteri said the other less financial, but important, issue is that Triple-AAA signals to the County's citizens that they are an extremely well-managed organization, financially. He said it also signals to their existing and prospective businesses that Albemarle County is a strong economic environment, and that its government is extremely well-run, financially.

Mr. Letteri said another factor is recruitment. He said as they entertain senior leaders to the County, having a Triple-AAA influences some of those decisions to join the County. He said for all these reasons, he applauds the Board's consistent effort to maintain the Triple-AAA rating for the County.

Mr. Letteri clarified that regarding thresholds, even if they were to draw down the full \$75 million on this credit line immediately and then go to permanent financing, they would still be solidly within their debt ratios, going forward. He said they would still have capacity in the Capital Fund and borrowing limits to do more.

Mr. Letteri said the advantage of a draw-down loan is that it enables the County to pay interest only on that which is outstanding, as opposed to the full amount. He said it helps to minimize their debt service burden, and that this is particularly true early on in projects when they are funding the design phases. He said they do not have to borrow all the heavy lifting for construction too early.

Mr. Letteri said on or prior to maturity of this draw-down loan, which is two years, the County will permanently finance any outstanding balances into a long-term position. He said it replaces entirely this draw-down loan into a permanent one. He said the flexibility in the terms they provided enables the County to permanently finance anytime between now and the two-year maturity. He said this is important because they do not know what the bond market is going to do, and it's helpful for staff to be able to monitor this closely and perhaps take advantage of moving quickly on permanent financing.

Mr. Letteri said as required by law, the draw-down loan will be issued as a revenue note through the County's Economic Development Authority.

Mr. Courtney Rogers said he felt it was ironic that, timing-wise, they came right after Ms. Allshouse's presentation, which basically set the bond parameters for borrowing out into the future, so it was interesting to follow this up. He said the County is one of 49 counties in the country that has AAA ratings from all three rating agencies. He said there are not many counties with this rating.

Mr. Rogers said in terms of the RFP they sent out back in late April to all the banks that cover the Municipal Royalty law, he was not surprised based on the market that they received two very strong bids from both Bank of America and JP Morgan. He said the County asked for up to a \$75 million line, which is quite a bit, so they were not surprised that some of the smaller banks could not play in this arena due to the sheer size of it.

Mr. Rogers said the bid that really stood out to staff was the JP Morgan variable rate bid up to the \$75 million line. He said they gave the County a fixed rate. He said while others had too many constraints, this bid gave them the flexibility they were looking for. He said it is based on a variable rate, which is 80% of LIBOR (London Interbank Offered Rate), plus a spread of 56 base points, which would currently be 70 basis points, and under 1%.

Mr. Rogers said one of the key elements that set JP Morgan apart from the other bid was that there was no unused fee. He said this meant if they drew no dollars, they basically pay no fee. He said if they were to go with the other bid, they would actually be paying a fee on dollars not drawn, and so JP Morgan's bid was very attractive. He said it is pre-payable once a month on a LIBOR reset date, which gives the County flexibility to begin to take the money out whenever they want, and when they see attractive market rates, they can go ahead and permanently fix whatever they borrow at that time.

Mr. Rogers said draw constraints are once a month in \$100,000 increments. He said since the County has good cash flow, this will not be an issue and is very acceptable to us.

Mr. Rogers presented a slide giving a sense of what LIBOR has been doing since January of 2017. He said it is tracked what the Federal Reserve has done on short-term rates. He said as the Feds were raising rates coming out of the 2008 credit crisis, it was following it along as it went up the hill. He said the stars on the slide show where they were decreased as the Feds had to decrease rates in the last several months of the market, as well during the pandemic when they hit a steep slope going straight down.

Mr. Rogers said staff's recommendation is to move forward with JP Morgan Chase Bank. He said it offered the lowest variable rate in terms of the spread. He said the fixed rate option wasn't attractive enough, so they were looking at the variable rate side analysis to prepay at any time with no penalty.

Mr. Rogers said the next steps would be having the Board adopt the resolution and documents. He said they are scheduled to meet with the EDA on June 9 to do the same adoption of resolution and documents based on the proposed, and then they would close by the end of the month.

Ms. Price asked about the sixth slide, noting that the second bullet said the variable rate option allows the County to permanently fixed amounts on the County's option at least once a month. She pointed out that the fourth slide, under "Draw Constraints," draws must be made once a month in \$100,000 increments. She asked if they must be made once a month, or if they cannot be made more than once a month.

Mr. Rogers replied that the intent of the sixth slide was to say that if they need to permanently finance whatever had been drawn up to that point, once a month, JP Morgan allows them to pay it off without penalty.

Ms. Price asked if slide 4's intent was to say that they must be made monthly.

Mr. Rogers replied that in JP Morgan's proposal, they said they would only allow the County to draw once a month. He said the County has actually had subsequent discussions with them where they said they could draw two or three times, if needed. He said technically, the proposal said once a month.

Ms. Price said she understood. She expressed appreciation for the information that specifically addresses the impact of having the financial benefit of a Triple-AAA bond rating when there are only 49 in the country, as indicated, and that this actually saves the County in interest rates compared to being a Double-A+.

Mr. Rogers said this data came from very recent bond sales the County had in the month of May. He said Loudoun County is Triple-AAA as well.

Ms. Palmer asked why they were doing this now rather than a couple years ago. She asked if there was some change in the process available.

Mr. Rogers said this is actually the third time this has been recently done for local governments in Virginia. He said there seems to be a shift where projects are not getting done as quickly as they anticipated, and so our clients would go borrow a large sum of money and not spend it for a long period of time. He said the last bond deal they did for the County was in 2017, and they still have bond proceeds that will be spent in the next month or so to pay the rest of those off. He said he and Mr. Letteri have been talking about this since that bond issue, as they started seeing that the proceeds were not going out as fast as they had thought. He said they agreed to monitor things over the last several years.

Mr. Rogers said last fall, they talked about what the right time is to do this. He said in January, they were talking about it more seriously and looking at timing. He said February went by and then, the pandemic hit. He said part of it was about timing of projects and having spent all the 2017 proceeds. He said there are other projects and while some have slowed down due to the pandemic, there are still projects on the books that plan to go forward. He said it was a combination of many reasons as far as the timing.

Ms. Palmer asked if it was not, then, construction market issues or workers.

Mr. Rogers replied no.

Ms. McKeel commented that the County being in the position of 1 of 49 Triple-AAA-rated counties in the country was incredible. She thanked Mr. Rogers and Mr. Letteri for their presentation.

Mr. Doug Walker, Deputy County Executive, added that for context, there are about 3,500 counties in the country, so it was a real honor.

Mr. Rogers said years ago, it was 40 counties with this rating, and so it has not grown by much.

Ms. McKeel said she recalled prior conversation about the rating, and that she could clearly see the difference it makes.

Ms. Palmer said she recalled Mr. Walker telling the Board at some point that it was quite a process, and so not all counties choose to go after all three.

Mr. Walker said this was true. He said there is a cost associated each time they go out for a bond rating. He said a good many counties have two AAA ratings, but not three.

Ms. Mallek said she thought the financing was a terrific idea because they should not be paying interest on money when they do not spend.

Ms. Mallek **moved** to approve the adoption of the attachment resolution (Attachment A). 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.

RESOLUTION APPROVING A PLAN TO FINANCE VARIOUS COUNTY PROJECTS THROUGH THE ISSUANCE OF A REVENUE NOTE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA, AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH AND APPROVING THE FORMS OF SUCH DOCUMENTS

WHEREAS, the Economic Development Authority of Albemarle County, Virginia (the "Authority"), was created under and is authorized to exercise all the powers set forth in the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49, Code of Virginia, as amended (the "Act"), which include, among other things, (a) the power to make loans to, among others, a county in furtherance of the Act, (b) to finance facilities for use by, among others, a county, (c) to issue its revenue bonds, notes and other obligations from time to time for such purposes and (d) to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from any source, as security for the payment of principal of and interest on any such obligations;

WHEREAS, the Board of Supervisors (the "County Board") of Albemarle County, Virginia (the "County"), desires to obtain, in conjunction with the Authority, a draw-down loan to finance the costs of various projects in the County's Capital Improvement Plan including (without limitation) capital expenditures for court and public school improvements (collectively, the "County Projects");

WHEREAS, the County desires to request the Authority (a) issue and sell its Revenue Note (County Projects), Series 2020 (the "Note"), pursuant to the terms of a Note Purchase and Loan Agreement (the "Loan Agreement") between the County, the Authority and the Lender (as hereinafter defined), in order to provide for a draw-down loan and its repayment terms, (b) loan the proceeds of the Note to the County pursuant to the terms of the Loan Agreement to finance, as needed, the costs of the County Projects and to pay the related costs of issuance, and (c) secure the repayment of the Note by an assignment to the Lender of certain payments due from the County to the Authority in accordance with the terms of the Loan Agreement;

WHEREAS, the County has requested Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor"), to solicit proposals for a draw-down loan from banking and other financial institutions;

WHEREAS, the County Board has reviewed a summary of the proposals received and has determined, in consultation with the Financial Advisor, to request that the Authority award the Note to JPMorgan Chase Bank, N.A., or a subsidiary thereof (collectively with any successors and assigns, the "Lender"), in accordance with the terms of its proposal attached hereto as Exhibit A (the "Proposal"); and

WHEREAS, there has been presented to this meeting a draft of the Loan Agreement that the County proposes to execute in support of the transactions described above, a copy of which shall be filed with the records of the County Board;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

The County Board hereby approves the following plan in connection with the draw-down loan and the financing of the County Projects. The Lender shall make a draw-down loan to the Authority, the Authority shall issue and deliver the Note to the Lender as evidence of such loan and further loan the proceeds of the Note to the County, and the County shall use the proceeds thereof to finance the County Projects and agree to repay such loan from amounts appropriated from time to time by the County Board, all in accordance with the terms set forth in the Loan Agreement. The Note shall be issued on final terms that the County Executive (which term shall include for purposes of this Resolution the Deputy County Executive and the Assistant County Executive) determines, in consultation with the Financial Advisor and in collaboration with the Chairman or Vice-Chairman of the Authority, either of whom may act, to be in the best interests of the County and the Authority; provided that the Note shall (a) provide for the Lender to make principal advances from time to time in an aggregate amount not to exceed \$75,000,000, (b) mature no later than July 31, 2022, (c) bear interest at a variable rate not to exceed 80% of One-Month LIBOR plus 60 basis points as determined in accordance with the terms of the Proposal (subject to adjustment upon an event of taxability or an event of default), (d) be sold to the Lender at a price not less than 100% of the principal amount thereof and (e) be subject to optional redemption at least monthly without any prepayment premium. The obligation of the Authority to make payments under the Note and the Loan Agreement shall be limited to the payments, if any, received from the County, which shall be assigned to the Lender pursuant to the terms of the Loan Agreement. This plan of financing shall contain such additional requirements and provisions as the County Executive may approve and determine, in collaboration with the Chairman or Vice-Chairman of the Authority, to be in the best interests of the County and the Authority. Following the sale of the Note, the County Executive shall file a certificate with the records of the County Board setting forth the final terms of the Note and the Loan Agreement. The actions of the County Executive in approving the terms of the Note and the Loan Agreement shall be conclusive, and no further action shall be necessary on the part of the County.

The County Board hereby directs the County Executive to request that the Authority award and sell the Note to the Lender in accordance with the terms of the Proposal and this Resolution.

The County Board hereby authorizes and directs the County Executive to execute and deliver the Loan Agreement. The Loan Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this Resolution as may be approved by the County Executive, whose approval shall be evidenced conclusively by the execution and delivery thereof.

The undertaking by the County to pay any amounts under the Loan Agreement shall be limited obligations payable solely from funds to be appropriated by the County Board from time to time for such purpose. Nothing herein or in the Loan Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

The County Board believes that funds sufficient to make payment of all amounts payable by the County under the Loan Agreement can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the County Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future County Boards do likewise during the term of the Loan Agreement. The County Board directs the County Executive or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Loan Agreement an amount sufficient to make the payment of all amounts payable under the Loan Agreement for such fiscal year. Within 10 days after adoption of the County's annual budget and related appropriation resolution, but not later than 10 days after the beginning of each fiscal year, the County Executive is authorized and directed to deliver to the Authority and the Lender a certificate stating whether an amount equal to or credited to the payment of all amounts that will be due under the Loan Agreement during such fiscal year has been budgeted and appropriated by the County Board. So long as the Note is outstanding, if at any time during any fiscal year of the County, the amount appropriated in the County's annual budget in such fiscal year is insufficient to pay when due the amounts payable by the County under the Loan Agreement, the County Board directs the County Executive or such other officer who may be charged with the responsibility for preparing the County's annual budget to submit to the County Board a request for a supplemental appropriation sufficient to cover the deficit.

The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or otherwise cause interest on the Note to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Note, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Note from being includable in the gross income of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

Such officers of the County as may be requested by the County's bond counsel are hereby authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Note in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and regulations issued pursuant thereto and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with the County's bond counsel, and such elections shall be made after consultation with bond counsel.

The County covenants that it shall not permit the proceeds of the Note or the facilities financed therewith to be used in any manner that would result in 5% or more of such proceeds or facilities, as applicable, (a) being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Note from being includable in the gross income for federal income tax purposes of the registered owner thereof under existing law, the County need not comply with such covenants.

The County Board has previously received and reviewed the Information Statement, describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool (the "Contract"), and the County Board hereby authorizes the County Executive in his discretion to utilize SNAP in connection with the investment of the proceeds of the Note. The County Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

All costs and expenses in connection with the undertaking of the County Projects and the issuance of the Note, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel for the Authority and counsel to the Lender, shall be paid from the proceeds of the Note or other legally available funds of the County. If for any reason the Note is not issued, it is understood that all such

expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing are hereby ratified, approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the completion of the plan of financing.

All resolutions or parts of resolutions in conflict herewith are repealed.

This Resolution shall take effect immediately upon its adoption.

Agenda Item No. 10. **Action Item:** HS202000038 Homestay Special Exception Old Sand Road.

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 4585 Old Sand Road to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125-foot setback from the northwestern front property line from 125 to 62 feet +/- and northeastern side property line from 125 to 45 feet +/- 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. She said the homestay is located on a parcel that is less than 5 acres in size. She said she would give the Board a refresher about which regulations apply, as there are two different tiers. She said on parcels less than 5 acres, the applicant is limited to two guestrooms, no use of an accessory structure, only one homestay use on the property, no whole-house rental, where the owner is not present on the property, and the 125-foot applicable setbacks.

Ms. Ragsdale said all homestays must be owner-occupied and obtain a zoning clearance, which is the final checkoff of all the regulations and verifications of factors such as parking and safety inspections, and that they have provided the adjoining properties emergency contact information.

Ms. Ragsdale said in this particular case, there is one Special Exception requested, which is to reduce setbacks. She said the criteria found in the ordinance that staff primarily analyzes these requests against is that there is no detriment to abutting lots, and that there is no harm to public safety, health, or welfare.

Ms. Ragsdale said based on the Special Exceptions section of the ordinance, the Board is not required to make specific findings in support of its action. She said they may approve with conditions, deny, or defer the item.

Ms. Ragsdale said the properties were highlighted on the screen. She said the property is located on Old Sand Road, between Esmont and Schuyler, off Irish Road. She said in this case, there is one aspect that the Board has not seen before. She said the applicant is proceeding with their Special Exception request so that they can then move forward with requesting a homestay zoning clearance and applying for a boundary line adjustment. She said the homestay uses must be located on the same property where the owner or manager resides, so in this case, they have two separate properties that will need to be combined if the Special Exception is approved.

Ms. Ragsdale said the Special Exception is the first step, much like if they had a rezoning, they would not have someone get a site plan approval before getting their legislative action.

Ms. Ragsdale presented a map showing all the adjoining properties that were notified surrounding the applicant's two properties. She said staff did not receive any questions, concerns, or comments about this.

Ms. Ragsdale presented a map showing the context of the property and surrounding properties off Old Sand Road. She presented a close-up view of the property, showing that the applicant has less than 125 feet to Old Sand Road, and less than 125 feet to their northeastern property line. She said their parking is located between the two residences, which was verified. She said the applicant's residence is beside and very close to the home where they would like to rent up to two guestrooms.

Ms. Ragsdale said in this case, staff has recommended approval and did not find any detriment to abutting parcels with just the two guestrooms that would be rented. She said they have recommended approval with three conditions. She said the buffer along the northeastern property line is one of those conditions. She said staff had to make a correction to the resolution before the Board. She said they had incorrectly said "northwestern" property line when it is actually the "northeastern" property line.

Ms. LaPisto-Kirtley said she understands that the applicant wants to make a property line adjustment and make the two parcels into one parcel. She asked if this was correct.

Ms. Ragsdale replied yes. She said this would be required before approving the homestay.

Ms. LaPisto-Kirtley asked if the Board were approving the Special Exception that day and then, the applicant would apply for the lot line adjustment, followed by the Board approving the homestay.

Ms. Ragsdale replied yes.

Ms. Price said going back to the satellite view of the property, there seemed to be something, perhaps a pool, that goes through the property line. She asked what this is.

Ms. Ragsdale replied that this is a pool. She said the GIS lines are a little off in this case, and that the property line does not actually run through the pool. She said it shifts a little to the east so that it is on the applicant's residential property.

Ms. Price asked if the line, then, should actually be between the pool and the homestay building.

Ms. Ragsdale replied yes.

Ms. Palmer said she wanted to make sure she understood. She said if the Board approves the Special Exception and the applicant decides that for whatever reason, they do not want to combine the two properties, the Special Exception will go with the smaller 1.1-acre parcel, but nothing could happen with that. She asked if it was still one unit on a 1-acre piece of property, going forward.

Ms. Ragsdale replied yes.

Ms. Mallek said she knew that in the past, the Board has had discussions about a manager living in one house, even on an adjacent property, especially in places where there are many farms all combined into a one large one, with many houses being rented and one manager taking care of it all. She said this was the first time where there has been the erasure of a property line that people have had to deal with, and she would like more explanation for that. She asked if it was because this lot was so small that it cannot do anything by itself and that is why it has to be subverted into the big one, or is it a zoning question, or something else.

Ms. Mallek said it seemed to be an inconsistency with what had been discussed before, and that this could also be answered during the next agenda item.

Ms. Ragsdale said it was important to clarify this now. She said homestays are only allowed as accessory uses to a single-family residence. She said accessory uses must be located on the same parcel as the primary use. She said it is a requirement of the Zoning Ordinance and is in the definition for these uses. She said one cannot establish a homestay use on a property where no one resides.

Ms. Ragsdale said they will talk about this in more detail when they get to the work session, as this is something that does come up, and the solutions that the property owners have are to possibly combine the parcels so that all the uses are on the same parcel. She said in some cases, people decide to discontinue the rental or switch to longer-term rentals so that they are not establishing a homestay use.

Mr. Kamptner said part of what Ms. Mallek's question may have focused on is that when the parcels are combined, if it would become larger than 5 acres in the Rural Areas.

Ms. Ragsdale replied that the acreage of one of the lots is 1 acre, and the other parcel is about 3.10 acres, so it would be a 4.10-acre parcel. She said it is not becoming more nonconforming, so they would be able to pursue the consolidation of the lots.

Ms. LaPisto-Kirtley asked for verification that she heard the two lots, once combined, would be 4.10 acres.

Ms. Ragsdale replied yes and that the less-than-5-acre regulations would still apply.

Ms. Palmer **moved** the Board adopt the resolution in Attachment F to approve the Special Exception with conditions contained therein (including the correction to Condition 3). 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.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR HS2020-00038 CURRIER 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 northwestern front yard and northeastern side yard required for a homestay in the Rural Areas zoning district for HS2020-00038 Homestay Special Exception (Currier), subject to the conditions attached hereto.

* * *

HS 2020-00038 Currier Homestay Special Exception Conditions

1. The Homestay use is limited to two (2) guest rooms within the existing dwelling at 4585 Old Sand Road as depicted on the Parking and House Location Exhibit dated May 12, 2020.
2. Parking for Homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated May 12, 2020.
3. The existing 20' vegetative buffer located along the northeastern property line as depicted on the Parking and House Location Exhibit dated May 12, 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).

Recess. At 2:45 p.m. Mr. Gallaway recessed the meeting. He called the Board meeting back to order at 3:00 p.m.

Agenda Item No. 11. **Work Session:** Work Session on Homestay Program.

The Executive Summary forwarded to the Board states that In 2017, the Board directed staff to identify and implement any necessary changes to the County's regulations to address transient lodging, now referred to as homestays. Homestays are an accessory use permitted only in association with a single family residence and allow rental of guest rooms for less than 30 days at a time. There are a number of homestays operating without applicable zoning clearances or failing to remit applicable taxes. This is referred to as the "compliance gap." Study of the issue led to a series of amendments to the County's Taxation, Health and Safety, Fire Protection, and Zoning regulations in 2017-2019. Detailed summaries and ordinance sections are provided as Attachment A. The Board also prioritized the Comprehensive Plan strategy related to tourist lodging and directed staff to develop a plan to bring non-compliant operators into compliance. Information about the initial compliance and enforcement plan is provided in Attachment B.

This work session is in response to the Board's request to review the homestay compliance program and experience with new regulations six months after implementation. Staff from Community Development and Finance have provided a detailed summary of compliance efforts in Attachment C. Based on experience with the new regulations, special exception application trends, and public input, staff recommends that the Board discuss the following topics and related questions in this work session:

1. Proactive Compliance Program Updates

In collaboration with the Department of Community Development (CDD), the Finance Department started to send homestay inquiry letters on September 3, 2019, breaking the mailings for 297 operators into four manageable increments given staff resources and expected response rates. Finance has received a 61% response rate, with an estimated revenue of \$96,997 from business licenses, business tangible personal property taxes, and transient occupancy taxes from homestay businesses.

Zoning estimates 55% of Homestay compliance issues have been resolved. This work has only been successful with a substantial commitment of CDD staff resources. This includes the temporary part-time zoning intake/compliance specialist, a dedicated Code Compliance Officer, and a Principal Planner, along with other staff support to implement the program. Proactive compliance is not sustainable through 2021 without the continuation of the third-party helper software and re-appropriation of temporary staff funding. In order for continued fair and equitable enforcement, staff recommends proactive compliance for at least another year. There are remaining listings and homestay operators to contact and continued compliance efforts needed to further close the compliance gap. After another year of the program, it can be re-evaluated for continued funding. Finance has renewed the third-party helper software for another year and Community Development will be requesting a re-appropriation of funds not used in FY 2020 to be used in FY2021 for temporary zoning assistance for this program.

2. Potential Zoning Ordinance Amendments

Based on staff experience and public requests, the following items are suggested as possible

amendments to the Homestay regulations found in the Zoning Ordinance. Staff asks that after discussion, the Board advise staff if it wishes to initiate a zoning text amendment. If requested by the Board, staff will return at a future date with a work session to address the resolution of intent and scope of the amendments, along with how to accommodate that initiative within the CDD work program.

a) Should the 125' setback for Rural Area homestays and parking be revisited?

The Zoning Ordinance regulations now requires a 125' setback for homestays and parking associated with the use from all property lines in the Rural Areas (RA) zoning district. To date, 13 special exceptions have been submitted to reduce the required setback and 12 have been approved as of May 12, 2020. More detailed special exception information is provided in Attachment B. Staff recommends revisiting the 125' setback requirement. Specific options such as additional supplemental regulations (buffer/screening requirements) and/or the applicability to homestays of less than two guest rooms may be considered at that time.

b) Should the Zoning Ordinance allow a special exception to owner-occupancy regardless of parcel size in the Rural Area zoning district?

The Zoning Ordinance regulations adopted in August 2019 added an owner-occupancy requirement for Homestays. However, under the ordinance, only Rural Area (RA) parcels less than five acres in size or Residential zoned parcels may seek a special exception to this. Staff believes this is an oversight in the ordinance and should be corrected. There is no provision in the ordinance for RA parcels greater than five acres in size to waive this requirement through the special exception process. This has impacted several family farms where ownership is a Limited Liability Company (LLC) who would like to continue Homestay uses in compliance with the Zoning Ordinance. Staff recommends the ordinance be amended to allow a special exception request to owner-occupancy for all Homestays or for all Homestays in the Rural Areas.

c) Should Homestays/Whole House Rental on adjoining properties with the same owner be permitted?

Homestays are an accessory use and must be located on the same lot and accessory to the single- family residence in which the owner resides. Staff continues to receive inquiries and Homestay zoning clearance submittals from property owners who would like to have short-term rentals on a separate property that abuts the property where they reside. This topic was discussed during the zoning text amendment process in 2017 and ultimately was not a recommended change to the ordinance for several reasons. At the same time, concerns have been expressed about commercialization of the RA and properties being used solely for vacation rental purposes. The County Attorney also advised against implementing zoning regulations based on ownership of abutting properties. While the homestay ordinance could be amended to allow ownership of adjacent parcel(s), requiring staff to track ownership (among all the other homestay requirements) would make enforcement more difficult. Therefore, it is not recommended by staff.

3. Process for Special Exceptions

Since adoption of new homestay regulations in August 2019, a total of 15 special exception applications have been received, with staff being involved in many other pre-application discussions with homestay operators. The Board requested that initially homestay special exceptions be scheduled as action items so the Board could have a complete review and discussion before action. This is different than the process for other special exceptions. If staff recommends approval of other special exceptions, they are scheduled on the consent agenda for action by the Board. The Board has approved 11 homestay special exception applications with conditions, denied (1) one, and (3) three more are scheduled in June and July. Based on this experience, staff recommends that homestay special exceptions be treated similarly to other special exceptions, scheduling them on the consent agenda for action unless there are neighbor objections or unless staff recommends disapproval. In conjunction with implementation of criteria for reduction of the most commonly recurring exception (125 foot setback), this will be a better use of Board and staff time.

The cost of the one-year contracted third party helper service, expiring on April 1, 2020, was \$9,465, paid with the County's Innovation Fund. The cost of extending the service through April, 2021 is approximately \$7,572.

Staff recommends that the Board:

1. endorse the continued proactive compliance program, to be re-evaluated by the Board in another year;
2. direct staff to bring back a resolution of intent to amend the Zoning Ordinance related to the 125' setback requirement and owner- occupancy special exception for Rural Area parcels over five acres in size; and
3. direct staff to schedule all homestay special exceptions going forward on consent agenda unless there is neighbor objection or staff recommendation of disapproval.

Mr. Bart Svoboda, Director of Zoning/Zoning Administrator, presented. He said they would talk about compliance program updates on Homestay. He said various personnel were present to answer questions, including Ms. Jan Lin and Mr. Tim Conrad from Finance, Ms. Ragsdale, and Ms. Lisa Green

from Community Development.

Mr. Svoboda said the homestay ordinance was adopted on August 7, 2019 through September of 2019 and May of 2020. He said they did what they call “proactive compliance,” and that later in the presentation, he would talk about how this has morphed into more of a program rather than a one-time matter.

Mr. Svoboda said staff has mailed out letters, and that 297 letters have gone out to date. He said staff hired some temp help, but the position is currently on hold based on the current situation, but that this did help to process these faster and move into some of the next steps.

Mr. Svoboda said they hosted a variety of workshops and elicited the help of a third-party vendor. He said there have been negotiations to get people to come into compliance.

Mr. Svoboda presented a slide showing that Zoning, Finance, Building Code, the Fire Official, the Fire Marshall, Intake Staff, and the Health Department all contributed in the mailings and workshops, and to get the multiple agencies in sync to help the process and the customers move along at a decent pace.

Mr. Svoboda said as they move into business licenses and taxing, one of the main questions staff gets is about what taxes the homestays pay. He said they pay business license tax, a transient occupancy tax, business tangible, personal property tax, sales tax, and food and beverage tax. He said the food and beverage tax applies more to the traditional B&Bs, so this had a note of “if applicable” after it. He said the majority of the County’s homestays were not paying the food and beverage tax because they were not working in that traditional sense.

Mr. Svoboda said the transient occupancy tax is about 5%. He said 2% of that goes to the General Fund, and 3% to tourism.

Mr. Svoboda said they sent out 297 letters to seek voluntary compliance, and the majority of those were done through the third-party helper. He said only 17 of those were complaint-driven in the traditional sense of the program.

Mr. Svoboda said as of May 12 of 2020, about 61% have responded. He said they captured about \$96,000 in revenue, with 77% of this coming from the transient occupancy tax.

Mr. Svoboda said he would talk next about compliance. He said homestays operators contacted equals 297. He said if one were to go online, they would see about 800 total homestays. He said staff is double-checking the vendor’s research and figured out that there were some postings that are multiple bedrooms. He said therefore, there may be three postings at one house. He said this was about addresses and not necessarily rooms for rent, so the number of 800 that was discussed earlier is more about 630-650 based on that info as they cull through the information.

Mr. Svoboda said of those 297, about 55%, or 162, of those violations have been abated. He said this was achieved in a variety of ways. He said people have removed listings, changed rentals from transient to more than 30 days at a time, and obtained zoning clearance approvals.

Mr. Svoboda presented a map to give an idea of where they see the majority of homestays. He said red represented a higher concentration, while green was a smaller concentration. He said these are located around Charlottesville and Crozet, and that the northern growth area and Crozet were the hot spots.

Mr. Svoboda said the challenges in the compliance programs since startup is around verifying the accuracy of information from the vendor. He said there have been some double-hits where 800 is actually 600, and so on. He said it does take some effort to work through that information to make sure they are accurate, as they do not want to waste staff resources or customer time in sending duplicate letters.

Mr. Svoboda said the trend lines for homestays are going up, and that they are still seeing an increase, though they do not know why. He said they are still monitoring this, and they think that once COVID-19 and the emergency state subsides, they may see a bigger increase than what they had expected. He said they are monitoring that very closely.

Mr. Svoboda said the continued use of the third-party helper is critical in this program because they will not have the staff resources to ferret these things out on their own. He said they have the resources to cull through the information, but not to do the mass gathering of information right off. He said renewal of that service will cost about \$7,572 for a year and what they are looking at now, since the previous contract is finished, is that this would not start until July 1 or the next fiscal year. He said they are working hard to find those dollars, as it is a Board priority.

Mr. Svoboda said alternatively, enforcing complaints and doing the internal audit on homestay data is very time-consuming if they go to the traditional method, which would be complaint only. He said out of the 297, they only had about 17 that were complaint driven. He said with the \$96,000 as a marker on their return on investment, they believe the third-party vendor service is not only crucial, but more than pays for itself.

Mr. Svoboda said they will continue evaluation of the program and adjustments. He said as they move through this, they have been able to become more nimble on how they do review. He said as they

become more practiced in joint review and inspection, they are becoming quicker.

Mr. Svoboda said they would like to do an annual update with the Board, but because they are in June, they are talking about June 2021. He said through his department, they would have some discussions to see if this needs to align more with the budget schedule based on if the revenues hold up.

Mr. Svoboda said in terms of Special Exceptions, there are 17 applications, though 21 waivers have been requested. He said an application may have more than one Special Exception that is required. He said the 125-foot setback waivers are the most popular, with 15 being requested, 10 being approved, and one denied. He said there are currently four of those pending.

Mr. Svoboda said the totals are 21 Special Exceptions requested, 13 approved, one denied, and 7 pending. He said the number 7 is important moving forward, as they will talk about how they will move away from always scheduling them on the Board's agenda and towards the Consent Agenda. He said the precursor to this is if they have neighbor concerns, it will make it an action item like it is now. He said if the neighbor concerns are limited, or there are none, it would be a Consent Agenda approval with no Board discussion, unless the Board pulls the item.

Mr. Svoboda noted staff has criteria that they believe is a good guideline to start to put those on the Consent Agenda, which includes the number of guestrooms, location of guestrooms and parking, and a minimum of the 20-foot buffer screening will be required. He said that has come up in the last few exceptions.

Mr. Svoboda said there may be additional mitigating circumstances that they might need to factor in, such as lighting, a stream buffer they want to stay away from, or other things that staff may want to condition. He said as long as there is no objection from the neighbors and they are mitigating this appropriately, they feel this could stay on the Consent Agenda. He said that is a summary of the program.

Mr. Svoboda said there are a couple other hot topics. He said the tracking that has come up on a number of occasions for Special Exceptions is one. He said in communicating with the GIS staff, there are currently about 22 homestays, and the staff resources to put the layer together is about 25-30 hours. He said once the layer is established, it would take at least 30 days or a month before it can go live.

Mr. Svoboda said one thing he wants to talk about, which may be a separate program, is if Special Exceptions are more special than Special Permits or other special exceptions that might create other impacts. He said they may use this, pending the Board's direction, for homestay Special Exceptions, or perhaps start looking at other special permits or exceptions.

Mr. Svoboda said one of the complications in grouping all Special Exceptions on these layers as opposed to vetting which ones they want is that certain subdivisions have up to 24-30 all on their own. He said they want to be cautious of the amount of work if they branch out beyond homestays, and what it would take for staff to be able to do this. He said he wanted to be careful with how they look at staff resources, whether specifically with homestays, or with a more general program.

Mr. Svoboda said he was looking for three things from the Board. He said he would like some feedback on any questions Board members may have gotten regarding taxes, the process, or information in the handout. He said sometimes, the community talks to Board members more candidly than staff.

Mr. Svoboda presented a slide about the issues staff has consistently run into as they have gone through these Special Exceptions. He said one was the 125-foot setback, which was the most popular Special Exception. He asked if they wanted to consider reducing that to be closer to what the building setback is. He said for instance, an RA primary structure setback is 75 feet. He said this may be too close, and they may be comfortable with the requirement as long as they continue with the guidelines they have for the Special Exceptions.

Mr. Svoboda asked if the Zoning Ordinance should allow Special Exceptions for owner occupancy, regardless of the parcel size, in the Zoning District. He asked if homestay whole-house rentals on adjoining properties with the same owner should be permitted. He noted this topic or subject had come up during the last item on the agenda.

Mr. Svoboda said because staff is looking at the 125-foot setback waivers requests frequently, and are granting the majority of them, except for one, they would request that staff get an opportunity to look at the 125 feet and reduce it. He said if the Board feels they want to ride this out for another year at 125 feet with just the conditions, that would be up to the Board, and staff is just looking for some direction there.

Mr. Svoboda asked if the Zoning Ordinance should allow a Special Exception to owner occupy, regardless of parcel size, in the Rural Area District. He said what staff found was that only Rural Area parcels less than 5 acres in size, or Residential, may seek that Special Exception requirement. He said staff believes that this may have been an oversight, and so he wanted to verify this with the Board. He said if this were the case, they would like to work on that to correct it to have the same option on the larger parcels as they do on the smaller parcels.

Mr. Svoboda asked if homestay whole-house rental on adjoining properties with the same owner be permitted. He said they have discussed this quite a bit through the process, before the regulations were adopted. He said tracking something like this is cumbersome to nearly impossible because there is

no way for staff to identify when parcels sell, for example, if a homestay is available.

Mr. Svoboda said also, with the few requests that they have, like the one the Board saw today, there are remedies to be able to fix that. He said some are less cumbersome than others. He said if one owned both parcels, for instance, and they are not in a trust, there is not much to do to that boundary line adjustment. He said if one has to undo some corporate or trust to combine those parcels, those are financing matters they get into. He said staff is afraid that if they open it up too much, the question is where to draw the line on adjacent parcels, and how they will know when companies come in, as well as other concerns the Board and the public had as they went through the process. He said this particular one is not recommended by staff.

Mr. Svoboda said they would like to continue the compliance program, reevaluate with the Board in 2021, initiate those focused text amendments, and follow the guidelines for Special Exceptions with the Board.

Mr. Svoboda presented the program schedule, going forward. He said they will continue working on the data they have from the third party. He said they would move from August 2020 through May 2021, then come back to the Board in June 2021 with an update.

Mr. Gallaway asked the Supervisors if they had any general questions before discussion on each specific item.

Ms. Palmer asked Mr. Svoboda if he had said that 61% of the homestay operators responded to his inquiry when the letters were sent out.

Mr. Svoboda replied yes.

Ms. Palmer asked what happened with the other 39% that didn't respond.

Mr. Svoboda replied that those are still active, and staff is working on those. He said one thing to remember with this particular program is that it is like digging a hole in the sand. He said every time they make some progress, they are sending out another batch of letters. He said the staff report provides some dates where they started with a few letters, then they sent out 100, and then after some time, they sent out another 100. He said that number will be a hard target to reach to close the 39% or 45%, depending on which part of the numbers they are looking at, to get through the 600 as they keep shoveling the sand.

Ms. Palmer asked if there were 600 on the list now that have had a letter sent to them or will have a letter sent to them.

Mr. Svoboda replied that currently, 297 letters have gone out. He said they have queued up close to 100 additional letters already. He said they are working with Finance to make sure they coordinate their workloads and the responses to make sure they are timing everything properly so that they don't just send letters and nothing happens.

Ms. Palmer asked if the second-party helper, or their software, has found 600, and if they have gone through what is on the market now.

Mr. Svoboda replied that it is constant, so the party is constantly going through the data. He said one of the things they are working on with them is clearing one of the letters, meaning it is compliant, and identifying it to take it off the list. He said he knows they have identified closer to 800, but when staff vets their results, what they are getting is hits on a multiple guestroom homestay where the guestrooms are being advertised separately as opposed to under one advertisement. He said those guestrooms then become one, which is where they lose some of the numbers. He said staff is trying to work with the vendor on how to lessen this double-check.

Ms. McKeel said they talked at the beginning of this process about there being a big flurry at the beginning. She asked if staff was having a sense that in another year, this flurry will have subsided. She said perhaps it was impossible to speak to that, but that she was interested as to if Mr. Svoboda had any thoughts. She asked if he thought it would continue.

Mr. Svoboda said currently, the feeling is that it will continue. He said he thinks this should be an annual check-in anyway because it is based on the revenues. He said they were not close enough to the end to see if things keep getting added on. He said one of the things they do know is that the people they have talked with and that have become compliant have not become repeat offenders, and so they are making progress on that end.

Ms. McKeel asked if when they talk about the taxes that these people pay, some of the taxes are actually paid by the people who are staying in the short-term rental.

Mr. Svoboda said he would let Finance staff field that question.

Ms. McKeel said her question was really more of a comment.

Mr. Svoboda said generally, it is built into the fee.

Ms. McKeel said it is really a pass-through for some, though not all, of the homestays, and that they need to remember that. She said she agreed about the annual check-in.

Ms. Mallek said she was not sure where it was presented, but that she wrote down that she didn't understand what the following meant, "An exception to owner occupancy, regardless of property size." She asked if there are some properties where the owner is not required to be there, or if this is the 45-day rule in the Rural Area. She said she would come back to this item later.

Mr. Gallaway asked for the Supervisors to weigh in on the first item, which was the 125-foot setback.

Ms. LaPisto-Kirtley said Mr. Svoboda had mentioned the people who responded and asked if this was about paying taxes.

Mr. Svoboda replied yes.

Ms. LaPisto-Kirtley asked if there were 39% that are not paying their taxes on these properties.

Mr. Svoboda said he would have to defer to Finance staff.

Ms. LaPisto-Kirtley said her feeling is that regarding the 125-foot setback, they have gotten Special Exceptions, but she tends to be in favor of keeping it that way at least for another year. She said she wants to get everyone up and running regarding paying their taxes, and then see what they have to do, if anything. She said in her opinion, it is too soon to change this, as they have just implemented it. She said if they change it, it may add more people that may or may not pay taxes. She said she would like to see the 125-foot setback remain in place, mainly for the consideration of the other properties around them.

Ms. Price said she was not opposed to retaining the 125-foot setback for another year. She said she would be more inclined, however, to go with the 75-foot setback which is the current zoning requirement in the Rural Areas, recognizing that many properties are in noncompliance because they were constructed closer to 75 feet from the border before the zoning regulations came in. She said if less than 125 feet, or less than 75 feet, then she does believe that supplemental regulations as staff recommends, such as the buffer screening, should also be part of the consideration for anything where the building is either less than 75 feet if they go to that, or less than 125 feet if they retain it.

Ms. Palmer asked if they reduce the requirement to 75 feet and an application is made that meets all the requirements if the neighbors are still notified of the application.

Mr. Svoboda replied that the other regulations would still stay in effect. He said they were not suggesting, nor recommending, that any of that changes.

Ms. Palmer said the one the Board denied was the one denied for the 125-foot setback waiver. She asked if an application is made, and they send out something to all the neighbors, and a couple of the neighbors oppose it, if it would still go to the Board.

Mr. Svoboda replied that this is the sense staff is getting from the Board, and part of one of the questions they want to have answered besides these three was, based on the criteria for Special Exceptions, if they have an objection, as it was not clear-cut what specific objection needed to come to the Board; but, right now it appears they are in the "any" category. He said if there is any objection, staff would bring it to the Board unless the Board sees a different way to modify or qualify that.

Ms. Palmer said she didn't get a chance to go back and see how close the one waiver was that the Board had voted against, but that it was about 60 feet or perhaps closer. She said she liked the fact that there seems to be a little bit more scrutiny and a chance for the neighbors to complain about something if it comes to the Board. She said the homestay that meets all the qualifications and does not have anyone complaining about it would not be on the Consent Agenda but would go through. She asked if this was correct.

Mr. Svoboda replied that currently, staff is not offering up administrative approval. He said they could consider that, but currently if there is no objection, it would go on Consent Agenda. He said if there was objection, it would be an item.

Ms. Palmer said as long as it is on the Consent Agenda for all of these, the Board could pull it to say there are neighbor objections; therefore, for this reason the request would not be approved. She asked if this was correct.

Mr. Svoboda said staff may still recommend approval, but that it would be an agenda item. He said they would evaluate on the merits of that item. He said one thing he wanted to be conscious of was the answer to this particular question of whether or not they will stick with the 125-foot setback as opposed to changing or look at reducing it. He said as they talk about these questions, the Board should keep in mind that what staff is also looking for an answer on is whether they will stay with 125 feet for another year, or if they will drop it.

Ms. Palmer said she understood this and wanted to make sure that if the neighbors object to something, the Board will still have an opportunity to reject it. She said reducing it from 125 feet to 75 feet

is more for staff efficiency, essentially. She said it doesn't make a difference, necessarily, in the Board's ability to say yea or nay.

Mr. Svoboda said yes.

Ms. Palmer said she was open to reducing the setback limit if it helps staff with their time issues.

Ms. McKeel said she appreciated staff's time, and that she was looking at this through a different lens. She said she is very concerned, during a pandemic, on opening up the community to more people coming in and reducing the restrictions. She said she is already concerned about UVA opening, though she understands that they get to. She said she was happy to sit back and bide her time for another year to take a look at this. She said a year buys them time on the health aspects and the ability to make sure that the community is safe. She said there is an argument that could be made that some of these changes wouldn't do that as much as she fears it might.

Ms. McKeel said right now, she feels comfortable buying themselves a year, as they will know much more in a year on where they are. She said perhaps it didn't have to be a year, and Mr. Svoboda could come back to the Board in six months. She said she recognized staff's time and that she would like to talk to Mr. Svoboda about the budget issue and their ability to keep a part-time staff person to help with the program.

Ms. Mallek said she was trying to go through the different categories to find something that makes a difference process-wise, but also preserves the accountability. She said if one kept the legal requirement for the 125 feet, but with the categories which were mentioned, maybe only certain numbers of guestrooms might get an easier path to the Consent Agenda. She said parking is a major issue that is affected by the setback, so perhaps there are particular ways in which the County can ensure that neighbors are not having headlights going into their houses all the time because of where the parking is laid out, and the applicants could be told of the requirements so that it is not a burden on staff but they are given more guidance on what is acceptable.

Ms. Mallek said she was glad to see, with the screening buffer, that there is now more attention paid to a thickened 20-foot undisturbed buffer, and if a derecho comes through and pulls the trees down, things have to be replaced.

Ms. Mallek said there are ways that she can support getting to reduced setbacks on the Consent Agenda, but only with some really clear criteria along the way. She said she didn't know if having two rooms as opposed to five is one that should be considered, as she thinks there are fewer impact possibilities on neighbors with fewer people. She said this would be the special circumstances category that Mr. Svoboda had mentioned.

Mr. Gallaway said it seemed as though, with keeping count, that there were four Supervisors in favor of keeping the 125-foot setback, and mostly for one year. He said he was open to the conversation to reduce, but he was happy to stay with the 125. He said his biggest piece was the Consent Agenda item and how they could work to that.

Mr. Gallaway said there are other areas that waive some public meetings for some applications, and they usually come to the home Supervisor to ask for approval for a public meeting. He said this is a decent check-in for the Consent Agenda item, that the Supervisor in the home district can look at the request and deem whether it should go to Consent or to the Agenda.

Mr. Gallaway said he only brings this up as an agenda management aspect. He said having something pulled from Consent Agenda can throw a schedule off track, whereas he would be happy to accommodate Supervisor's request to have the item placed on agenda. He said if the item is pulled from the Consent Agenda, staff is waiting until the last minute and doesn't know if they will be prepared to respond to it. He said it gives them better organization, from a meeting perspective, to perhaps consider it that way. He said he would be fine with some items going to Consent, and happy to explore caveats for what they need to help it along to get there.

Mr. Gallaway asked Mr. Svoboda if he agreed they had an answer about the 125-foot setback.

Mr. Svoboda said if he was hearing the Board correctly, they were going to stay with the 125-foot setback requirement for now.

Mr. Gallaway asked if there were any other thoughts about allowing the items to go to the Consent Agenda. He said he didn't think they could define this today with the time that they have.

Ms. Palmer said if they are contacting individual Board members about whether it should go on the Consent Agenda or not, they need more notice than the Wednesday before the meeting to be able to have time to look into it, go by the place, and see the information. She said she was concerned about trying to make that decision in a one-week timeframe.

Mr. Gallaway agreed. He said they would definitely have to see these with 30-day or 60-day notice to be able to make a decision. He said he didn't know how staff felt about this, or what kind of work or problems this may bring up.

Mr. Gallaway said if the Board was okay with knowing where they were with the 125-foot setback

matter and if they were going to keep it, perhaps staff could reconvene and give some thought to the Consent Agenda. He said Ms. Mallek brought up some items that would get her to accept things going to Consent. He asked if they could revisit the conversation.

Mr. Svoboda said this was fine. He said with the notice, he would want to vet that through the County Attorney's Office to see whether it is all the Board or some of the Board, depending on how they identify that. He said it would not take a lot of work, but some coordination.

Mr. Gallaway said it was just a thought and that he did not want to belabor the process. He said he wanted to organize it so that the home district Supervisor can flag the item if there are concerns.

Ms. McKeel said this would be a good change, perhaps, and that she could support some work around that.

Mr. Gallaway said with that, there is some work to be done and then would be brought back for additional conversation.

Mr. Svoboda agreed.

Mr. Gallaway asked what the second matter was.

Mr. Svoboda replied that it was, "Should the Zoning Ordinance allow a Special Exception for the owner to occupy, regardless of parcel size, in the Rural Area District?" He said with regard to Ms. Mallek's comment, the way the question is stated perhaps sounds backwards to her.

Ms. Mallek asked Mr. Svoboda to tell her what it means so that she understands it.

Mr. Svoboda said currently, the Rural Area does not have the option, so under the current ordinance, only Rural Area parcels less than 5 acres in size, or Residential-zoned parcels, may seek a Special Exception for this requirement.

Ms. Mallek said she has had it backwards. She said a 3.5-acre parcel could ask for a waiver if they have a cottage that the owner could open for weekends sometimes, for example.

Mr. Svoboda said all they were asking on this one is that they include this option for all the parcels that qualify for homestays. He said this is why staff thinks they missed that, and it was an oversight on their part when they wrote the ordinance. He said they wanted to verify with the Board that they have the permission to go ahead and specify to the Board in a ROI what they are doing to correct that situation. He said it is just a Special Exception option for the parcels.

Ms. Mallek asked if this would be a solution to a small property next to a bigger one where people live, where they could, under the 45 days, be allowed to have that rented without having to do boundary line adjustments and combinations that are not possible.

Mr. Svoboda replied that this was Item #3. He said under this Item #2, he would answer no.

Ms. Mallek asked if it was then not a solution to that question.

Mr. Svoboda replied yes.

Ms. Mallek asked if Mr. Svoboda was looking for a response about whether they should have this option available for the bigger properties, too.

Mr. Svoboda replied yes.

Ms. Mallek asked if this was in both Rural Areas and Urban Areas.

Mr. Svoboda replied yes. He said in homestays, there are three categories: more than 5 acres in Rural Areas, less than 5 acres in Rural Areas, and the Residential-zoned parcels. He said they could get the exception in the less-than-5-acres and the Residential, but not in the more-than-5-acres.

Ms. Mallek asked if there was a place with a dozen houses, it would allow them to continue to be rented out as vacation properties with no owner-occupied link.

Mr. Svoboda replied that Item #2 was trying to get to the family farms that are under LLCs or owned by several people and permit this use there. He said he believed they talked about that during the process and did not spend a lot of time on it, as it was supposed to be in the regulations.

Ms. Mallek said she remembered the discussion very clearly, and that it is a very slippery slope, as there is no way they can allow this for a family and not have a big farming corporation take advantage of it.

Mr. Svoboda agreed, noting that once they let the Special Exception out the door, it would be tough to pull it back.

Mr. Kamptner said this was the concern.

Ms. Mallek said her personal opinion was that she was not ready to do that.

Ms. LaPisto-Kirtley said she was confused. She said she understood wanting the ordinance to be equal for all three scenarios. She asked if they were saying that a Special Exception to owner occupancy meant the owner did not have to be present.

Mr. Svoboda replied yes.

Ms. Mallek said there was a 45-day limit per year that was included for this category.

Mr. Svoboda added that this was a Special Exception option that would come back to the Board.

Ms. LaPisto-Kirtley asked if the Board has approved other parcels and homestays to not be owner-occupied or not be present on the property.

Mr. Svoboda replied that there were two requested and under review, and that none have been approved yet.

Ms. LaPisto-Kirtley asked if the requests are that the owners not be there on the property while it is being rented out.

Mr. Svoboda replied yes.

Ms. LaPisto-Kirtley said she thought they wanted the owner to be present either in the house or on the property so that they do not run into problems of parties or disturbances to the neighbors.

Mr. Svoboda said he was having trouble following. He said the resident manager or owner has to be present under the guidelines and definition. He said there is a part of the ordinance that explains what that means.

Ms. LaPisto-Kirtley asked if the owner or resident manager has to be there.

Mr. Svoboda said it is actually called "responsible agent" under the ordinance.

Ms. LaPisto-Kirtley asked if the responsible agent has to be present on the property 24-7 while a room or house is being rented.

Mr. Svoboda read a section of the ordinance aloud, "A responsible agent must be available within 30 miles."

Ms. LaPisto-Kirtley said she thought the whole purpose of the homestay was to have someone who lived there and wanted to rent a few rooms to make some extra money, or a whole house, like a cottage, if they have one, with the purpose that a responsible party would be there.

Mr. Svoboda said he wanted to bring the matter back a bit, as he may have led the Board down into a rabbit hole. He said this was not about whole-house rental, which is where some of those regulations apply when they are talking about the responsible agent.

Ms. Ragsdale said she would like to step in to better explain the situation. She said they have three different regulations in the ordinance. She said someone must reside on the parcel, and the regulation is that it must be the owner unless someone asks for a Special Exception. She said staff would be reviewing that Special Exception and vetting it, as they have done with all the others.

Ms. Ragsdale said what this ZTA would be about is the opportunity for someone to ask to waive the owner occupancy requirement and allow a resident manager. She said they must still have someone reside on the property and establish their residence there, just like an owner would. She said they would be present during rental.

Ms. Ragsdale said there is another section of the ordinance where neighbors receive notification and are provided an emergency contact responsible agent to respond to concerns.

Ms. Ragsdale said there were three separate things, and what staff is asking is if they should amend the ordinance so there is the opportunity for any property to ask to consider whether it would be appropriate to grant an owner occupancy waiver. She said some of the examples she has seen over the past six months have been a couple farms that are in an LLC. She said the people that are the LLC live there, but technically, it is not owner occupied. She said there were a couple under review that the Board would see coming up. She said they have not yet had any of these types of Special Exceptions, but this is what the matter is about.

Ms. Ragsdale said that whole-house rental is something that only properties greater than 5 acres in size can do. She said this is the limited 7 days per month, 45 days per year where no one is present during rental. She said they would still have the responsible agent requirement that someone respond if there is an issue that arises.

Ms. Ragsdale said she wished they had a chart of all of this on a slide. She said hopefully, this

information explains that there are several different places in the ordinance they have been talking about, but they just want to focus on the one.

Ms. LaPisto-Kirtley expressed that this made sense. She asked if the whole-house rental was for not more than 7 days a month and 45 days a year.

Ms. Ragsdale replied yes.

Ms. LaPisto-Kirtley asked if in this instance, the owner does not have to be present, but a responsible agent has to be available 24-7.

Ms. Ragsdale replied yes.

Ms. LaPisto-Kirtley asked if what staff was saying is that they have an ownership, but since it is under an LLC, that person currently cannot ask for a Special Exception.

Ms. Ragsdale replied this was correct for the larger parcels.

Mr. Gallaway asked Ms. LaPisto-Kirtley where she was at on the matter.

Ms. LaPisto-Kirtley said now that she understands the matter, it makes sense, and she would go along with it.

Ms. Price said she has a broader concern than this specific item. She said she has problems with a registered agent rather than the actual owner occupancy. She asked if it was possible, or if there was anything that precludes, an individual from establishing a number of LLCs where each LLC purchases a property, and on each property is a responsible agent or resident manager so that the individual who owns all these LLCs is basically establishing a series of commercial enterprises, each of which is then treated as a homestay.

Mr. Kamptner replied yes, and that the opposite could be true where an LLC or any other artificial entity with the financial ability to purchase many properties and simply place resident managers in all the different houses. He said it does take on more of the appearance of a purely commercial activity.

Ms. Price said she is opposed to that. She said she recognizes that the impact of this may be that some families who have now placed their family farm in an LLC may then be precluded from using homestays, but that she sees the homestay ordinance as one that allows an owner, the individual who owns and lives on the property, to be able to make some money on the side as an ancillary business, and not a business that comes in and essentially establishes a chain of homestays in the County, whether in the Rural or Development Areas. She said she is opposed to anything that reduces the actual owner occupancy requirement of the ordinance.

Ms. LaPisto-Kirtley said she agreed, and that she didn't like the idea of resident managers. She said this could happen on something less than 5 acres, as she could have smaller properties and do the same thing by having a resident manager on them, then rent out the rooms. She said she spoke recently with a person who rents a cottage, and she asked them why they do not rent it out year-round, as they make 4-5 times as much money making it a homestay rather than on a permanent basis. She agreed with Ms. Price about having owner-occupied and giving the owner the ability to make some extra money, but that she did not like it as a commercial enterprise.

Ms. Price said her comment goes to wanting to amend the ordinance to require actual owner occupancy.

Ms. LaPisto-Kirtley agreed.

Ms. Price said she would not support Item #2, as she does not want to see any expansion of the exception to owner occupancy.

Ms. Palmer said getting back to Ms. Mallek's comment about the properties that have multiple accessory structures or multiple houses on them, she wanted to know if there was a limit to the number of accessory structures on a piece of property that one could get the Special Exception on, if the Board were to allow this to go through.

Mr. Svoboda replied that currently, they are limited to one.

Ms. Palmer said this would take care of the large properties with 10 houses on them, for instance, that are being rented out as vacation houses. She asked if with this, they could not do that.

Ms. Mallek said they do.

Ms. Palmer said she knows they do, but that she was trying to understand the ordinance as the Board was looking at it here as to whether it would be allowed or not.

Mr. Svoboda said he wanted to keep the Board focused, and if they wanted to discuss those other things more, he wanted to be aware of the time.

Ms. Palmer apologized and said she thought this was focused on the item, as she thought they were talking about family farms where there are additional houses on them that could be rented out.

Mr. Svoboda said he lost track of where they were on the item as far as who was a “yea” or “nay” on Item #2.

Mr. Gallaway said there were two clear “nays” and that Ms. LaPisto-Kirtley may be in agreement with Ms. Price.

Ms. Palmer asked if they were talking about accessory structures at all, as Ms. Mallek had brought this up earlier.

Ms. Ragsdale replied that with this item, they were not changing anything about accessory structures or the number of guestrooms. She said this owner occupancy regulation applies to any size parcel with any number of structures. She said staff is very focused on the question about owner occupancy, and that it does not change anything related to the number of accessory structures or guestrooms they can have. She said the larger parcels can have up to five, and they can configure those in a number of ways as long as the accessory structures were existing as of August 2019.

Ms. Ragsdale said staff used the example of the family farm where one can picture a large parcel with multiple structures, but that it could be a 10-acre lot that is not necessarily a farm. She said it was a question of whether the opportunity to ask for the Special Exception should apply to all parcels, regardless of size.

Ms. Palmer said it did. She said she was trying to look at this much more narrowly. She said she was okay with this, as much as she has a problem with the commercialization of this. She said she didn’t really see that as an issue, but that she was somewhat confused because Mr. Kamptner had said early on when Ms. Mallek made her comment that this was the worry or concern. She said she was going back to that discussion.

Mr. Kamptner said the concern was with being able to track LLCs and the opportunity that these artificial entities provide for getting into this kind of business, whereas this was not the case with an individual, though granted, there are some very wealthy individuals who could buy the properties. He said requiring real, live human beings puts some kind of limit on the potential.

Ms. Palmer said she was going back to when they first started the process and had groups of people who came in who, for instance, had their parents pass and wanted to keep the family farm so that all the kids could come back, and similar situations. She said she had a reasonable amount of sympathy for that, at the time.

Ms. Palmer said she wanted to keep it this way for now until they understand more about that, as she does understand what is being said about a family farm not being able to ask for this because they are in an LLC. She said then, the broader problem is the bigger issue they have been discussing about the commercialization of property.

Mr. Gallaway asked Ms. Palmer if she was a “no.”

Ms. Palmer said she was a “no.”

Ms. McKeel said she was definitely a “no.” She said she is very concerned about the transparency and the LLC portion of this. She said when thinking about short-term rentals, the commercialization is exactly what they are concerned about. She said this is what they are seeing happen. She said she was a “no” for this item.

Ms. LaPisto-Kirtley asked Mr. Kamptner if there are multiple people in the LLC, some of whom live in the area, and others who live elsewhere, they could actually have a resident manager and not someone who actually is one of the LLC owners.

Mr. Kamptner replied yes. He said this was possible.

Ms. LaPisto-Kirtley said this is what worries her. She said she agreed with Ms. Price and others. She said she liked the idea of someone who actually has some skin in the game, and not just monetarily.

Mr. Kamptner said perhaps something they look at over the next year is that although there could be a family LLC, there is nothing that prevents that LLC from adding other members who may not be family who have that skin in the game who could be the substitute for the resident manager. He said they really have an artificial entity occupying the house. He said this is the issue that was a concern and remains a concern.

Mr. Gallaway said the Board was at a clear consensus here. He noted that personally, he would have been fine with saying yes to the item, as it would come back to the Board as a Special Exception and be scrutinized as a one-off application, just like the other Special Exceptions.

Mr. Gallaway noted they were running behind schedule and moved on to Item #3, which was not recommended by staff.

Ms. LaPisto-Kirtley said she agreed with staff on this item.

Ms. Price said she concurred with staff.

Ms. Palmer said she was also a “no.”

Ms. McKeel said she was a “no.”

Ms. Mallek said this was the item that causes problems, and that she could not think of a good solution to change it, unfortunately, unless there is one owner allowed one property with the very next lot, or something similar. She said there are some properties where there is different financing on different properties and pulling a property line adjustment is just not possible. She said some of these have been in operation for a long time.

Ms. Mallek said it was the only item she was trying to find a better solution for, but she has failed to do so, so far. She said having the homeowner next door wasn’t possible as one cannot live in two houses, though one is much smaller than the other. She said in the ACE program, the accessory house was only allowed to be 25% of the square footage of the main house. She said there cannot be two large accessory houses, in order to try to keep the density down. She said she did not have a solution to change it, unfortunately, and wished she did, as this is an item where people have no solution.

Mr. Gallaway said it seemed like there was clear direction on this item. He said if there was a way it could continue to be worked out, they could continue to brainstorm it.

Ms. Price said, in reference to Ms. Mallek’s comments, that some of these situations are complex, and she didn’t know if they will ever be able to come to a resolution that accommodates every situation. She said legislation is drawing a line and that unfortunately, there will always be some who find themselves on the other side of the line. She said she didn’t want to discount the impact on them.

Ms. Price said her greatest concern for the entire homestay situation is avoiding the commercialization of the housing situation in the County. She said as one of the other Supervisors mentioned earlier, people are using homestays because they can make 4-5 times the amount of money. She said she had no problem with people trying to make money, but that she did have a problem with the County losing its housing stock under these circumstances. She said unfortunately, some people will be adversely impacted by this, but that the greater good of the community is to not support this.

Mr. Gallaway said he believed the Board provided answers to all three items.

Mr. Svoboda said yes. He summarized that on the three items, they would leave them as they are and go through them for another year. He said on the Consent Agenda, they will look into how they notify, at a minimum, the Supervisor whose district this particular item is in.

Agenda Item No. 12. **Presentation:** Community Survey Results.

The Executive Summary forwarded to the Board states that, since 2002, the County has contracted with survey consultants to conduct a reliable and valid County-wide resident survey biennially. The survey results have been used by staff, elected officials and other stakeholders for community planning and resource allocation, program improvement and policy making.

At the March 6, 2019 Board meeting staff presented the Board with information related to:

- the intent to work with UVA’s Weldon Cooper Center for Survey Research (CSR) to complete the 2019 biennial resident survey.
- strategies for increasing the response rate.
- expected timing of the survey

The concept outline prepared by a staff team comprised of representation from the Community Development Department, the Office of Management and Budget, Communications and Public Engagement, the Office of Equity and Inclusion, and Albemarle County Public Schools was presented to the Board on April 17, 2019.

While initially anticipated to be released in summer of 2019, staffing changes at Weldon Cooper and holiday scheduling resulted in a slightly altered timeline and the survey was released (in English and Spanish) in January 2020.

Staff and Weldon Cooper presentation at the June 3, 2020 Board meeting will selected key findings from the survey.

There is no budget impact related to this executive summary.

Staff recommends that the Board receive the presentation for information.

Ms. Siri Russell, Director of the Office of Equity and Inclusion, said she was joined by Dr. Kara Fitzgibbon, Director, Center for Survey Research at the Weldon Cooper Center of Public Service. She said she was excited to be sharing some of the results from the 2020 Community Survey.

Ms. Russell said she would go over a few broad points and would then turn over the presentation to Dr. Fitzgibbon, who would go over the survey methods and then dive into a summary of some of the key findings from the survey.

Ms. Russell noted that while Dr. Fitzgibbon would be sharing a list of findings, she would dive deeper into just a few of them. She said there would be time at the end for the Board to ask questions or go into further detail on any of the results she did not cover in the presentation.

Ms. Russell reminded the Board that the County has been contracting bi-annual community surveys since 2002, the results from which are traditionally used to inform policy, strategic planning, and other service delivery from local government.

Ms. Russell said this year marks a transition from the National Community Survey (NCS), which had been the survey consultants the County contracted with for the past few surveys, including the most recent one in 2017. She said this transition was done intentionally because the County was looking to provide a more highly customized, Albemarle County-focused survey. She said they have been successful in doing so.

Ms. Russell said there was a staff team who worked hard on developing the concept outline for this survey. She said this team included representatives of the Community Development Department, the Office of Management and Budget, the Communications and Public Engagement staff, the Office of Equity and Inclusion (OEI), and representation from Albemarle County Public Schools. She said input was also solicited from both the Board of Supervisors itself and all of the department heads of local government.

Ms. Russell noted a particular success, which was a significant increase in the response rate from the last survey in 2017. She said that last survey in 2017 had a little over 700 total completions. She said this most recent survey had close to 2,500, which was an over 200% increase in participation. She thanked the efforts of the Communications and Public Engagement staff for all they did to advertise, community partners who were integral in helping to share that information broadly, and community residents who took the time to fill this out and participate.

Ms. Russell said she would be remiss if she didn't note that this survey was developed prior to the COVID-19 pandemic, so there are not questions on the survey that are specifically relating to COVID-19. She said the survey closed March 17, so there was certainly a period of time where the County was already in the pandemic, but that the survey was not reflective of questions being asked specifically regarding services or response related to COVID-19. She noted that staff is working very hard to understand the effects of the pandemic in the community broadly, and that this would hopefully be something they could share with the Board in the near future, as well as the final report.

Ms. Russell said Weldon Cooper has developed a thoughtful and detailed final report for this community survey, which will be shared with the Board and the general public shortly.

Ms. Palmer asked if there was increased participation in filling out the survey later in this period, during the pandemic when everyone was at home. She said she was curious as to how the pandemic affected participation.

Ms. Russell said this would be a question for Dr. Fitzgibbon.

Dr. Fitzgibbon said given the mode of data collection, there was a web component that was primarily through the County's website, but that the bulk of the responses were paper, and because they are coming in through postal mail, there is a lag. She said they technically closed data collection on March 17, but the vast majority of the responses were collected by early March. She said generally outside of the survey, they are seeing higher survey participation during this time, with everyone being at home, so Ms. Palmer was right that there is an impact.

Dr. Fitzgibbon said it was a pleasure for CSR to undertake this important work in capturing public opinion in Albemarle. She said the questionnaire was customized to Albemarle's specific needs and involves many different departments, agencies, and voices in the development. She said the questionnaire covers a very wide range of topics. She said today, they were just scratching the surface with a subset of the results. She noted that the written report would include the complete frequencies across all questions, as well as comparative analysis, open-ended responses, and a detailed survey methodology. She said this would be an overview.

Dr. Fitzgibbon said in terms of the survey methodology, they used a mixed-mode, mixed-probability approach. She said for a probability sample, this was a scientifically drawn, address-facing pool of Albemarle households. She said in addition, they had an open-source survey that was available to anyone in the community, and that they could access it through the Albemarle website. She said the open-source survey is considered a nonprobability source for completions.

Dr. Fitzgibbon said the probability sample were contacted through postal mail, through a series of mailings which began just after the New Year. She said they closed data collection in mid-March. She said the nonprobability sample, which was entirely online, launched slightly later, at the start of February, and concluded at the same time. She said the questionnaire content across the two samples was the same, and the survey was available in English and Spanish.

Dr. Fitzgibbon said they were able to collect 2,431 survey responses. She said 1,507 of those were from the probability sample, and an additional 924 were nonprobability responses. She said from the probability sample, they could calculate a response rate, as well as a margin of error. She said for the survey, they had a 30.2% response rate, resulting in a margin of error of $\pm 2.8\%$. She said this margin of error, as well as all the results, include the design effect due to waiving.

Dr. Fitzgibbon said for the probability sample, because of the sampling methods used, they have the statistical basis to generalize these survey results to the entire Albemarle population. She said for that reason, the results discussed today will be based on responses from the probability sample only. She said in the final report, there are both probability and nonprobability responses presented in full.

Dr. Fitzgibbon said to allow ample time for the Board to ask questions and guide discussion on the topics most pertinent to them, she would first give a narrative overview of the survey findings, go in depth into a few of the topics, and then expand to areas of interest during Q&A.

Dr. Fitzgibbon said residents report high quality of life in Albemarle. She said when they asked respondents to consider the quality of life five years from now, however, and if they expected it to improve, get worse, or stay the same, they see more variation in responses, and responses are somewhat mixed. She said residents have concerns regarding unrestrained growth and development. She said for those who expect quality of life to worsen, this was their main rationale.

Dr. Fitzgibbon said on the topic of satisfaction with services, residents report high satisfaction of County services overall. She said regarding particular services, fire services, ambulance and emergency medical, the County police, and County parks received the highest ratings of all of those asked about. She said recycling as well as land use, planning, and zoning indicate areas for improvement.

Dr. Fitzgibbon said on the topic of taxes, there were fairly high rates of satisfaction when asked about the overall value of service provided for tax dollars. She said it is worth noting, however, that satisfaction varied depending on where in the County residents lived, and that those in Rural Areas did report relatively lower satisfaction.

Dr. Fitzgibbon said looking at specific areas in which taxes could be allocated to, residents consider improvements to roads, bike/pedestrian paths, and public transit as the most important areas for tax allocation.

Dr. Fitzgibbon said to assess access, residents were presented a list of various assets and services across the community, which were not just limited to County services, but included resources that might be available in a given community. She said residents were asked to report their level of convenience in accessing these items, as well as whether or not they encountered any barriers when they tried to access them.

Dr. Fitzgibbon said overall, the highest percentage of residents encountered barriers in accessing recycling and sidewalk and pedestrian paths. She said variation was seen among residents depending on where they live in the County, and those living in Rural Areas, across several access, reported a higher level of inconvenience. She said biking lanes, childcare, and public transit have highest rates of encountering barriers among those residents who report trying to use them.

Dr. Fitzgibbon said they also asked about a sense of belonging and that, related to that, the majority of residents feel welcome in Albemarle and also have a sense of belonging to Albemarle. She said some variation was seen by locality as well as income and homeownership status on these measures.

Dr. Fitzgibbon said when it comes to growth and development, residents feel passionately about this and also place high importance on the County supporting economic development. She said they recognize this is crucial for Albemarle. She said the majority of residents, however, also consider Albemarle's rate of growth to be too fast. She said in particular, they have concerns surrounding traffic congestion, parking, and housing affordability as a result of the rate of growth.

Dr. Fitzgibbon said when looking at particular types of development, support is highest for industrial development, whereas the majority of residents think residential development is too high.

Dr. Fitzgibbon said when it comes to quality of life in Albemarle County today, 9 out of 10 residents rated quality of life as either "Excellent" or "Good." She said these results are very similar to those from the 2017 survey conducted by NCS. She said there is statistically significant variation by demographics. She said there are higher average ratings among homeowners, among those with higher household annual income, those with higher education levels, and among white respondents. She said respondents in rural Northern Albemarle reported higher quality of life relative to residents living in rural Southern Albemarle and those in the Urban Ring, 29 North area.

Dr. Fitzgibbon said when they asked respondents to consider quality of life relative to now, in five years, there is variation in what they expect. She said approximately one-third think it will stay the same, noting that today, they consider quality of life to be high. She said there is one-fifth who expect quality of life to improve, and 46% who expect it to get worse. She said there is again variation by demographic characteristics. She said in particular, residents who have lived in Albemarle longer, residents over the age of 50, and those living in rural parts of the County all were more likely to think that quality of life will

worsen.

Dr. Fitzgibbon said in an open-end, they asked residents to expand on their rationale in how they answered this question. She said for those that felt quality of life might worsen, their concerns were surrounding growth and development. She said in particular, they were worried that the County would grow faster than the infrastructure can keep up, leading to overcrowding, traffic congestion, an increased cost of living, and a concern over affordable housing.

Dr. Fitzgibbon said interestingly, those residents that felt quality of life will improve also credited growth and development, so they saw that as an appealing prospect and felt that with development, there will be additional amenities for the County, greater job opportunities, and also cited their trust in local government to be able to manage the growth.

Dr. Fitzgibbon said regarding satisfaction with County services, respondents were presented with a list of 21 different services or performance measures specific to Albemarle County. She said for the sake of time, they would look at just a few of those. She said the quality of County services overall had fairly high ratings, with 8 in 10 residents who rate the service as either "Excellent" or "Good," and only 2% who rate it as "Poor."

Dr. Fitzgibbon presented the highest rated and lowest rated services of those asked about. She said fire, ambulance/emergency medical, Albemarle County Police, and County parks were at the top, and that three of these four most highly-rated services were the same highly rated services from the 2017 survey, so there is consistency in maintaining a high quality there. She said at the bottom are recycling services, land use, planning and zoning. She said these were also among the lowest rated in 2017 and were not necessarily news. She said they see these concerns about recycling, land use, planning, and zoning recurrent in responses elsewhere in the survey, so these are areas that are relevant to residents.

Dr. Fitzgibbon said with regard to preferences for tax allocation, when asked a general, broad question about the value of service for the tax dollar, there is general satisfaction, with 4 out of 5 residents either "Somewhat Satisfied" or "Very Satisfied." She said the satisfaction did vary by demographics. She said that residents in Rural Areas were more likely to report a lower rating. She said residents were more likely to report a higher rating for those who are renters, who have lived in Albemarle for less than 10 years, as well as those who are 70 and older, those with a college degree or higher, and those with an annual household income of more than \$100,000.

Dr. Fitzgibbon said respondents were provided with a handful of possible areas for attention and allocation of tax dollars and were asked to rate the importance of allocation to each of the areas. She said roads, bike/pedestrian paths, and public transit are at the top of the list as the most important, followed not far behind by school facilities, protection of land, parks and recreation, and affordable housing.

Dr. Fitzgibbon said a question was asked separately from tax allocation, but as the most important area for allocation dealt with roads and transportation, respondents were asked about their concerns with transportation. She said the number one concern was traffic congestion, followed by bicycling and pedestrian safety as well as road quality. She said there were differences in areas of concern, depending on where the resident lives, which was not surprising. She said residential parking and pedestrian safety were larger concerns for residents who live in urban areas of the County, whereas those who live in rural areas, the top areas of concern were road quality as well as bike safety.

Dr. Fitzgibbon said regarding growth and development, it is important to residents. She said nearly 80% have considered it to be either "Important" or "Very Important" for the County to support economic development. She said there were statistically significant variations by demographics. She said those who were under the age of 40, had a college degree or less education, those are renters, those who have lived in Albemarle for less than 6 years, and those who live in urban parts of the County were more likely to read this as "Very Important" and placed the highest importance on economic development.

Dr. Fitzgibbon said in terms of the rate of growth of the County in the past few years, they have about two-thirds of residents who are concerned at the pace of growth, and consider it either a little too fast or much too fast. She said meanwhile, there is about one-quarter of residents who think the growth rate is right, and 5% who would like to see it growing even faster. She said there is a balance of while residents consider it to be a very important area to support, they also want to make sure it is done in a managed way.

Dr. Fitzgibbon said they also asked residents about their opinion on the rate of growth by the types of development, and that they see that for industrial development, 29% of respondents think it is too low. She said this is the only area of development in which there is a higher share of those who think it is too low compared to those who think it is too high. She said this is an area that seems that residents would be supportive of additional growth.

Dr. Fitzgibbon said for residential development, over half of residents feel that it is too high. She said this might seem counterintuitive since, as seen elsewhere in the survey results, residents are concerned about affordable housing. She said this is perhaps a consideration that when there is residential development, to ensure that it is affordable.

Dr. Fitzgibbon said as far as retail and office development, at least half of residents who think it is about right.

Dr. Fitzgibbon said she wanted to direct the conversation back to the Board and allow them to ask questions.

Ms. LaPisto-Kirtley asked if Dr. Fitzgibbon could send her a copy of the presentation. She said this was useful and helps guide the Board, going forward.

Ms. Price said she would start with Dr. Fitzgibbon's concluding comments about the counterintuitive aspect, and that she had made notes from slides 7 and 21. She said it ties in with the sense of many in the County that believe the growth is too fast for residential and yet, at the same time, there is concern with the affordability of housing. She said she was open to anyone letting her know of other options, but that one of the best ways to have affordability of housing is to increase the housing stock. She said if insufficient housing is built, it makes the price of housing higher, which makes affordability harder to achieve.

Ms. Price asked Dr. Fitzgibbon if there was anything more she could address in terms of what data she received from the survey in that particular area, and particularly as it relates to residential development and affordability of housing.

Dr. Fitzgibbon replied that there were other survey questions specifically on affordable housing. She said there were not any that were capturing the intersection of residential development, which is something she would want to know for the future.

Dr. Fitzgibbon said another question they asked, which relates to affordable housing, is how important residents consider that, as far as there being affordable housing options in all parts of the County. She said 47% considered it to be "Very Important," 26% that considered it "Important," and 14% that considered it "Somewhat Important" for there to be affordable housing in all parts of the County. She said this is a slight distinction in terms of affordable housing in general that they want to see that spread throughout the County.

Dr. Fitzgibbon said somewhat related, they asked how important residents think it is for people who work in Albemarle to also be able to live in Albemarle. She said there was even higher support there, where they have 45% saying "Very Important," 31% saying "Important," and 15% saying "Somewhat Important." She said they know it is on the minds of residents, but as to how the Board rectifies this with residential development, she did not have survey data to speak to that.

Ms. Price said the term "affordable housing" itself is not subject to a strict definition. She said one of the concepts that many people have of affordable housing is an inner city issue where, as she is a representative of a large section of the County that is more rural, part of the affordable housing calculation she must take into account is people maintaining and retaining ownership of their house and not just moving into a new residence. She said it was about helping people stay in their residence.

Ms. Price said she also gets a sense that they are probably not different than other locations around the country, where there is often a "Not in My Backyard" aspect of affordable housing. She said people want affordable housing throughout the County, but not necessarily next to them, and prefer it to be somewhere else. She asked Dr. Fitzgibbon if she got any sense of that sort of perception in her survey.

Dr. Fitzgibbon replied that throughout she noted sometimes, when there were differences in demographic characteristics, they did run those questions she just mentioned by the respondents. She said she did not have those numbers in front of her, but that they will be in the final report. She said unfortunately, she could not speak to that at this point.

Ms. Palmer said she had more of a comment than a question, and that perhaps something else in the survey would address this. She said on the affordable housing subject, there is not always a direct relationship between supply and demand in housing. She said it is known that it is often more profitable to build more expensive, larger houses, and the market rate houses are not necessarily affordable, given the median salary. She said a lot of development is seen especially in the Urban and Rural Areas for much more expensive houses that address retirees and older folks, and more higher-income people.

Ms. Palmer asked Dr. Fitzgibbon if she could comment on that, as she did not see a direct relationship. She said she supposed if tons more houses were built, it would start to bring the price down. She said clearly, what they have concluded in the County is that it needs to be subsidized, in some way. She said there is the 15% requirement for rezoning, etc.

Dr. Fitzgibbon replied that they do have a question particularly about tax allocation to affordable housing, which was somewhat related to the idea of subsidizing it. She said this question was run by all of the demographic variables, as this could somewhat speak to residents who have lived here longer, higher income, age, and other connections they are already drawing. She said she would have to turn to the appendix in the report to recall those specific variations, but that this could start to address it.

Dr. Fitzgibbon said in the open-ends, something she was struck by was that in this survey, Albemarle County residents were very passionate and verbose, and answered many of the open-ended questions with very thorough responses. She said those will be included in the report, and that there is a lot of narrative around affordable housing. She said it could also be that it wasn't in the quantitative, comparative analysis, but in the qualitative responses where it could speak to that.

Ms. McKeel said it would be great to have the presentation, but what she was really interested in was the final report, as her sense is that this will have the details, specific questions, and the meat of the survey.

Dr. Fitzgibbon replied that it is a robust report with many pages.

Ms. McKeel said this was wonderful because she was thinking that, depending on how other Board members feel, once she has a chance to review the full report, it might be helpful to be able to come back and ask questions again. She said right now, with all the information coming at her, she was not sure that her questions were as robust as they might be once she has a chance to see the full report.

Ms. McKeel asked if the report would deal with traffic and congestion. She said she was interested in teasing this out more as far as what the questions were and what the concerns were that people had. She said traffic, just like affordable housing, is all over the place. She said people who move to Albemarle from other places, for example, find its traffic congestion not very bad. She said it depends on one's experience and whether they have lived here a long time.

Dr. Fitzgibbon replied that she and her office will be available to answer questions both after the Board receives the report and perhaps in the future, such as a year later. She said this goes for the Board of Supervisors as well as the public, and that her office is happy to clarify any findings or the survey methodology.

Dr. Fitzgibbon said traffic congestion is in the report, and the exact point Ms. McKeel made is supported by the survey results. She said they found that people are concerned about traffic congestion, but that they see this to be less of a concern among residents who have lived in Albemarle for less time, suggesting they came from elsewhere, and they are also seeing variation depending on where they live in the County, among some other measures.

Ms. McKeel asked when the Board would receive the final report.

Dr. Fitzgibbon replied that she would be sending it to Ms. Russell that week.

Ms. Mallek said she was so excited to have the local gurus doing this after seven years of national questions, which did not give them any information. She said she could not wait to read the details.

Ms. Mallek asked if there were similarities between the answers from the probability group and the random group. She said when they conducted the Crozet Master Plan effort with their agency, they found tremendous similarity between the 2,500 responses they got from the letters and the other 1,200 where people had volunteered. She said she looked forward to learning that, as it would also help them get a bigger picture.

Ms. Mallek said she was horrified that they only have several hundred responses 3-4 years ago, which she had thought was good.

Dr. Fitzgibbon said there is an appendix in the narrative report, which takes every question and compares the two samples. She said it would address exactly that. She said for most questions, there were many similarities across the two samples. She said in terms of the demographic representation in their samples, the probability sample did do a better job of capturing residents in the Urban Ring, and part of this was their sampling design. She said they also have a bit more variation in income, as well as homeowner status and race and ethnicity, in the probability sample.

Mr. Gallaway said he also looked forward to seeing the detailed results.

Ms. Russell said she appreciated Ms. Mallek's comment. She said it was a pleasure to be involved. She said as an Albemarle resident, she thinks this is very important, and appreciated the Board taking feedback from the County seriously and making it a point to involve residents in their planning.

Mr. Gallaway asked if the Board should follow up with Ms. Russell once they see the detailed report with additional questions.

Dr. Fitzgibbon replied that the Board could either contact her directly or go through Ms. Russell. She said her contact information will be in the report.

Agenda Item No. 13. **Presentation:** Board-to-Board, May 2020, a Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Mr. Jonno Alcaro, School Board Chair, thanked the Board for passing the legislation or ordinance that allows the School Board to conduct its business on all matters, and virtually. He said it has allowed them to move forward without a hitch and was much appreciated.

Mr. Alcaro said some good news is that there were 44 teachers from public and private schools around the County that won the Golden Apple award in the past month. He said one significant change is that for the first time, all of the teachers were awarded \$500 in addition to the honor of the award this year. He said the awards are sponsored by Better Living Building Supply and Cabinetry, and were

presented through a virtual ceremony on Thursday, May 21. He said the awards were given to teachers who showed excellence in teaching as well as active community involvement. He congratulated all 44 teachers.

Mr. Alcaro said the graduation of the class of 2020 was one that no one thought would happen. He said it came off beautifully. He said high school graduation plans were adapted to accommodate the public health requirements in light of the COVID-19 pandemic, and that following the distribution of caps and gowns, graduates and their families from each of the four Albemarle high schools were invited to join their principals on an individual basis at the four high schools. He said the principals presented students with a cover of their diploma, extended congratulations, and had a photo professionally taken.

Mr. Alcaro said these photos are all being incorporated into a professionally produced video for each school. He said the graduating class video for each school will be uploaded to YouTube and hosted on each school's homepage by June 15. He said every graduate either has, or will receive, a T-shirt with their school logo and colors, with all the names of all the graduating students from their school on the back.

Mr. Alcaro said each family received a sign celebrating the graduation of their student to put in their yard. He said the Board may have noticed around the County some "Senior Strong" signs popping up in the last couple weeks. He said there has been much joy in the eyes of people who have been putting them up.

Mr. Alcaro said he was recently at Monticello High School, and the last 10 cars with students and families were meeting with Mr. Vrhovac. He said there was applause from the staff around, and at the Monticello football stadium, there is a top parking lot. He said this is where the other family members were who were not allowed to come on the field, and that big cheers were coming from there. He said on their way out, he heard two dads say that this was so much better than they ever thought it could possibly be. He said principals at two other schools all had similar reactions. He said he felt this was a win, that the students felt appreciated, and that it was fun.

Mr. Alcaro said CATEC had their virtual completion ceremony on Wednesday, May 20. He said the CATEC staff and CATEC board members from Charlottesville City Schools and Albemarle County Schools led the graduation ceremony for 170 high school students and 38 adult apprentices. He said Superintendents Dr. Haas and Dr. Atkins each gave commencement addresses. He said five CATEC scholarship recipients were recognized, along with graduates who received awards from their programs.

Mr. Alcaro said the adult education and apprenticeship programs presented certificates to adult apprenticeship students who have completed four years of technical training through a local employment sponsor.

Mr. Alcaro said students are being celebrated at CATEC with an end-of-year video acknowledging their hard work and dedication throughout the 2019-2020 year.

Mr. Alcaro said there is a new community survey out on a new name for the Albemarle County combined charter school. He said the process to decide on a name for the School Division's new charter school has taken another step forward with the issuance of an online community survey.

Mr. Alcaro said this past February, the School Board approved the merger of Murray High School and the community public charter school to serve a new school, serving students in grades 6-12. He said survey participants are asked whether the school's new name should primarily reflect its location, the School Division's core values, or a theme that describes the school's culture and history.

Mr. Alcaro said they are also invited to submit names for consideration by a School Community Advisory Committee. He said the committee will publish the survey results on the School Division's school naming review website, and the Charter School Advisory Committee will also schedule a public meeting to hear comments, after which the committee will select up to 10 names. He said these will be the subject of a second community survey and public meeting.

Mr. Alcaro said the head teacher for the current high and middle schools, Stephanie Passman, is the committee facilitator. He said the committee also includes other staff members through the school, parents of current students, parents of feeder schools, which is the first time this has happened, to the best of his knowledge, and representatives from the community who do not have children in ACPS. He said ultimately, the committee will finalize a list of three names for review by Dr. Haas, who will recommend one name to the School Board for their approval. He said the school's new name will become effective for the 2020-2021 school year, as of July 1.

Mr. Alcaro said one other renaming update is residents in the Sutherland, Baker-Butler, Hollymead, and Stony Point school communities have been asked to share their views on 10 possible names for Sutherland Middle School in a new public opinion survey. He said an initial survey seeking suggestions got more than 400 responses, and the 10 names the community narrowed it down to are Hidden Trails, Lake Ridge, Lakeside, Mortimer Y. Sutherland, North Piedmont, Northern Albemarle, Northside, Rivanna, River Ridge, and Willow Creek.

Mr. Alcaro said in the new survey, members of the public are being asked to select their top three choices for the school's name. He said results will be posted on the School Division's school naming review website, and on Tuesday, June 9, the Community Advisory Committee will conduct its second

public meeting at 6:30 p.m. where people can offer comments about the 10 names.

Mr. Alcaro said from that point on, the committee and renaming process will follow largely the same steps he mentioned previously with regard to Albemarle County charter school.

Mr. Alcaro said on May 23, there was a panel held to examine the impact of COVID-19 on Black and Latinx communities. He said among the more alarming trends associated with COVID-19 illnesses over the past several weeks has been a disproportionate impact in Black and Latinx communities.

Mr. Alcaro said therefore, a group of Albemarle County public high school students put together an expert panel entitled, "2020 Vision: Seeing COVID-19 Through an Anti-Racist Lens." He said they talk about reasons and possible solutions for this trend. He said these students held a virtual town hall that brought together health policy experts to talk about this issue.

Mr. Alcaro said among the panelists was Dr. Cameron Webb, Director of Health Policy and Equity at UVA, and gubernatorial appointee to the State Board of Medical Assistance Services. He said Dr. Janice Underwood, Virginia's Chief Diversity, Equity, and Inclusion Officer, also joined Dr. Webb, as did Lawrence Pilkey, who serves as Sentara Martha Jefferson's Intensive Care Unit, who was also on the panel.

Mr. Alcaro said it was deemed to be a great success by all who attended, and that there were close to 100 people who attended virtually.

Ms. LaPisto-Kirtley thanked Mr. Alcaro for the update.

Ms. Price said on a humorous note, she attended a high school whose name matches one of the options that was listed. She said as a professor who had to finish her semester teaching virtually, she experienced but a sliver of what Mr. Alcaro, Dr. Haas, the School Board, and the Albemarle County Public Schools has gone through, and that it was amazing what they have done. She said the Board is thankful for the work that Mr. Alcaro and everyone has done in the schools to bring the semester to a successful close and give those graduates a memory they will long cherish.

Ms. Palmer agreed with the other Supervisors.

Ms. McKeel said she recently spoke with parents of students who had children graduating from Albemarle High School and Monticello, and they all expressed that the graduation was great, and that the schools, principals, and staff handled it beautifully. She said although there were some variations, it seemed as though people at those high schools were happy. She said she enjoyed seeing the graduation signs as well.

Ms. McKeel said she had a question about computers, and would like to understand the deployment of laptops, specifically, especially in the age of virtual learning. She asked how the schools have been able to distribute the computers to the students. She said she was particularly concerned with her students at the Lambs Lane campus and other schools that are financially challenged.

Ms. McKeel said perhaps this was for another time, but that she was very interested in the schools' mapping of connectivity for the families, and specifically, she recognizes the pockets they are finding. She said there were about 600 families or students who did not have connectivity, and that she would like to have a discussion about where those are.

Mr. Alcaro said with regard to connectivity, this is something the School Division is working on. He said they have about 3-4% of students who do not have connectivity. He said they have distributed 500 hotspots, but still have a lot of people who need connectivity. He said this was something that Dr. Diggs and her entire department are working on and trying to prepare for when schools start in August or September.

Mr. Alcaro said in terms of the distribution of the laptops, from about 4th grade and up, everyone is about one-on-one with the laptops. He said they have ordered a number, about 300-400 iPads to distribute to kids who are in K-3rd grade and do not have laptops or computers at home.

Mr. Alcaro said they are still in Phase I of the process for education, meaning that all communication and teaching is taking place online. He said it will not be until they get to Phase III that most of it will be taking place in person. He said one of the goals of the State Department of Education is to move towards in-person education and not away from it. He said he could go into more detail on this at some point if the Board would like to talk about it.

Mr. Alcaro said those computers have been ordered, and are starting to be distributed as they are coming in. He said in the country, there is somewhat of a shortage of laptops, as there are many schools and families going through this. He said distribution will happen in waves, and they will not get all of them in one fell swoop. He noted that if a student's parent has a laptop or computer, they would likely not be getting one of these in K-3rd grade, but there are quite a number of families who do not have them, and this is the priority at this point.

Ms. McKeel said this was good to hear. She said between the School System and County Government, there is a real need to make sure employees, students, families, and everyone are connected to tear down those barriers. She asked if there was somewhere online where she could find

the COVID-19 community discussion that the students held.

Mr. Alcaro replied that he would reach out to Dr. Hairston and have him send the link to the Board. He said prior to the meeting, he did send the statement that he and Dr. Haas sent out the day before on some of these topics.

Ms. Mallek said as she has been watching her three grandchildren trying to do online school this spring, she understands a small portion of the challenges. She said they get halfway through their activities and then it crashes because Century Link's connection fails, which also happens when it rains. She said she was sure this has happened thousands of times across the County, and that it has been a struggle. She said she was sorry to miss the graduation and would look forward to graduation at Western Albemarle next year.

Ms. Palmer said on the internet issue, Central Virginia Electric Co-op (CVEC) or Firefly is connecting people in the Afton/Batesville area currently. She said the Board has donated funds to try to incentivize CVEC to connect faster, and that CVEC has some of the most difficult areas to reach. She said she knew the Broadband Authority and County staff are working with school staff, but she wondered if there was any information about how many students are on CVEC, as this might give an indication of if they would be tapping into the 3-4% of kids who are not connected if they were to get CVEC running faster.

Mr. Alcaro admitted that he only learned last week that the co-op had its system up and running. He said he would check and find out how many students are included in that. He said the most recent number he had heard was about 600, but that he has heard the number has decreased into the 400 range, and that they will be trying to get more hotspots, though those were hard to come by. He said he would try to find an answer and get back to the Board on this.

Ms. Palmer said the information may not be broken down like this. She said there are 3,600 houses that CVEC services, and they have only gotten a small amount of those houses to begin with. She said White Hall and the Free Union area, for instance, would have CVEC there.

Ms. Palmer said another thing she wanted to tell Mr. Alcaro is that the Board has also allocated money to grant funds with Century Link to connect another 837 homes, many of which are along the James River, the Howardsville-Schuyler area, and Green Creek Road. She said she didn't know how many students are there, but she wanted to note that there are substantial projects going on to reach out and connect difficult areas. She said there was still much more to do. She said these were all fiber to the home, even the Century Link in Howardsville, and so they shouldn't run into some of the other problems they run into with DSL, even in Ivy, where there is not enough capacity.

Mr. Gallaway said as a father of a graduating senior at Albemarle High, he did enjoy the ceremony and concurred with the remarks. He said an additional thing he was struck by was how the students do have their community of supporters amongst their friends, whether they are fellow graduates, people who have graduated before, or students coming behind them. He said they were supporting those students as well as they were receiving their diplomas, in addition to their families. He said it was nice to see the community these students have around them.

Mr. Alcaro said right now, he thinks community support and family support are two of the most important things that everyone has and needs in these times.

Agenda Item No. 14. Closed Meeting.

At 5:14 p.m. Ms. LaPisto-Kirtley **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to two County committees and the Rivanna River Corridor Project; and
- Under Subsection (3), to discuss or consider the acquisition of property for a County facility in the White Hall Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and
- Under Subsection (19), to discuss plans related to the security of the County's governmental facilities and the safety of persons using those facilities.

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.

Agenda Item No. 15. Certify Closed Meeting.

At 6:04 p.m. Ms. LaPisto-Kirtley **moved** that the Board 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. McKeel. 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. 16. Boards and Commissions.

Item No. 16. a. Vacancies and Appointments.

Ms. Price **moved** to make appointments to the following committees:

- **Appoint** Mr. David Norford to the Acquisition of Conservation Easement (ACE) Committee, with said term to expire August 1, 2022.
- **Appoint** Mr. William Love to the Places 29 Hydraulic Community Advisory Committee, with said term to expire August 5, 2022

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.

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

Mr. Gallaway informed those listening in that they are able to participate via phone-in option, and that this information could be found on the Albemarle County website, on the Board of Supervisors page under "Departments," and then by clicking on the virtual meeting participation. He said all the call-in phone numbers are listed there, one of which was 1-646-518-9805. He said the Webinar ID was 87233271783. He said the toll-free option was 1-888-475-4499, with the same Webinar ID 87233271783.

Mr. Jay James said he was there to speak on a previous matter pertaining to the Albemarle County budget process. He said he is a City resident and Assistant Director of The Bridge Ministry Substance Abuse Reentry Program. He said he was also there on behalf of their Executive Director, William Washington, who is a member of the Scottsville District.

Mr. James said recent events in the country have once again brought to light the treatment of African Americans in the criminal justice system. He said they are now having relevant conversations about mass incarceration and disproportionate minority contact. He said Albemarle County is only 8% African American in its demographics, but the jail population is 51% African American. He said these individuals need an alternative instead of being stuck in a repetitive cycle of incarceration.

Mr. James said at The Bridge Ministry, they have been working recently with the staff of the jail and have identified 40 individuals who have the potential to come into the program. He said they have begun meeting with some of them already, and that he and Mr. Washington would be back at the jail the next morning to continue the work of providing an alternative to these men who are in the jail and try to provide them an opportunity, due to the threat of COVID-19 as well as the other issues surrounding criminal justice.

Mr. James said to incarcerate the 40 individuals that are on the list, it would cost the community, due to the per diem rates they are aware of, \$1.4 million, and even if half of those are from Albemarle, as this is the Charlottesville-Albemarle Regional Jail, it would cost the County \$700,000 to incarcerate those 20 individuals for one year. He said the majority of those individuals are likely to reoffend and likely to receive jail sentences that are longer than just one year.

Mr. James said the ministry's request to the Board is \$240,000 for funding of the program out of revenue that has been allocated. He said these men in the jail need a chance to change their lives, especially those who are African American men in the jail without skills or resources and are stuck in a cycle of poverty, but including all ethnicities. He said they get a chance to treat their addiction, get a career job, and an 86% chance to succeed.

Mr. James said he was grateful for the Board's consideration and hopeful that, given the threat of the virus in the jail and its significant impact on the African-American population in the jail, the Board will support these men having a chance to change their lives. He said together, they can do some great things to reduce mass incarceration in the community and continue that work, unite families, and help the community as a whole.

Mr. Gallaway said he received a request from a community member to read a statement, which he would try to read as much as he could during the three minutes and submit any remaining statement

to the record. He read the following from Charles Battig's statement aloud:

Social and political responses to the fears of the Corona-19 virus pandemic are news headlines, but do they deserve headlines? Of course, they are news, but they are not really new news. We have been repeatedly warned about the destructive power of fear.

Making themselves virtually unassailable, at least initially, politicians embraced the pandemic and associated public health fears it has engendered and assumed near dictatorial powers in the name of protecting the public health. Unmasked and unhindered, some politicians' actions have validated the descriptive term of "the ruling class." The 1972 cult film by the same name gave one view of the dysfunctional lifestyle of a fictional British nobleman whose aspirations were quite noble and infused with a sense of god-like powers, not unlike some of our governors and mayors.

A less fanciful, but more philosophically grounded observation of the 1930's was made by H.L. Menken: "The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary." No question that the Corona virus is real, not imaginary, but Menken astutely recognizes the basic urge in politicians to use fear to control the populous.

During President Roosevelt's first inaugural address, on March 4th, 1933, he said that "The only thing we have to fear is fear itself".

The more recent 2010 book by A. Codevilla bears the name "The Ruling Class," and describes the outsized influence on American society by a clique of intellectuals scattered throughout the upper echelons of business, the media, political parties, and educational institutions. Constitutional rights are denigrated, as is the traditional role of religion in American daily life. These folks know that they know better than you do.

Combining a stretch of environmental-saving enthusiasm and fuzzy thinking, activists have wasted no effort in trying to link the imagined effects of climate change to its imagined impact on the Corona virus pandemic. Economic hardships and social deprivations imposed by the ruling class are said to be good for the globe, and that the necessary price to save it is a cultural and scientific retrenchment.

One author whose fictional narrative seems prescient in this current setting is Michael Crichton. His 2004 "State of Fear" is a fictional thriller whose environmental and philosophical underpinnings are well documented by him, and whose validity has largely stood the test of time. Al Gore's perpetual predictions of global environmental disasters secondary to man-made carbon dioxide and fossil fuel use have not materialized in the intervening decade.

In a Socratic method exposition, Crichton develops the concept of fear as a tool to control the public. As one of his characters explains:

"I am leading to the notion of social control.... To the requirement of every sovereign state to exert control over the behavior of its citizens, to keep them orderly and reasonably docile.... To keep them paying taxes... and, of course, we know that social control is best managed through fear."

He continues:

"...in reality, in the last fifteen years we have been under the control of an entirely new complex, far more powerful and far more pervasive. I call it the politico-legal-media complex. The PLM. And it is dedicated to promoting fear in the population, under the guise of promoting safety."

He identifies the role of experts and universities in the enshrinement of fear as a political tool:

"Because they had a new role to play. They became the creators of new fears for the PLM. Universities today are factories of fear. They invent all the new terrors and new social anxieties...they produce a steady stream of new anxieties, dangers, and social terrors to be used by politicians, lawyers, and reporters."

Fears of climate change fit that narrative, in spite of the continued failure of computer modeling of global climate to accurately predict future changes.

With the onset of the Coronavirus pandemic, pandemonium erupted worldwide as fear of the unknown initially governed both social and scientific responses. Leaders abhor the prospect of telling a frightened public that they do not know how to respond to a new pathogen. Informed response would require a learning curve timespan to fully understand the clinical impact on the public, but no one wants to be the unfortunate guinea pig awaiting nature's random death sentence.

Experts in epidemiology and infectious diseases were tapped for advice, and they turned to computer models for answers. Years of failed computer-based climate predictions would be no reason to doubt the ability of virus modeling to predict its worldwide impact. By mid-March, the computer had spoken and British scientist Neil Ferguson reported that many millions would die. "Flatten the curve" entered the lexicon of the media, though few noted that the area under the flattened curve likely contained the same area as the initial peaked curve. No small matter because if the areas are the same then the number of deaths represented would remain the same; they would just take place over a longer time interval. Subsequently, the computer derived predictions of millions of deaths proved to be grossly exaggerated.

Virologists and epidemiologists inhabit a different mental world than that of economists, sociologists, and physicians, and their recommended remedies might well kill the virus at some point, but the patient might also have been killed by the cure.

This latter scenario has painfully played out over the past few months as the collateral damage to a highly integrated, interdependent, and complex modern society from the epidemiological cure of isolation, implemented by the ruling class, has become evident.

"Stay-at-home" and avoid social contact is a simplistic fallback to stop an epidemic in the 21st century. It may have been the only answer in the form of walled cities in the middle ages; it may work if you isolate that first infected person and prevent him/her from transmitting the pathogen. However, in the present pandemic, the pathogen was well out of the bottle long before it was recognized to be a new pathological entity. This virus has shape changer variants in its clinical manifestations and makes accurate and timely tracking difficult. The pandemic may or may not be beginning to burn itself out, only time will tell. However, there is no difficulty seeing the global destruction of human lives secondary to near economic collapse.

What also has been revealed is the latent enthusiasm with which the political/ruling class has claimed the moral high ground in issuing edicts in the name of the public good. "Stay-at-home" orders range from weeks to months with no solid scientific justification for a particular time span, but with political/legal imperative. Wearing of masks by the general public has become a schizophrenic policy issue. Numerous studies claim that they are not protective against the Corona virus, especially the homemade cloth varieties. At 120 nm diameter, these virus particles are not filtered out by surgical or fabric face masks. Wearing of such masks may aggravate other existing medical conditions. Official agencies differ in their recommendations. The WHO says no to wearing them by the general public; our CDC says yes. Wearing a mask becomes a measure of virtue signaling, albeit much cheaper than driving a "pious." Some governors are true believers and issue orders to wear a mask, any sort of mask, else risk criminal charges and fines. Without hesitation, such politicians disregard basic constitutional rights based on personal whim and selective use of diverse scientific data.

Fear is a valuable, basic human emotion which functions as a self-preservation instinct. However, the current Coronavirus pandemic has demonstrated that members of the ruling class are adroitly curtailing our constitutional basic rights in the name of saving us from ourselves.

Agenda Item No. 18. **Public Hearing:** Ordinance to Change the Name of the Cale Precinct and the Cale Elementary School Polling Place Location. To receive comments on its intent to adopt an ordinance to amend County Code Chapter 2, Administration, Article I, Elections, by amending § 2-105, Scottsville Magisterial District, to change the name of the Cale Precinct to Mountain View Precinct, and to change the name of the polling place in the Cale Precinct from Cale Elementary School to Mountain View Elementary School, to reflect the name change of the elementary school by the Albemarle County School Board, effective July 1, 2020. (*Advertised in the Daily Progress on May 18 and May 25, 2020*)

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 voting precinct, and § 2-105(C)(2) establishes the Cale Elementary School as the polling place for the Cale voting 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 voting precinct, and of the polling place for that voting precinct, will need to be changed to reflect the new name of the school: Mountain View Elementary School. The geographic boundaries of the voting 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 voting 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 adopt the attached proposed Ordinance (Attachment A).

As Mr. Jake Washburn, General Registrar, was due to present but was experiencing technical difficulties, Mr. Greg Kamptner, County Attorney, presented in his place.

Mr. Kamptner said this was a public hearing to consider an ordinance to change the name of the Cale Precinct to Mountain View. He said the School Board elected to change the name of the school itself from Cale to Mountain View, which will become effective July 1. He said this ordinance would make the corresponding change to the precinct and polling place location to reflect that change in the name of the school.

Mr. Gallaway opened the public hearing. Hearing no speakers from the public, he closed the public hearing and brought the matter back to the Board.

Ms. Price **moved** the Board adopt the ordinance to change the name of the voting precinct and polling place location. 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.

Mr. Gallaway said he appreciated all the volunteers who worked on the committee that led to the renaming.

ORDINANCE NO. 20-2(1)

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. *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. *Mountain View Precinct.* 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; Ord. 20-2(1), 6-3-20, effective 7-1-20)

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.

Agenda Item No. 19. **Public Hearing:** ZMA201900008 Parkway Place.

PROJECT: ZMA201900008 Parkway Place

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 06100000016700, 061000000167C0

LOCATION: 878 E. Rio Road.

PROPOSAL: Proposal to rezone two properties for up to 328 residential dwelling units.

PETITION: Rezone a total of approximately 27.31 acres from the R4 Zoning District, which allows residential uses at densities up to 4 units/acre to Planned Residential Development (PRD), which allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 328 multifamily residential units are proposed along with approximately 13 acres of both public and private open space at a net density of 16.17 units/acre, and a gross density of 12.01 units/acre. Request for a substitution of recreation facilities in accordance with 18-4.16.2.

ZONING: R-4 Residential - 4 units/acre.

OVERLAY DISTRICT(S): AIA – Airport Impact Area Overlay, EC – Entrance Corridor, FH – Flood Hazard Overlay, Managed and Preserved Steep Slopes Steep Slopes.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre); Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Public Open Space – recreation and open space uses; and Privately Owned Open Space, Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features in Neighborhood 2 of the Places29 Comprehensive Plan Area. (Advertised in the Daily Progress on May 15 and May 28, 2020)

The Executive Summary forwarded to the Board states that, at its meeting on March 10, 2020, the Planning Commission voted 5:2 (Dotson, Randolph voted nay) to recommend approval of ZMA201900008. The Commission's original staff report, action memo, and minutes are attached (Attachments A, B, and C). Please be aware that the Planning Commission staff report has been revised to correct typographical errors (Attachment D).

Five (5) Planning Commissioners voted to recommend approval of the requested rezoning because of the factors favorable listed in the staff report. The two (2) Commissioners who voted to oppose recommending approval cited concerns about the effects on transportation infrastructure and traffic congestion, in addition to the proposed density being too high.

The applicant revised the Application Plan to include two new notes (Attachment E). The first note restricts the building height to two-stories for one building located along the frontage of Rio Road E. in response to comments from members of the public and the Commission. The second revision is a note stating that road improvement construction will not begin prior to June 2023. No changes were made to the proffers.

Public input received from members of the public between March 3, 2020 and May 12, 2020 is contained in Attachment G.

If the Board chooses to approve the Zoning Map Amendment request, staff recommends that the Board adopt the attached Ordinance (Attachment H).

Mr. Gallaway again provided the phone-in options and instructions for public participation.

Mr. Cameron Langille, Senior Planner, presented the staff report. He said this was a public hearing on a request to rezone two properties at the intersection of John Warner Parkway and Rio Road that are commonly known as the Wetzel Farm. He said this request is to rezone from R4 Residential to PRD Planned Residential Development.

Mr. Langille said he would present the site context, current zoning, future land use designations, and the proposed rezoning and application plan. He said he would then transition into a discussion on the applicant's proposed road improvements and their Traffic Impact Analysis findings. He said they would then transition to a discussion on the project's impact to schools, followed by a summary of the proffers. He said his presentation will conclude with the summary of the factors favorable and unfavorable.

Mr. Langille presented the site context, with the site in question outlined in yellow and starred. He said these properties are located directly south from CATEC, across John Warner Parkway. He said they are due west of the Dunlora Forest subdivision. He said to the northeast is the Dunlora subdivision and farther south, there is a private school and some other residential dwelling units. He said to the far west is

the City of Charlottesville municipal boundary.

Mr. Langille presented a closer view of the subject properties. He said currently, there is a single-family detached home that he did not believe was occupied. He said this property has historically been used for farming purposes. He indicated to the center of the image, explaining there are some accessory structures. He said to the north side of this property and to the far west side of the property, there is a greenway park easement that is managed by the City of Charlottesville. He indicated to the greenway trail, close to the John Warner Parkway itself. He said to the southwest is Meadow Creek, and he indicated to the residential units in Dunlora Forest as well as the area where there will be more houses in Dunlora.

Mr. Langille presented an overview of the zoning of the properties. He said the current zoning is R4 Residential. He said in a by-right development scenario, up to 109 dwelling units can be constructed on these properties and could get up to 163 units with bonus factors. He said there are some overlay zoning districts that apply to the property, including the Entrance Corridor Overlay, the Airport Impact Area Overlay, and some areas of managed and preserved steep slopes. He said there is a small portion of the site near Meadow Creek that is in the Flood Hazard Overlay District.

Mr. Langille said surrounding properties are entirely zoned R4, but farther away, there are properties zoned R6, including the Riverrun neighborhood. He said farther north, along Rio Road East, there are some commercial properties that are zoned Commercial Office and C1 Commercial.

Mr. Langille presented the future land use plan from the Places29 Master Plan. He said there are four future land use designations on these properties, but before talking about those, he wanted to talk about the letters "NS" seen in the center of the smaller property, 61-167. He said "NS" stands for "Neighborhood Service Center" because the Places29 Master Plan says these properties should be a center location. He said Neighborhood Service Centers are the smallest kind of center that is called for by the Places29 Master Plan. He said the kinds of uses envisioned in a Neighborhood Service Center would be something such as a 10,000-square-foot grocery store, for example.

Mr. Langille said he would talk about what the colors on the image represent. He said the pink and white striped color represents the Urban Mixed Use future land use designation, which calls for is a mix of commercial, retail, and employment uses with supporting residential uses at densities between 3-20 dwelling units per acre.

Mr. Langille said the orange color represented the Urban Density Residential future land use classification, which is primarily residential uses between 6 and 34 dwelling units per acre. He said the light green color on the north and west side of the property represents Public Open Space, which is areas where there is public recreation, parks, or other kinds of public easements.

Mr. Langille said the small area to the far southwest is designated as Privately-Owned Open Space, which corresponds to the location of sensitive environmental features. He said in this case, this is where there is a 100-year floodplain. He said activities that can happen on Privately-Owned Open Space are mostly focused on HOA-owned parcels where one can have some private recreation for a neighborhood.

Mr. Langille said the only other pertinent information related to land use from the Places29 Master Plan that applies to this property is that it states that a linear park system should be provided along the John Warner Parkway frontage. He said as mentioned earlier, this already exists.

Mr. Langille said when evaluating a residential rezoning proposal, one thing the Comprehensive Plan calls for is for staff to evaluate the proposed net density of the development. He said Attachment A7 in the packet is the Allowable Density Analysis, where staff breaks down how the calculation was done to figure out the recommended number of units are on this property.

Mr. Langille said "net density" is defined as any acreage within a piece of land that is not designated for greenspace or open space by a future land use plan. He said sometimes, the areas of greenspace shown on a future land use plan do not overlap exactly with the locations of environmental features, like a WPO stream buffer or 100-year floodplain that may exist on a site. He said the Comprehensive Plan says that staff must figure out the acreage of those areas outside of greenspace that are environmental features and subtract them from the available acreage for development.

Mr. Langille presented an image, noting that the 5.89 acres coincides with the greenspace and open space future land use designations from the Master Plan. He said there is the 0.95 acres at the bottom left of the site, however, and the other 0.19 acres that are actually within the Urban Density Residential future land use classification but contain some floodplain and preserved steep slopes. He said they have to be subtracted out of the available acreage.

Mr. Langille said in total, this means there is 20.28 acres available to calculate the net density on this site. He said the applicant took the recommended density ranges from the Urban Mixed-Use area, then the density ranges from Urban Density Residential, to come up with a composite calculation of the total number of units recommended on this site by the Master Plan. He said that number of units is a minimum of 104 and could go up to 614.

Mr. Langille presented the proposed application plan, which was included in Attachment E of the packet. He said Parkway Place proposes to develop 328 multi-family residential units. He said this

proposal does include 13 total acres of open space, and within this open space, 1.1 acres of land would be dedicated to the County as a public park with a trailhead amenity. He said this is being proffered.

Mr. Langille said the gross density of this proposal would be 12.01 dwelling units per acre. He said the net density, if the 328 units are developed, would be 16.17 units per acre. He said this density falls within the recommendations of the Places29 Master Plan.

Mr. Langille said there is no retail or commercial uses proposed with this development, and no office or institutional uses proposed.

Mr. Langille presented a map showing the building envelopes, which are most rectangular shapes in yellow. He said the gray areas are the parking and travelways that would go throughout the development. He said at the top right is where the 1.1-acre park and trailhead would be located. He said one would be able to access that park and trailhead by going into this development along the travelway, then turning into the trailhead. He said the applicant has not finalized a design yet, which is something that staff and the applicant have talked about. He said if the rezoning is approved, the specific details of improvements in the trailhead would be figured out at the site plan stage.

Mr. Langille said the map shows some locations for proposed stormwater management facilities. He said the travelway within the development would connect and stub out to the parcel that is located due south so that a future interconnection could be established.

Mr. Langille said also in Attachment E is the second page of the application plan, which is numbered Sheet 1A and lists all the development standards and written notes that pertain to how the site needs to actually be developed.

Mr. Langille presented an image about the development. He said the maximum building height within the development would be 3 stories, with a 45-foot maximum total height. He said it would still be subject to a 15-foot setback requirement required for any building over 40 feet tall. He said the architecture has been evaluated by staff members with the Architectural Review Board, and the buildings will have some detailing such as porches, varying colors and materials, projections, hyphens, etc. He said this does comply with what the Entrance Corridor design guidelines recommend.

Mr. Langille said the applicant is proposing affordable housing. He said 15% of the units rented at below 80% Area Median Income, which would be 49 units total within that 328 units.

Mr. Langille said there are also some buffers proposed to provide landscaping and screening of the development from John Warner Parkway and adjacent neighborhoods. He said at the top of the site, there is a linear green area behind some of the building envelopes and between John Warner Parkway. He said this varies in width, between 30-50 feet. He said it would be designed to provide some screening measures. He said staff has coordinated with the City of Charlottesville, and they have no objections to doing some planting within their park easement, if necessary. He said this would be evaluated at the site plan stage.

Mr. Langille presented Sheet 3 from the application plan, which shows all the proposed road improvements the applicant is proffering. He said in the proffer statement, there is a written description for timing and the actual improvements themselves. He said he was presenting the visual image that shows how they would function.

Mr. Langille said the applicant has a good presentation that is more detailed than what he could show, but that he would try to describe what is going on. He said access into Parkway Place would be provided at two points. He said in the bottom image, there is a right-in-only entrance off of Rio Road East. He said farther to the right, there is a full-access entrance that will allow right turns in, left turns out, and right turns out.

Mr. Langille said as part of the proffers, the applicant proposes to dedicate 1 acre of land on their site to public right of way. He said the purpose is that they are going to construct continuous green-T intersections to offset some of the traffic congestion in the area. He said within the Rio Road right of way, they have shown the actual travel lanes and turn lanes of these green-T intersections. He said they provide a continuous through travel lane for traffic that is not turning left or right into a development located off of Rio Road.

Mr. Langille said at key intersections, for example, with Dunlora Drive, they provide dedicated left turn lanes that traffic can queue into and wait so that they can turn left onto Dunlora Drive without backing up the straight-through traffic. He said the applicant is proposing two green-T intersections. He said one would be at the Dunlora Drive intersection, and the other would be at the site's full access entrance.

Mr. Langille said some other road improvements the applicant proposes is to construct a 10-foot-wide trailway along the property frontage. He said this would be designed to handle bicyclists and pedestrians. He said they are also proffering to provide a new transit stop at the right-in-only entrance at the bottom left of the site.

Mr. Langille said the applicant provided a Traffic Impact Analysis (TIA) as part of their evaluation of this proposal. He said the TIA identified the total vehicle trips per day that would likely result from the development, which is 1,786 total trips, with equal amounts entering and exiting throughout the day. He said they looked at AM peak hours and PM peak hours, and how many vehicles per hour would be

entering and exiting.

Mr. Langille said they did a comparison of the build scenario, which would be if they built Parkway Place, and the no-build scenario, meaning Parkway Place is not built, and there will be a natural increase in traffic that will occur on Rio Road in the future resulting from development elsewhere and projected traffic increases. He said under the build scenario, there will be a 6.3% delay increase at peak AM travel hours at the key intersection next to the site, which is John Warner Parkway and Rio Road East. He said under the build scenario, there will be a 7.5% delay increase at peak PM travel hours.

Mr. Langille said the movements that are most affected include left turns from Rio Road East onto John Warner Parkway in the morning, and through travel from John Warner Parkway onto Rio Road East at the peak PM travel hours.

Mr. Langille said the build scenario versus the no-build scenario shows that the green-T intersection improvements would result in some alleviation of the existing traffic conditions and projected traffic congestion at the intersection between Dunlora Drive and Rio Road East. He said under the build scenario, these green-T improvements would result in a 78% delay decrease at peak AM travel hours for left turns from Dunlora Drive onto Rio Road East. He said they have heard a lot of feedback from residents that this is currently a big problem intersection, so the finding from the TIA is positive.

Mr. Langille said under the build scenario, there will be a 65% delay decrease from the peak PM travel hours for left turns from Dunlora Drive onto Rio Road East, which is another improvement.

Mr. Langille said overall, the TIA shows that even with the build scenario and the green-T improvements the applicant is proffering, the traffic wait times at John Warner Parkway and Rio Road East would still increase. He said Mr. Kevin McDermott, Transportation Planner, could answer more detailed questions about the TIA and other findings.

Mr. Langille said another key factor staff evaluates when looking at rezoning proposals is the impact to schools. He said the Wetzel properties are located within the school districts for Agnor Hurt Elementary, Burley Middle, and Albemarle High. He said they looked at the Albemarle County Public Schools Long-Range Planning Advisory Committee Report from 2019, which did an evaluation of the existing capacity for enrollment at all County schools in the schoolyear from 2018-2019. He said it projected what the enrollment would be at every school in the schoolyear from 2028-2029.

Mr. Langille said currently, Agnor Hurt is under capacity and even if Parkway Place is built, it will remain under capacity. He said Parkway Place is projected to generate 40 elementary school students. He said the same is true for Burley Middle, which is currently under capacity and is projected to remain so. He said even with Parkway Place and its projected 10 new students, it would still remain under capacity in 2028-2029.

Mr. Langille said Albemarle High School is currently over capacity and is projected to remain so in 2028-2029. He said Parkway Place is projected to generate about 16 high school students, so the effect on 2028-2029 is that it remains over capacity, at least at the high school level.

Mr. Langille said the proffer statement contains three proffers, with each having two sub-proffers within it. He said Proffer 1 is all about road improvements, and Proffer 1A describes the commitment to do the right of way dedication and the green-T intersection construction. He said it states that the improvements will be fully constructed prior to the issuance of the first building permit in Parkway Place. He said this is not Certificate of Occupancy but the building permit, which means that there will be no construction of the apartment buildings prior to those road improvements being completed.

Mr. Langille said Proffer 1B talks about the ability of the County to elect to receive a cash contribution of \$750,000 from the developer instead of doing those road improvements, for instance, if the County does other studies or receives other information showing that the green-Ts may not be the best solution there.

Mr. Langille said Proffer 2 deals with the trailhead park and describes its timing and the kinds of improvements that will be within it. He said it commits to dedicating it to public use.

Mr. Langille said Proffer 3 deals with transit and commits to the design and construction of a transit stop. He said it describes the amenities that will be at the stop, such as benches and shelters. He said it contains another sub-proffer that will allow the County to elect to receive a \$20,000 cash contribution if the site is determined to not be the most suitable for a transit stop in the future.

Mr. Langille said there have only been two minor changes to the application since the Planning Commission public hearing. He said the first one is on the application plan, Sheet 1. He said one of the building envelopes has had its maximum height allowed reduced. He said originally, it was three stories, and now it has been reduced to a maximum height of two stories. He said he would let the applicant explain the reasoning for that, but he believed it was because there was some feedback from members of the public and during public hearings stating that a three-story building adjacent to Dunlora Forest would be somewhat out of character with the other kinds of dwelling units that exist around the area, so the applicant wanted to reduce the building height to address those comments.

Mr. Langille said also, on Sheet 1A, the notes sheet, the applicant has added a note stating that road improvements construction will not begin any earlier than June 2023. He said this does not affect

their required completion date, but just means they will not start work until June 2023.

Mr. Langille said the factors favorable with the request include that it is consistent with the majority of the Places29 Master Plan recommendations related to land use, density, and bicycle/pedestrian infrastructure recommendations. He said the full analysis of the Neighborhood Model Principles is contained in Attachment A8, and that the proposal is consistent with the majority of those principles.

Mr. Langille said the development would provide the County with a new park and trailhead. He said anytime a trailhead is proposed, the Parks and Recreation Department supports that, as there are not many places where people can park their vehicles and get on a greenway trail, for example. He said staff from Parks and Recreation have evaluated the request and are very supportive of the proffer to dedicate the park to the County.

Mr. Langille said the development would provide the County with 49 affordable units. He said there are proffers to enhance transit services. He said the road improvements will help decrease some delay times at problem intersections.

Mr. Langille said factors unfavorable is that this development does not provide a true mix of uses for the Neighborhood Service Center that is recommended by the Places29 Master Plan. He said it was just open space and residential, with no nonresidential component.

Mr. Langille said the delay times at some of the key intersections nearby would be increased, even with the proposed road improvements. He said so far, there is no funding, initiation or start date set for a Rio Road East transportation corridor study. He said this means the final road design concepts needed for adjacent intersections along this stretch of Rio Road East and the John Warner Parkway haven't been identified, so staff cannot definitively say that the green-T improvements would fit within whatever the most ideal solution is for this road corridor.

Mr. Langille said this project is located outside of the Priority Areas. He said the Places29 Master Plan has two large areas in its boundary that they identify as Priority Areas where rezonings should be targeted. He said this site is not within those Priority Areas.

Mr. Langille said at the March 10, 2020 Planning Commission meeting, the Planning Commission voted 4-2 to recommend approval of Parkway Place rezoning. He said the staff recommendation that was made at the Commission is in the staff report.

Ms. LaPisto-Kirtley said her understanding was that there was another portion of the Wetzel area that is due to be developed in the future, outside of Parkway Place. She asked if the pink area on the map was part of or separate from, the proposed development.

Mr. Langille replied that the pink area is within the proposed development. He said the applicant does not want to develop a commercial use there and is just proposing residential and a park.

Ms. LaPisto-Kirtley asked about doing improvements to the road prior to building. She asked if they were now saying they would wait until June 2023.

Mr. Langille replied yes. He said what this means is that they would still be required to do those road improvements before the building permit, and that they would wait to start the construction until June 2023.

Ms. LaPisto-Kirtley said she also understood that there is a possible proposal or someone looking into putting a large roundabout at that intersection.

Mr. Langille replied that this has been discussed, and that he would defer to Mr. McDermott to provide more information.

Mr. Kevin McDermott said that in partnership with VDOT, staff has been looking at options for multiple intersections. He said the primary one they have been evaluating is the Belvedere-Rio intersection, where it was proposed to do an R-cut intersection to alleviate some of the problems there. He said as part of that evaluation, VDOT also said that one of the ways that could help improve the operations at the R-cut would be to also include with it the roundabout concept. He said this would allow some people who are leaving the property across from Belvedere, as they cannot go directly left, take a right and around the roundabout.

Mr. McDermott said this is a possibility they are looking at for a potential project, and that he would be coming to the Board on June 17 to talk more about that. He said it has not been fully vetted.

Ms. LaPisto-Kirtley asked if he was speaking about the Rio and Parkway Place intersection.

Mr. McDermott replied that he was speaking about Rio and John Warner Parkway as where they are considering a potential roundabout in the future.

Ms. Price said one of the comments she received from constituents was one to the effect that John Warner Parkway is apparently not intended or designed to ever be expanded to more lanes. She asked if this was correct.

Mr. McDermott replied yes. He said sometimes when new roads are built, there is an assumption that in the future, additional lanes may be added, and more right of way is bought or more grading is done at the time. He said this was not done, and there is no intention in the near future to widen that to a four-lane facility. He added that Mr. Adam Moore from VDOT was on the line to answer questions as well.

Ms. Price said Mr. McDermott's answer was that it was not contemplated that John Warner Parkway will only remain in its current configuration, but that at present time, there are no plans to expand the size of it. She asked if this was correct.

Mr. McDermott replied yes.

Ms. Price said when looking at Dunlora and Dunlora Forest, the 999 Rio Road application, and things happening in Belvedere, there are still larger properties available in the general area that may be developed. She said she believed there must be some consideration for expansion for many of the major arteries in that area, if and when that development takes place, to cover the transportation needs. She asked if this was a fair statement.

Mr. McDermott replied that this was a fair statement. He said they could evaluate it at some point in the future. He said he could imagine a point in the future where they may want to widen the road. He said currently, many delays they see are really intersection related. He said the crucial point right now is if they want to make improvements to the corridor to focus on those intersections, as opposed to widening, which is somewhat easier to deal with.

Ms. Price asked Mr. Moore if he had anything to add.

Mr. Moore replied no. He said he would echo what Mr. McDermott said about more improvements they could have for a lower cost with intersection improvements, specifically here, instead of widening being an immediate solution.

Ms. Price said her understanding was that with the proffers being made with this application are with this application, and if the application is not approved, a by right development would not be required to offer any improvements to the road, such as the green-Ts or other things being offered.

Mr. McDermott said this was correct.

Ms. Price said by right development could be somewhere between 105-165 units and here, they were looking at 328. She asked staff if an analysis has been done on the impact on transportation if it is a by right development with no proffered road improvements in terms of delays, as opposed to the Traffic Impact Analysis that has been submitted with this application with those road improvements.

Mr. McDermott replied that the applicant provided an assessment of the potential transportation impacts from the by right development as well. He said the Rio Road-John Warner Parkway intersection would be very similar to the applicant's proposal if it were built under by right. He said there is slightly more delay with the applicant's current proposal at that intersection over what would be built by right. He said looking at the Dunlora Drive-Rio Road intersection, however, this would be much worse under by right because the green-T would not be built, but all the additional traffic would be added from a 105- to 165-unit development.

Ms. Price asked beyond this particular application, how beneficial will these road improvements be if and when additional properties to the east are developed, and that traffic is then added to these roadways. She asked if this is approved and the road improvements are made and then later, additional tracts of land are developed, will these road improvements be sufficient to then carry the additional load from further development, or if the green-Ts would no longer work with a higher capacity.

Mr. McDermott said he would like Mr. Moore to confirm, but that the applicant did look at future development out to 2023. He said they considered many of the other developments they know that are already potentially coming online, plus a growth factor, and found that this green-T would still operate at this level.

Mr. Moore said the Traffic Impact Analysis (TIA) included an estimated level of growth for the area beyond the immediate vicinity, but this type of proposed improvement is to make it easy for people coming out of Dunlora Drive and this proposed apartment complex to make left hand movements. He said traffic operations at those entrances would remain benefited, but they are not the type of improvements that will have a large impact on the whole corridor or the signal at large, which is what they see in the TIA in terms of a decline in operations at the signal as they are introducing more trips and more cars.

Ms. Price said obviously, transportation has been one of the major areas of concern by the residents there in addition to this general density. She asked if the current by the City of Charlottesville easement on the north and western part of the property would not be changed, regardless of whether this application is approved or denied, or if there is later a by right development.

Mr. Moore replied yes. He said this is a permanent easement that was given to the City of Charlottesville, when the John Warner Parkway was constructed.

Ms. Price said in the staff report, it was mentioned that this was not a designated priority

development area in the current plan. She asked how significant this is in terms of County staff evaluation of this application.

Mr. Langille replied that this was listed as the last unfavorable factor, probably because it had the least weight. He said the property is within the designated Development Area, so it is expected that development would occur. He said the Places29 Master Plan was adopted in 2010, so he could not offer a definitive explanation on how much value those priority area boundaries still hold, but the idea was that back then, those were the areas that had the most potential for directing rezonings and getting new, additional infrastructure funded there.

Ms. Price asked when she reviews staff reports and there are factors favorable and unfavorable, they are listed in descending order of either priority or impact.

Mr. Langille replied yes, generally speaking.

Ms. Price said Attachment D to the staff report, at the beginning of the summary, says that it was revised to correct typographical errors. She asked if there was any revision of substance to the staff report, subsequent to the Planning Commission vote, or if it was basically the same recommendation from staff that they had before the Planning Commission.

Mr. Langille replied that it was the same recommendation and that nothing with the recommendation changed.

Ms. Price said her Planning Commissioner, Mr. Randolph, had two concerns that led him to vote in opposition. She said the educational impacts and funding for the Rio Corridor were concerns. She said it was clear from the presentation that the elementary and middle schools would not exceed their capacity based upon this application being approved and its anticipated number of students. She said the high school, however, is already over capacity, and this application would add to that. She asked if it was fair to only look at an individual application as opposed to how it cumulatively affects the schools, or if the staff limited to only looking at the impact of the application before it.

Mr. Langille replied that they are limited, usually. He said it would be ideal to be able to say what all the future developments are going to be so they can account for those students, but the by right development scenarios that can happen on other parcels within that school district boundary makes it hard to make a good guess of the potential number of students that would be there. He said when there is a rezoning proposal, staff takes a calculator that the public school system has made available to them and run the number of dwelling units proposed based on their unit type, such as multi-family or single-family detached, which gives staff a number of expected students to be generated by that particular development. He said this is what was done in the staff report.

Ms. Price recognized that this was a rather speculative area she was asking Mr. Langille to go into. She said when they looked at the overhead view of the various developments around the property, at least immediately adjacent to it, it appeared to be principally detached single-family houses, whereas this would be an apartment complex. She said farther to the east, however, is Riverview or Riverside, which is more densely built. She asked what, if any, significance staff is looking at on the distinction between a surrounding area of detached single-family houses, then to add in a large number of apartments (328) immediately adjacent to that, as it affects the overall neighborhood appearance and structure.

Mr. Langille replied that immediately adjacent to the site, Ms. Price is correct that it is primarily single-family detached. He said the Dunlora Forest neighborhood, however, which is adjacent to this site for a very small section, does include some single-family attached units. He said there are structures there that are three stories in height, which is a similar form to what they would be having with the Parkway Place apartment buildings.

Mr. Langille said usually, when staff looks at a rezoning, they try not to evaluate only the adjacent properties that touch the development. He said they try to look at a slightly larger context, usually a half-mile or mile out. He said along this segment of Rio Road East, there are other apartment buildings, single-family attached, and single-family detached. He said in the grand scheme of things, what staff was looking at with Parkway Place is what the architecture would appear like, and staff's evaluation shows that it is not too dissimilar to some of the other developments within that half-mile or mile radius of the site.

Ms. Price said her last question may be more for the applicant, but that it was about the topography of the site at the present time. She said when she drove there recently, she noticed it sits high up on the hill, and some of the comments the Board has received are to the effect of the impact that putting this type of development in, in terms of grading down. She recognized this is probably necessary for larger buildings and not as necessary for smaller ones. She asked what sort of impact, visually, they were looking at if this were to be approved.

Mr. Langille replied they still would be able to see some of the new buildings, at least in the interim. He said this was considered by staff, however, which is why the applicant has provided the 30- to 50-foot-wide buffer around the building envelopes that are closest to John Warner Parkway. He said they would be getting a mix of evergreen and deciduous vegetation in that buffer whenever they come in for their site plan if the rezoning were approved. He said that buffer would provide a good visual screen. He said they may be able to still see some portion of the roofs, for example.

Mr. Langille said the applicant could speak more to the grading, and that he didn't know if they have done a more detailed evaluation since the Planning Commission meeting.

Ms. Price asked where on the East Rio Road side of the development, where the large buildings will be relatively close to the road, what sort of visual impact this would have. She asked if there are comparable structures in the area.

Mr. Langille replied that farther south, there are some comparable structures. He said the Lofts at Meadowcreek is an apartment building that is farther south, along East Rio Road, and is either four or five stories and therefore taller than what would be seen with Parkway Place.

Mr. Langille said Ms. Price was correct about the detached homes immediately adjacent to Parkway Place on Rio Road East, and the three-story-tall buildings having an impact. He said one thing to consider, however, is that with the right of way dedication the applicant proposes for the road improvements, the Wetzel property boundary will be pushed farther away from those homes. He said staff did a distance analysis, and it would be about a 350-foot distance from the Parkway Place building to where those single-family detached buildings are located.

Mr. Langille said it was safe to say that even if there was an apartment unit that had a porch on the third story of the building, they would not necessarily be peering over into those people's backyards. He confirmed they would be taller than a single-story, single-family detached home there.

Ms. Price said Mr. Langille just mentioned three-story buildings, but that earlier, she thought he had indicated that the southeastern-most building would only be two stories.

Mr. Langille replied this was correct, clarifying that it would only be one building envelope that would be two stories. He said there is still another building envelope adjacent to Rio Road East that would have three-story buildings.

Ms. Palmer said in the staff report, the unfavorable traffic issue was primarily one of timing, and that they cannot tell if the green-Ts will work in conjunction with whatever is decided to do in the corridor. She said Mr. McDermott just said he was going to come to the Board in the near future to talk about possibilities for the area, which would include a roundabout. She said the Board just approved a corridor study. She asked if Mr. McDermott could explain how all these things work together, as far as the corridor study and the discussion he would have with the Board about improvements and timing.

Mr. McDermott said the timing issue mentioned in the staff report is really being brought up because although staff is recommending the corridor study occur, it has not been funded. He said they are not sure when this study could happen, and so this is the question as far as timing. He said the reason this is important is because the green-T is really only addressing the problem at Dunlora Drive and Rio Road, and they do not think this is necessarily going to impact other intersections upstream or downstream of that.

Mr. McDermott said it still would be good, and the reason why staff really wants to move forward with the corridor study is to look at the entire context of Rio Road from the City boundary all the way to where the Small Area Plan boundary at Rio29 started. He said looking at the whole corridor, they can get a better idea as to how they expect traffic to move through the corridor, what needs they may have, and how different intersections might work best together.

Mr. McDermott said despite that, even without the corridor study, staff still continues to look at potential improvements at key intersections along the corridor. He said in the previous round of Smart Scale, staff made an application for a roundabout at Pen Park Road and Rio Road. He said this was not funded, unfortunately, but it was a recommendation staff looked at and thought it would address the problems at that intersection.

Mr. McDermott said the problems at the John Warner Parkway-Rio Road intersection are issues that staff think could be addressed by a roundabout, but they would also like to see how that roundabout plays with other corridor improvements. He said this gets to his earlier point about the Belvedere intersection. He said if an R-cut were going to be put there, staff realized the best way to make that operate well would be to also do it with a roundabout.

Mr. McDermott said this is the kind of issue they run into when they would like to look at larger areas. He said they are trying to do this in a piecemeal way as they find immediate projects they want to move forward on. He said they would like to see the entire corridor study move forward to be able to make recommendations consistently throughout the corridor.

Ms. Palmer asked if they could find the money to fund the corridor study this next fiscal year, how long it would take to get completed, in estimation.

Mr. McDermott replied they could do it within one year. He said with these corridor studies, staff likes to have a lot of public input and outreach. He said because of that, it tends to take more time to prepare. He said they expect it would be under a year, over a time period of about eight months.

Ms. Palmer asked when, assuming staff decided that a roundabout would be the best approach, a Smart Scale application would be made, and when the results would be found out. She said she wanted

the public to understand the timing.

Mr. McDermott replied currently, they are looking at Smart Scale applications for Belvedere and potentially, the John Warner Parkway-Rio Road intersection. He said those are the only ones that would go in during this Smart Scale round, and if putting a project into this round, it will likely be six years before that is fully constructed. He said the next opportunity they would have for a Smart Scale round is in two years, as they are all in two-year cycles. He said any recommendations from that corridor study would be submitted for Smart Scale grants in two years, and that it would be six years after that before those would be constructed.

Mr. McDermott said this was why staff appreciated that the applicant had that cash option or potentially will build the green-T improvements, as staff was afraid that even if they got the cash to make an improvement such as the roundabout, it would be too far down the road, e.g. 8-10 years, and wouldn't help the issues they are currently seeing. He said this is why they have the option of possibly making improvements immediately as opposed to getting the cash and waiting for 8 years.

Ms. Palmer asked Mr. Langille how, with respect to the Neighborhood Service model discussion, how what the Board has approved in that corridor close by affected, if at all, a planner's opinion of how much Neighborhood Service infrastructure is needed there.

Mr. Langille said in his opinion, this stretch of Rio Road East has changed significantly since the Master Plan was adopted in 2010. He said back then, Dunlora didn't even exist. He said generally speaking, the area has become very residentially-oriented, and if they were looking at something like a Neighborhood Service grocery store at that corner, many of the concerns they are having related to traffic with this residential development would probably be equal, if not worse, with that kind of use.

Mr. Langille said for whatever this is worth, he is not sure if this is still the best location for a center, but there are other things, e.g. CATEC, the existing greenway trail on JWP, are aspects of what a Neighborhood Service Center would have. He said it is basically meant to be an area that is a center of activity for the nearby residents, and that with this proposal, to proffer the trailhead park could be argued that it fits in with what a Neighborhood Service Center could be for this area.

Ms. Palmer said she assumed the approval of 999 Rio Road is such a small, commercial office space that it likely would not affect this kind of planning.

Mr. Langille said that looking at it strictly from the Master Plan standpoint, the Neighborhood Service Center was called out on the subject properties. He said what was done at 999 Rio Road is getting at that model of a Neighborhood Service Center, but through the strict lens of evaluation for these properties themselves, he couldn't say that staff thought that outweighed the Neighborhood Service Center recommendation on Wetzel.

Ms. McKeel said to follow up on Ms. Palmer's question on traffic, she has been trying to figure out how the traffic improvements, both proffered, as well as any future ones, would marry together. She asked if the Board approves this with the continuous green-T proffered, it will support or work with any other improvements that might come down the road. She said she wanted to make sure staff has a comfort level that they are not doing something that would be in conflict with another improvement they will want to do later.

Mr. McDermott clarified that the green-T is addressing the Dunlora-Rio Road intersection and are not compatible with a future roundabout at the John Warner Parkway-Rio Road intersection. He said if they were going to build a roundabout there, then at Dunlora Drive, the segment would actually come into the roundabout as well, so the green-T there would not be necessary. He said the other green-T at the full access entrance to the development would still be reasonable to keep. He said they would have to verify how this works with the roundabout, but it appears far enough away from it where it would probably still work. He said the Dunlora Drive green-T would not work with a roundabout.

Mr. McDermott said this was why the applicant is offering to either build the green-T or give the County the cash proffer. He said if at any time, the County conducts the study between now and 2023, the County can choose the cash in lieu of the green-T so they can later build the intersection as a roundabout.

Ms. McKeel said this was helpful.

Ms. Mallek said she tends to get hung up on traffic studies and vehicles trips. She said for about 20 years, the ratio was 10 trips per day, per unit. She said she didn't know why suddenly, in 2020, they are down to about 5 trips per day, per unit, coming out of this property. She said she was sure there was some reason for it, but it just didn't make intuitive sense to her that they would have people coming and going to work from 300 units with only a one-car delay. She said she had to think about it as a far greater impact on the traffic of the neighborhood than is perhaps being proposed here. She said if people have information to correct her, she was glad to know it.

Ms. Mallek said in 2010 or 2011, after 40 years of working in planning, the John Warner Parkway was opened. She said there is no way it will be widened for a long, long time because the City was completely dug in on the width of that road and the impact it was going to have. She said if they widen that section, all of a sudden, the section where McIntire Road is becomes the bottleneck. She said she didn't want anyone to go into this thinking that everything would be fine because the John Warner

Parkway would be widened in a few years.

Ms. Mallek said fixing the intersections with roundabouts is a great idea, and back in the early 2000s, there was a roundabout in the Long-Range Transportation Plan at the CATEC/Rio East corner. She said there was one that functioned for a while during the construction of the John Warner Parkway that connected all the various neighborhoods and was shaped like a bean instead of a circle, but worked spectacularly well. She said she was sorry it was not there anymore. She said perhaps they will get back to this in the future.

Mr. McDermott said they have used the 10 trips per unit number in the past and is closer to what an estimate would be for single-family residential. He said for smaller units, the estimates go down from that. He said over the years, every time the traffic engineering estimates modeling is updated, it is changed based on new data. He said he thinks that numbers of trips likely have gone down somewhat. He said he didn't think single-family was ever fully at 10 trips and was closer to 9. He said it has just slightly changed.

Ms. Mallek said whatever it is multiplied by 300 is a lot of cars.

Mr. Gallaway said on the Traffic Impact Analysis, he saw the pages where the improved developments are taken into account, e.g. what remains in Belvedere, Lochlyn Hill. He asked how the new Center and SOCA were taken into account.

Mr. McDermott replied that those were not accounted for specifically in the report. He said there is a factor of an annual increase that has been included. He said for this one, it was 2%.

Mr. Gallaway said it is a major throughway corridor from the north and heading Downtown, where the traffic will continue to grow, regardless of what development happens in that area. He said that 2% growth is just all the other things building up around them. He said the Senior Center and SOCA are two major volume issues, with a hospital component and a Greenberry's. He said Mr. McDermott could not be telling him that those are accounted for in the 2% growth.

Mr. McDermott replied it was hard to say. He said Mr. Gallaway was correct that staff did not include those, and going back, they would probably like to see some estimates of that. He noted that 2% is a very healthy number. He said typically, they do see the growth below 1.5%, which is a number they often use. He said 2% is a healthy growth number, and staff did have them go to the expected maximum with the development on this, as they knew there were other developments that they probably were not accounting for. He said Mr. Gallaway was correct that there are a couple developments that are not specifically added into that, and that it could be a higher growth factor they could look at.

Mr. Gallaway noted if COVID-19 hadn't happened, the Center would have been open for a couple months before this application was in.

Mr. Gallaway said in terms of schools, he had some experience with how they make the estimated enrollment projections. He said like in the TIA, there is approved development in place and how this could impact the traffic down the road. He said he could not remember if the school's analysis takes into account approved development impacts on the schools as well for houses that are not there.

Mr. Langille replied that it does. He said on the slide he showed earlier, the Long-Range Committee Report did evaluate what they would expect for additional development and additional students resulting from that development, and what those numbers would be for every school in that 2028-2029 school year. He said he provided this information for the three schools within this district.

Mr. Gallaway clarified his question. He said like in the Transportation Impact Analysis (TIA), it still says that 190 single-family homes have to be built out in Belvedere. He said they see what the potential impact on traffic is for those 190 homes. He asked if the school analysis included the enrollment that would come from those 190 homes.

Mr. Langille replied that he was not sure.

Mr. Gallaway said he didn't think those same types of analysis would be there. He said single-family detached housing has a far greater impact on schools than a development like this. He said the fact that they are looking at numbers and trying to understand the impact of this application on the schools without taking the whole piece into account, in similar fashion that a TIA, can make one think there will not be an impact on schools.

Mr. Gallaway said the reality is that with the approved homes already in the pipeline, it is a different picture than what the Board is being asked to absorb. He said projecting school enrollment figures is one of the hardest things to do, but it must be taken into account because what is being said may not necessarily be the case, as they see single-family detached homes come on that are already in the pipeline.

Mr. Gallaway said in the proffers, there is mention of turning the trailhead park over to the City. He asked if this was about maintenance or ownership.

Mr. Langille replied that it could be both. He said staff from Parks and Recreation looked at this park, and that this is not really the technical definition of a "pocket park." He said a pocket park is very

small and is about 5,000 square feet. He said this is 1.1 acres, but the types of improvements that would be seen in this park, such as benches and landscaping, were discussed with Parks and Rec staff, and there is not as much staff specialty with managing parks of that scale. He said the City, on the other hand, does have some specialists that specialize in parks of that size and nature.

Mr. Langille said County staff coordinated with City staff, who told them they would not object to taking over the park and incorporating it into the existing John Warner Parkway greenway system.

Mr. Gallaway asked about the proffer referring to the Charlottesville Area Transit stop. He asked if it was tied into being a CAT stop, or could be different modes of transit, if possible. He asked if it would not lock the County into only being able to do transit with one organization.

Mr. McDermott replied this was the case. He said they have talked to CAT about the stop, as it is on one of their lines, but CAT and JAUNT can share those stops. He said if CAT were not there, it could be used by anyone. He said it will be within the public right of way and will be publicly accessible to any service.

Ms. Palmer said her question may be unfair to ask Mr. McDermott. She said he has seen the cost of different roundabouts. She asked if he could give the Board a broad range of what they could expect a roundabout in this area to cost. She said she would not hold him to this number, and only wanted a broad range of costs. She said as the applicant has proffered cash for improvements there, she was trying to get an idea of how much this might cover of a larger improvement the County would want there.

Mr. McDermott replied that staff has been given a preliminary cost estimate of the roundabout by VDOT, as part of the application. He said it was in the \$6-8 million range. He said they were talking about 1/10th of the total cost of the roundabout. He said with a major project like that, they would probably not fund entirely with local funds. He said whatever they would use from the proffer would likely be part of a local match for a VDOT grant, or with Smart Scale or revenue sharing. He said it was not as if the County would have to come up with the full \$8 million, but it would only be a part of that.

Ms. LaPisto-Kirtley said she understood that if this development were done by right, they would also be able to build three-story buildings without permission.

Mr. Langille replied that they could. He said there is a height restriction under the Zoning Ordinance, which is 45 feet for this Zoning District, but that this could definitely fit a three-story building.

Ms. LaPisto-Kirtley said Mr. Langille had mentioned that it does not fit the model whereby originally, they had wanted a grocery store there, for example. She said Mr. Langille also said, which she was also thinking, that if a grocery store were there, it would actually attract more outside traffic, ingress and egress, into that development. She said people who are renting there will have a bus stop for JAUNT or CAT, and not everyone would necessarily have a car. She said they are also looking at 164 units versus 328 if this were to be built by right, but that none of the improvements would exist. She said there would not be a bus stop or any improvements to Rio East.

Mr. Langille said this was correct. He said they cannot require anything like that with a by right development.

Ms. Price asked if the \$750,000 proffer for transportation improvements or the two green-Ts could be split up and have the applicant pay for one of the green Ts, with the County holding the funds towards a traffic circle later. She also asked what it is estimated to cost to build a green-T, if the County were to build a green-T at the primary entrance and exit out of the property. She asked if this were to be approved, if they could take the \$750,000, hold the money and build their own green T, or if the applicant could build one and give the County a compensation for the other.

Mr. McDermott replied that his understanding was that splitting that is not how the proffer is currently written, and that the idea of splitting it would be something they would have to ask the applicant. He said perhaps the applicant would still want to build the green-T at their full access intersection just to be able to get their future residents in and out more easily, as it does make the left turn much easier. He said the reason they added the green-T at their entrance later in the process was because staff noticed that in the peak hours, people leaving the facility would experience large backups and not be able to get onto Rio easily without that. He said the green-T is helping their development more than the flow on Rio Road, overall.

Ms. Price asked what the estimate would be for building a green-T.

Mr. McDermott replied that he has not looked at estimates for building green-Ts. He said it is a smaller area, so his guess would be that they are looking at well under \$1 million. He said perhaps Mr. Moore has built one with VDOT and could weigh in.

Mr. Moore said the difficulty in estimating the cost for this is that it is heavily dependent on the right of way that would be dedicated by this parcel, as they are effectively widening at least the lane width to the Wetzel property side. He said the biggest cost of that would likely be the right of way to do it. He said the pavement and curb would be significantly less so.

Ms. Price said this helped to explain the value of the proffer, in this respect.

Ms. Mallek said even if a project is being done by right, they still have to meet the rules of entrance onto public roadways designated by VDOT. She said it was not that everything would be left to the County. She said the responsibility of the developer is still tremendous to be able to build whatever their residents are going to need.

Ms. Mallek said she would like to have staff go over what “character of the neighborhood” means, in this context. She said everyone may have a different view about that, and she would like to know what staff’s view is.

Mr. Langille replied that with character, staff relies generally on what the Neighborhood Model Principles say in the main Comprehensive Plan, but they also look at the specific recommendations for use and form in the applicable Master Plan, which in this case was the Places29 Master Plan. He said the plan said the Wetzel site would be more of a mixed-use development that would include a mixture of residential use types, including multi-family uses.

Mr. Langille said with the building architecture as such, since this is in the Entrance Corridor, staff made sure with the ARB staff to get some notes on that plan for the design to make sure that these buildings are not totally, drastically different in their architectural style and some of the surrounding residential units seen there. He said this is the general process they look at with character.

Mr. Langille said Ms. Mallek was correct that “character” can be a subjective word.

Ms. Mallek said when neighbors think of an established neighborhood, and the hundreds of families who have made their ultimate investment already, that is what they are thinking about in terms of what is going to happen to their surroundings. She said having been through the wars on Places29, she did not recall any discussion any of these properties at the fringes. She said all of the effort was spent on what was within 100 yards of Route 29, and there was much controversy on what to do about that. She said some general plans were made, but this was the first time they were having a serious, detailed discussion about what is happening this far to the east.

Ms. McKeel said she wanted to get back to Ms. Mallek’s comment about what the developers would be held to, by right. She asked staff to help her with this question. She said her understanding was that when someone builds by right, the County does not have the ability to hold their feet to the fire for proffers or for certain improvements. She said Ms. Mallek seemed to suggest otherwise.

Mr. Langille replied that when it comes to proffers, the County can only get proffers through a rezoning. He said a by right development is likely not going to simply give the County anything in terms of improvements. He said one of the proffers with Parkway Place he would use is an example is a transit stop. He said this is something the County would probably never get with a by right development for a single-family detached subdivision here.

Mr. Langille said when it comes to the road improvements that the County could require, it was mentioned earlier that the development would have to meet VDOT’s entrance standards, which is true. He said this most likely wouldn’t result in something like a green-T improvement within the existing Rio Road roadway being constructed, however. He said there may be some striping for a left turn lane, but a larger improvement that could enhance the functionality of the corridor is not typically seen with by right.

Mr. Moore said a development at this location with similar entrance locations would have to meet spacing requirements from the signal and from any other entrances that are not driveways. He said quite likely, depending on the number of units, they may have to install a left turn lane. He said those benefits would be captured by the users of the new entrance and the people who do not have to stop for someone waiting to turn into that entrance. He said they would not have a direct benefit to the people using Dunlora Drive, for instance, who would benefit from the proposed green-T arrangement.

Mr. Moore said if there were multiple entrances, they would have to look at a split of how much traffic is coming to each entrance to try to estimate which improvements for that specific entrance are appropriate.

Mr. McDermott added that another proffer in this application is that they will continue the current John Warner Parkway shared use path that goes up to the intersection. He said they are proposing to continue it down along Rio, across their property, as a proffer. He said if this were a by right development, they could, at most, require a standard sidewalk with that under the Site Development Plan ordinance, but that it wouldn’t be a continuation of the shared use path.

Ms. LaPisto-Kirtley said there was mention that a roundabout would require a portion of land in order to be able to put it in. She asked if it would require some additional land and if so, is this something the Board could ask for as a proffer if, in fact, the roundabout does come to fruition.

Mr. McDermott replied that in looking at the preliminary designs they have for the roundabout, very little land would be needed from this development. He said much of the land that is in that area that is referred to now as the “wildflower meadow” is publicly owned land, and when they designed the roundabout, they were able to fit most of that within the right of way. He said it would not even take up half of that entire wildflower meadow, and although he didn’t think it would be necessary to get land from the applicant, it is a possibility.

Mr. Gallaway opened the public hearing.

Ms. Lori Schweller, attorney with Williams Mullen, said she was representing Kotarides Developers. She said she was joined by Mr. Pete Kotarides.

Ms. Schweller said Parkway Place is the right project for this location, and that there were many benefits to share with the Board. She said they have decided to limit those in their 10-minute presentation to just three benefits.

Ms. Schweller said given the comments and questions the Board has had, she would spend the majority of the item on Benefit #3. She said the three benefits she wanted to focus on were: compliance with the Comprehensive Plan, putting 328 dwelling units close to work opportunities on bike/pedestrian trails and the bus line; public park, greenspace, and recreation, including the new trailhead park; and the traffic improvements. She said she would try to spend the most time on traffic improvements, as she knew this was of most concern to the Board and to the public.

Ms. Schweller said this is a Development Area opportunity for housing, and a density needed to provide housing to workers, half of whom commute from surrounding counties into Charlottesville and the urban areas of the County. She said it is only 2-3 miles to schools downtown, courthouses, medical centers, and shopping areas. She said she would go back to the illustrative plan, as needed, with questions.

Ms. Schweller said Mr. Langille did a thorough job describing the Comprehensive Plan and how rezoning is required to meet the Development Area objectives in the Comprehensive Plan.

Ms. Schweller highlighted the trailhead park that would be dedicated for public use. She indicated on the plan to the road improvements, where an acre would be dedicated to public use. She indicated to the location of the transit stop. She said they are proposing 50 units of affordable housing at HUD fair market rental rates for 10 years. She said buildings will be maxed out at 2-3 stories and indicated to the single building that would be two stories. She said there was much enhanced landscaping, indicating to one area as well as to Rio Road and noting this could be discussed in greater detail.

Ms. Schweller said the plan notes were extensive, and wanted to point out the two changes that Mr. Langille mentioned, the two-story building closest to the southeast corner benefitting the Dunlora Forest residents, and the fact that roadway improvements would not begin earlier than June 2023, which is intended to dovetail with the County's desire for road improvements along the Rio Road corridor.

Ms. Schweller said almost 50% of the space will be open space, including the Neighborhood Service Center trailhead park. She said they believe this is a much better option than commercial in this area and would be a benefit to all the surrounding community to connect to the existing trail. She indicated to some of the amenities they would have there. She said it is an important location on the Rivanna Trail.

Ms. Schweller said they would also extend the meadow planting into the existing park easement. She said they would have active recreation on-site including tot lot, dog park, and clubhouse.

Ms. Schweller said with regard to traffic concerns, currently VDOT estimates trips on Rio Road, north of John Warner Parkway (JWP), are 28,000 trips per day. She said on JWP, 17,500 trips per day are estimated, which is significant traffic the applicant wants to address. She said this project would add a proposed 1,786 trips per day, but that a by right development would be 600 fewer, which is 300 each way.

Ms. Schweller said the improvements Mr. Langille described involve widening Rio Road to add additional lanes, deceleration/acceleration turn lanes, and two green-Ts, one at Dunlora Drive, and one at the entrance to the development. She said what this allows cars to do is have a continuous throughway as they move along to the southeast, and those cars moving to the northwest have a continuous throughway. She said those turning onto Rio Road have a dedicated turn lane. She said they do not have to wait as long, and it is safer. She said they can segue into the cars moving to the left and to the right.

Ms. Schweller said she would look at the Transportation Impact Analysis (TIA) with the Board, focusing on six actions at various intersections. She said the first action is cars taking a left from Rio Road onto John Warner Parkway. She said the tables on each slide include AM and PM numbers, which represent the average number of seconds that a car will wait as it sits at the intersection to take that action. She said the first column on the table shows existing conditions in 2018, when the study was done. She said those traffic counts were collected August 29, then updated later for Dunlora Forest on January 23. She said some other counts were added later. She said basically, they were looking at late 2018.

Ms. Schweller said the second column on the table shows what the lane second delay is in five years, 2023, if absolutely nothing is built on the Wetzel property. She said the third column shows what the lane delay is if 162 townhomes are built on the Wetzel property in five years. She said the last column shows the project build scenario, and the delay if the proposed road improvements are made. She said it shows the average seconds that a car would wait.

Ms. Schweller said for the intersection that Mr. Moore pointed out was causing the most trouble or impact, the difference between by right and build is only half a second to 6.5 seconds. She said the turn from Rio onto Rio are quite negligible. She said for the straight from John Warner Parkway up to Rio,

there is an increase from existing conditions today to the build. She said those differences between by right and the project build are only half a second to 5.5 seconds. She said the right from Dunlora onto Rio is not a big problem right now and will increase a few seconds either way.

Ms. Schweller indicated on the table to the movement where the greatest impact is seen from the proposed road improvements, which is the left from Dunlora Drive onto Rio Road. She said this currently has an existing AM peak hour (7:00-9:00 a.m.) wait time of 45.1 seconds, and a wait time during peak PM hours (5:00-7:00 p.m.) of 34.1 seconds. She showed what would happen in five years, even with no build. She said this included the already-approved development in Belvedere, Dunlora Forest, and Lochlyn Hills; plus, the very generous 2% growth rate for smaller, unbuilt projects, the Lofts at Meadowcreek, the Center, and others.

Ms. Schweller said for no-build, it was a 2-minute wait, on average. She said by right would be a 2.5-minute wait, on average. She said with the applicant's proposed improvements, this drops down to 25.5 seconds in the morning, and 20.7 seconds in the afternoon. She said this would be a 13.5 to 20-second improvement over existing wait times, up to a 95-second improvement over no-build, and up to a 2-minute improvement over by right.

Ms. Schweller said at Dunlora Forest, they do not see a big change, based on the project build. She added the applicant had more statistics on that if the Board was interested.

Ms. Schweller said to summarize transportation comments, VDOT explained that the overall wait time caused by the project is an average of 3.5 to 4.5 seconds compared to no build at all, primarily attributable to the John Warner Parkway-Rio intersection actions. She said the TIA shows improvements of 65% to 79% at Dunlora Drive for that left turn out.

Ms. Schweller said the County Transportation Planner also states that the TIA demonstrates greatly enhanced operations at Dunlora, and that providing a higher density here will reduce traffic overall because of those coming into the County.

Ms. Schweller said the changes made since the project began include reducing the density by 20%, reducing height, removing a building, restricting building construction until after road improvements are complete, increasing proposed road improvements, reducing the sight of buildings, adding commitments based on ARB comments, new tree plantings, affordable homes, and a proffer for a transit stop.

Ms. Schweller said she thinks the community benefits outweigh the 3.5-4.5 seconds that she just mentioned by fulfilling the goals of the Comprehensive Plan, providing affordable units close to work opportunities, a new public trailhead park, \$1 million in Rio Road improvements, 50 units of affordable housing, and a stop for public transit.

Ms. Schweller closed her presentation with some renderings. She said there would be a lot of landscaping along Rio Road, with a 5-foot strip there, a 10-foot multimodal pathway, and 30 feet for mature trees to grow in front of the buildings, which will beautify Rio Road.

Ms. Schweller said she had many more slides to illustrate other benefits of the project. She said as the Board asks questions, she would love to have the opportunity to bring up those slides to better explain her responses.

Ms. LaPisto-Kirtley asked when coming from the John Warner Parkway and going north, turning right onto Rio East, if there is a dedicated left turn lane going into Dunlora. She said she could not recall.

Ms. Schweller replied yes, and presented the slide showing the dedicated turn lane.

Ms. Price asked Ms. Schweller to go back to the slide that showed the changes from the initial application. She asked when the changes were made.

Ms. Schweller replied that these changes were made over the course of the past two years. She said the applicant had its first pre-application meeting with staff in late 2017. She said these changes have been made throughout the course of working on this project. She said they have had, in addition to the many productive meetings with County staff, three large community meetings, and smaller one-on-one meetings with Dunlora at Dunlora Forest to listen to their concerns and to respond to those concerns.

Ms. Schweller said the changes were not made all at once, but at different times to address those issues that were raised not only by staff but primarily, by the community. She said the latest change was the reduction in height of the southeast building, as people across the street in Dunlora Forest were concerned about how that would appear from their homes.

Ms. Price asked if in the past 12 months, including the reduction in the southeast building height, Ms. Schweller could identify the specific changes that have been made.

Ms. Schweller replied that the majority were made in the past 12 months, or perhaps in the past 18 months, because the first large community meeting was in March 2019 and at that point, there were still 414 planned units. She said it was the first presentation, and the applicant did not know what the concerns of the community would be. She said many changes were made after the March 2019 meeting.

Ms. Price asked if after the March 2019 meeting, Ms. Schweller had any estimate of how long it took before some of the changes started to be implemented, e.g. 2-3 months. She said she recognized that on a project like this, an applicant doesn't make changes overnight.

Ms. Schweller replied that there were community meetings before the applicant submitted the application. She said they had meetings with Mr. Gallaway and with neighbors before submission. She said they were able to make changes to the application even before they submitted it. She said once they submitted it, they then resubmitted it three times. She said there have been changes made all along the way every time they submitted it.

Ms. Price said if she understood correctly, it has been fairly substantial since last March 2019, the last 15 months.

Ms. Schweller replied yes.

Ms. McKeel asked Ms. Schweller to walk her through the affordable housing commitment.

Ms. Schweller said the applicant recognizes that 15% of 328 is 49 units, but the applicant is committing to 50 units of affordable housing. She said the commitment is 50 units to be rented at HUD fair market rents for at least 10 years, ensuring affordability to those making 80% AMI. She said this is what the Board would see on the PRD proffered plan. She said this does not tell the whole story.

Ms. Schweller presented a slide showing what the 2019 Albemarle County median income is for various family sizes. She said what the applicant is proposing, however, in working closely with Ms. Stacey Pethia on the proposal, is HUD fair market rents, which is different than simply offering affordable rent at 80%. She said fair market rents are calculated by HUD annually, and that the slide shows what the fair market rents in 2020 would be. She said this will change annually and again in October, but they are using the numbers they have at the time.

Ms. Schweller said this is not only providing an affordable housing unit, including utilities, to someone making 80% or less of AMI, but it is lower than that. She showed the comparison of rent, estimated utilities, and net rent to affordable rent at 80% AMI, noting there was a tremendous difference. She indicated to the delta for each unit size between the 80% AMI and fair market rent, noting it was significant.

Ms. Schweller said currently, the minimum income needed for units at fair market rent is only 63-68% of AMI. She said this changes over time, but AMI changes as well. She said in fact, as of late April, this went up again, so the delta will be even greater.

Ms. Schweller presented the current market rents for Kotarides. She showed the comparison between those and the rest of the project. She said affordable rent at 80% AMI is very similar to Kotarides regular market rate rents, making the entire 328 units affordable according to Albemarle County's definition of affordable housing.

Ms. McKeel said this was helpful. She asked Ms. Schweller if she had any more information on the school data.

Ms. Schweller replied yes. She said the project would feed into the northern feeder pattern with Agnor Hurt, Burley, and Albemarle High School. She said fortunately, they are only 2-3 miles from all of those schools. She said the Board had already seen the projected enrollment through 2030, and that it was nice to see they have excess building capacity currently at both Agnor Hurt and Burley all the way through 2030, based on the latest data from Albemarle County Public Schools.

Ms. Schweller said unfortunately, Albemarle High School is already over capacity, and will continue to be over capacity in 2030, according to the latest data.

Ms. Schweller presented the information that Mr. Langille presented and that the schools obtain from Weldon Cooper Center. She indicated on the data to how the calculation would be made to determine how many elementary, middle, and high school students would result from the project, for a total of 68 students. She said this can be compared to the 162-unit townhomes that could be built by right, and that there is a different mix of students there.

Ms. Schweller said when looking at the actual student population that comes from comparable development, e.g. The Reserve at Belvedere and Arden Place, they project a smaller number of students from this development. She said the mix of bedrooms, at this point, is 45% one-bedroom, 45% two-bedroom, and 10% three-bedroom, to give a sense of why they would not have as many schoolchildren as they would from single-family detached, single-family attached, or townhomes. She said she thinks this is a relatively small number and did not think they would have the type of impact that others may have assumed.

Ms. McKeel said this was helpful. She said she would make a comment and that it was nothing Ms. Schweller had to respond to. She said Albemarle High School is over enrollment and has been for many years. She said the School Board has the ability to expand that educational campus by moving off of it a gas station, 150 school buses, and a mechanical station as well as the support services for all of Albemarle County Public Schools. She said this would enable the School Board to expand that educational campus to be able to handle the students they have there.

Ms. Palmer asked when the clock would start on the 10 years of affordable housing. She asked if it would start from the Certificate of Occupancy, or when the unit is actually rented.

Ms. Schweller replied that it starts from the last Certificate of Occupancy.

Ms. Price asked Ms. Schweller if she could go back to slide 54. She said the data looked accurate, but it struck her that the headings were reversed regarding the affordable rent for 80% AMI. She said it seemed that the low number should be affordable rent, and the higher number should be fair market rent.

Ms. Schweller replied that HUD fair market rent is a defined term and something that Ms. Pethia works on. She said this is the ideal for multi-family proffers in Albemarle County. She said this is a lower number and more affordable. She said HUD fair market rent is more affordable than the defined term "affordable rent." She said in Albemarle County, affordable rent would be a family making 80% or less of AMI and would pay no more than 30% gross income for housing, including utilities. She said fair market rent is lower than that and differs.

Ms. Mallek said she was going to ask the same question and appreciated that information. She said she also appreciated the information about the split of the one, two and three-bedroom units. She asked if this would be written down as something that the applicant would be accountable for as part of the official plan, as this makes a big difference in the predictability of the schoolchildren. She said they are reeling from the fact that Old Trail was not supposed to have any children, and there are hundreds of them because it turned out to be a place where families wanted to live. She said it has overwhelmed the schools in that area, and she is trying to do a better job of diligence this time.

Ms. Schweller replied that she understood the question, and the applicant would have no objection to putting that as a proffered note, plus or minus. She said it was not, however, part of their PRD plan. She said it is an estimate they have mentioned because people are so curious about what that mix will be. She said Ms. Mallek is the first person who has expressed a real concern about keeping those percentages, and that she would have to say it is not on the plan currently.

Ms. LaPisto-Kirtley asked if Ms. Schweller could explain what the bus stop would look like, as some residents seem to think that it would just be a pole standing alone.

Ms. Schweller replied that this bus stop would have enclosure, at the least, and a bench. She said this has been set out in the proffers. She said in the final proffer, where they talk about the transit stop, they do say that it will include a shelter, a rest bench, pedestrian access, and signage consistent with similar CAT transit stops. She said to keep in mind that any area around that transit stop would be dedicated to the County if any portion of it is not within the already-dedicated trailhead park.

Mr. Gallaway said Ms. Schweller made a statement about the generous 2% annual growth for the transportation study. He asked what number they are actually using regarding the 2%, and where the 2% is derived.

Mr. McDermott replied that this is a 2% increase over existing numbers annually.

Mr. Gallaway asked what existing number it is based on.

Mr. McDermott replied that there were traffic counts done, and that it depends on what intersection they were talking about.

Mr. Gallaway asked if Mr. McDermott could give him numbers on the main intersection and JWP, and perhaps Dunlora Drive, and then after the public hearing, he could revisit that.

Mr. McDermott said he would get back to Mr. Gallaway.

Mr. Gallaway said Ms. Schweller is representing an applicant that has put in applications and that it is obvious why they would want to be there. He asked what their concerns are, once the development is up and running, for the residents.

Ms. Schweller asked Mr. Gallaway if he was asking what the applicant's concerns are for its residents.

Mr. Gallaway replied no. He asked what the concerns are, once the residents are living in the area with what currently exists.

Ms. Schweller replied that Kotarides Developers is a family-owned business based in Virginia Beach. She said she wanted to be clear that once they build the project, they will continue to own the project for the indefinite future. She said it still owns all the projects it has ever built in Virginia and North Carolina. She said they will own and manage it.

Ms. Schweller said people have asked questions, for example, such as considering a shuttle to take people to the medical center. She said the answer to questions like this is always that if there is a demand, Kotarides will consider it, as this is their project and they are providing their residents with what they need. She said all the ground floor units are accessible for the elderly and disabled. She said there

will be charging stations for electric vehicles. She said every unit has space to store a bicycle.

Ms. Schweller said it will have all the amenities people are looking for when they want to be car-free. She said they will be only 2-3 miles from where they might work, and to the County Office Building. She said this is a very centrally located property, and what it provides to its residents is walking distance, biking distance, public transportation, and recreational activities.

Ms. Schweller said what Kotarides has committed to is to not only dedicate over an acre of land, but to build all of those road improvements described. She said they would not even start building them, however, for three years, giving the County time to assess this corridor for itself and decide what the County wants. She said if the County prefers some other solution, Kotarides is ready to still give that frontage and the \$750,000 to help make that happen. She said they want to help be part of the solution to these traffic problems that people are currently experiencing, but they believe their solution will be better than a by right development, or no solution.

Mr. Gallaway asked Ms. Schweller to go to the slide that shows the main entrance, not the right in. He asked if the entrance, with the left turn out and left turn in, through traffic coming, and right turn traffic coming, what the applicant's concerns are for the residents leaving the development there.

Ms. Schweller replied that they think this solution, with the green-T and dedicated turns in and out, will solve any issues for the residents here. She indicated on the slide to where continuous flow would be provided, and a deceleration turn lane. She said this is a safe way to enter and exit the development, adding that there is another entrance that provides the public a quick and easy way to get to the trailhead park. She said the public will also have an easement across a parking lot if they want to exit there, so there is an alternate way to exit and enter if coming from that direction.

Mr. Gallaway asked if Mr. McDermott and Mr. Moore had concerns. He said there is so much focus from surrounding residents about the traffic and impacts to the other neighborhoods, but with the through traffic coming through, the left hand motion to get out, the left hand motion to get in, he wanted to know if VDOT or Mr. McDermott had concerns with the way this is working. He asked them if they think it is an optimal way, as it seemed busy there. He asked if there would be a stop sign for the left turn or a yield/wait.

Mr. Moore replied it would be a yield. He said the left turns into the site would be a yield. He said they would not expect very many right turns in at that full access, and most of them are assumed to take the first right. He said even a split should not impact traffic tremendously.

Mr. Moore said what the green-T accomplishes is it separates the left turn movement, which is generally a significant source of conflict, into two movements. He said they have to just cross the traffic coming from their left, then merge into the traffic coming from their right; whereas, without the green-T movement, they would have to make the decision about both directions at the same time. He said the amount of time in a given hour where that movement can be made is increased versus a standard entrance.

Mr. Gallaway asked if Mr. Moore said that people traveling west on Rio Road would have a yield sign, where they would turn left into the development, and that it wouldn't be a stop sign.

Mr. Moore replied that it probably wouldn't even be a yield sign. He said it would very much be like a left turn off of any divided roadway.

Mr. Gallaway opened the public hearing and provided call-in instructions for the public.

Ms. Vikki Bravo said she has lived in both the County and City, and that she currently lives in the City. She said she was speaking as a private citizen concerned about the lack of affordable housing in the community. She said they need affordable housing at all levels.

Ms. Bravo said the affordable units at Parkway Place will help people who need workforce housing, such as first responders, medical workers, teachers, and others. She said these workers have been there for the community during the pandemic, and they have needed affordable housing in the community for a long time. She said they know that many of their local heroes cannot afford to live there.

Ms. Bravo said Parkway Place will help the community recover from the pandemic, with more of their important public service workers being able to live near where they work, shop, and interact with government. She said knowing that Parkway Place, altogether, uses fair market rates, and that all of the units are affordable at 80% AMI, this project will be a huge boon to people who serve the community and provide critical services. She said it is time to move forward to provide housing, which is the foundation of a secure life for those who serve the community so well.

Ms. Kathie Hullfish, Dunlora neighborhood, said several months ago, she offered her thoughts about the 999 Rio Road application. She said having initially opposed the project, she came to the conclusion that development on that small parcel of land was reasonable because the developer had made many compromises and improvements to the original plan. She said she thought the surrounding traffic impact would be small. She said the concept of affordable cluster, single-family homes in a circle was innovative, inspired a sense of community, and addressed affordable family housing needs. She said rezoning of that property seemed justifiable given its design, scope, and intent. She said in other words, to her, it eventually made sense.

Ms. Hullfish said that in contrast, the Parkway Place proposal makes little to no sense. She said aside from what many others have stated or will state, she would offer thoughts for the Board's consideration.

Ms. Hullfish said personally, she would love to see the 27 acres dedicated to open space, in perpetuity, for the environment and for all citizens to enjoy. She said the last park approved by the Board of Supervisors was Biscuit Run in 2018. She said it was not her land to sell nor buy, and evidently, wealthy philanthropists haven't invested to designate the land as such.

Ms. Hullfish said presuming that parcel of prime real estate is developed, the question is what it should or could look like, and whose vision or input really counts. She said she speaks as someone from the economy's upper class. She said she would venture to guess that like her, the applicant and many others voicing opposition have had the privilege of not having to worry much about housing opportunities. She asked what would happen if they asked citizens in need of affordable housing what their development proposal might look like. She suggested asking for input from teachers, medical assistants, and first responders, to name a few.

Ms. Hullfish said recently, she queried a few people who work with her and also live outside the County. She said they said, "First, what do you mean by affordable? It's confusing, as affordable means different things to different people, depending on their income. And I don't understand why only 15% is earmarked for affordable housing, and that it should be much more than that to make a real impact."

Ms. Hullfish said another person she queried said, "With all the apartment buildings being built up 29 North, how do they know more apartments are needed on that site?" She said another comment was, "I would like to own my own house and have a yard for the kids. It should be more like a family neighborhood for a sense of community. Apartments take up too much land and will bring in way too many people." She said another comment was, "A good neighborhood should have gardens to grow food and help the environment and use solar power."

Ms. Hullfish asked if the Board had the opportunity, individually or collectively, had the opportunity to own this parcel of land, what they would do with it. She said she didn't believe Parkway Place should be their answer.

Mr. Gallaway said if anyone had written remarks and were not able to get their full statement in in the time allotted, they were welcome to email those comments to the Board to be made part of the official record.

Ms. Mary Hood said she was speaking on behalf of her brothers, Thomas and Clarence Wetzel, who are both in nursing homes, and herself. She said they are the landowners of the Wetzel property. She said their family has owned this property since the 1920s, when all the land around the property was nothing but farmland, and Rio Road was a gravel road. She said both brothers have farmed on all the land that is now developed on. She said when Greenbrier, Dunlora, Dunlora Forest, Belvedere, and Pen Park were all in the development stage, no one from their family ever went to a meeting to complain about them and the impact it would have on their lives.

Ms. Hood said when the County came to let her mother know that they needed land for a vocational school, and that her land would be a condemnation suit, she did not fight them because she knew it would help those children who did not want to go to college, but wanted to learn a trade. She said children were in the classroom before she received any funds from it. She said when her mother passed away in 1990, it took that money that she had saved, plus the sale of another farm, to pay the inheritance taxes.

Ms. Hood said when her family tried to sell the Rio property in the 1990s, no developer would consider it because of not knowing where the Meadowcreek Parkway, now John Warner Parkway, was going through their land. She said when it was decided where it was going, they did not like giving up their land for the road, but they did what was needed for the community without going to anyone to complain.

Ms. Hood said they have not liked all the developments around them, but they have never gone to any forum to complain about how it was going to affect them. She said they always dealt with the inconveniences.

Ms. Hood said the property belongs to her family and therefore, they did not want just anyone to develop their land that they have owned and paid taxes on for over 100 years. She said her brother, Thomas, has paid inheritance tax on that property twice in his lifetime. She said over the years, they have talked with many developers and realtors. She said when Mr. O'Connell brought them the Kotarides developers, they liked what they saw from their plans, and especially liked that they are a family-owned business and were going to manage it once it will be built. She said this means they will have a stake in the community so that they will keep this property up.

Ms. Hood said this will mean more traffic, but that there are always ways to handle it, as it has been in years past. She said all problems have a solution and sometimes, one has to learn to adjust, as her family has over the years.

Ms. Hood said the Kotarides have gone above and beyond to try and please everyone, but that is

an impossible task. She said her family has taken care of this land for 100 years and feels that they have found a family-owned business to take care of it for the next 100 years. She asked the Board to vote “yes” for Parkway Place.

Ms. Linda Seaman, Dunlora Forest, said she has lived in the general area for a long time, and clearly recalled when the John Warner Parkway intersection with Rio Road was being designed. She said it was designed to funnel traffic onto the Parkway and keep it off of East Rio, as East Rio is not capable of carrying a high level of traffic safely.

Ms. Seaman said now, traffic has greatly increased because of population growth in the area of the intersection and farther north. She said East Rio is still not safe for the amount of traffic on it. She asked the Board not to add to this problem by adding 1,786 vehicle trips daily from the proposed dense infill development at this time, particularly until all those other traffic issues can be solved.

Mr. Rick Seaman, Rio District, said he believed the Board had received his written comments, so he would not read them aloud.

Mr. Seaman asked the Board not approve any rezoning of this site until the following three conditions are met: that the already-approved traffic corridor study of Rio Road East and the John Warner Parkway is actually funded and completed; that the two Smart Scale projects that Mr. McDermott referred to earlier, the roundabout at CATEC, and the R-cut at Belvedere, are submitted in August and are either approved or denied by the Commonwealth so that they can find out whether or not those are viable alternatives to the currently-proposed traffic improvements on Rio Road; and that the Places29 Master Plan is revised to reflect all of the development that has occurred, is currently in the pipeline, and is anticipated in the near future.

Mr. Seaman noted that the Places29 Rio CAC has passed a resolution requesting that the 2010 Master Plan be updated. He said one of the concerns expressed by the Planning Commission in their review was that they were being asked to make recommendations based on outdated and incomplete guiding documents. He asked not to continue that situation until those things he mentioned earlier have been done, to give them better information.

Mr. Seaman said previous Boards and Commissions have made piecemeal decisions that collectively have put extreme stress on Rio Road East, stresses that were not intended when the John Warner Parkway was constructed. He asked the Board to be sure they have the best planning in place before making yet another piecemeal development decision.

Mr. Seaman said this property should be developed, but that nothing, in his opinion, that the Kotarides is touting in their fact sheet warrants swift approval of this rezoning request.

Ms. Judy Schlussel, Rio District, said she is a member of the Rio 29 CAC. She said she was present to give the Board points to ponder as they make a decision regarding the requested rezoning.

Ms. Schlussel said she was quite baffled as to how the Planning Commission passed the March 20 staff report listing five factors that are unfavorable towards approval. She urged the Board to act responsibly and take into account the impact the coronavirus has on the economy to determine whether or not 328 apartments are the right type of living accommodation for the community at present time.

Ms. Schlussel said hotspots for the pandemic have been in areas where there is apartment living. She said social distancing will more than likely become the new normal. She said people are growing gardens rather than going to the grocery stores to avoid being among large groups of people, and that an apartment complex such as this, with a great deal of concrete, goes against the Albemarle County Growth Management Policy that promotes the efficient use of County resources through a combination of protecting the elements that define the Rural Area. She said this parcel does lie within the Urban Ring, within the Entrance Corridor, and has scenic resources.

Ms. Schlussel said according to Mr. Hamilton, a representative of the developer, if this weren't developed, the company could build about 170 units. She said although the developer has given extremely low numbers of potential school-aged children living in the proposed complex, Chief Operating Officer of Albemarle County Public Schools has given a projection of 67 children, which will add to the overcrowding that already exists. She said developing the land in clusters of single-family townhomes, duplexes, or even triplexes would be more compatible with the surrounding neighborhoods, allow for some greenspace, and perhaps reduce the number of potential school-aged children entering the already overcrowded system.

Ms. Schlussel said this parcel does have greenery. She asked if a study has been done to determine if any of the greenery on the parcel could be witness to the history and archaeology of the area.

Ms. Schlussel said the parcel is sloped. She said the diagrams of the proposed complex indicate that the land will be leveled, which will most definitely have an impact on the topography, leading into the Meadow Creek. She asked if a watershed study has been done.

Ms. Schlussel said the developer is proposing creating a trailhead, connecting to the existing trail. She asked who, exactly, will be responsible for this amenity, the City or County. She said written documentation should be received, since departments merge, and responsibility could become murky in

the future.

Ms. Schlusell said Mr. McDermott gave a presentation on the Smart Scale proposal for a roundabout at the Rio-John Warner Parkway intersection. She said this request is futuristic and several years down the road because of the time it takes VDOT to evaluate and allocate funds. She said the developer has added to the application that the road improvements will not begin prior to 2023. She said without a definite date for the Smart Scale approval, and with the developer saying he won't begin road improvements prior to 2023, it is similar to the Abbott and Costello routine of, "Who's on First?"

Ms. Schlusell urged the Board to be responsible environmental stewards, to be conservative, and to look to the future of Albemarle County to preserve all the community holds dear. She urged the Board not to approve the rezoning request.

Mr. Kent Schlusell, Rio District, said he has been a resident of the County since 1977. He said he could talk about the traffic and proposed improvements on Rio Road, and that according to a professional engineer who was one of the primary engineers on the Berkmar project, the changes would provide little improvement to the traffic, and the \$750,000 is hardly enough money. He said the road improvement is not compatible with the Smart Scale improvement being proposed by the County.

Mr. Schlusell said he could talk about how some will state how great this project will be, since people can walk and bicycle to their job Downtown. He asked about the other job centers, the weather, and walking or bicycling to Pantops, to 29 North, or the University area, noting that this would be taking a major risk to one's life. He added that it is 3.3 miles from the JWP intersection just to the County Office Building.

Mr. Schlusell said he could talk about how bringing high-paying jobs to a community causes a need for more affordable housing. He said affordable housing in this complex is only for 10 years. He said for the first 14 years of his life, he lived in low-income housing in Portsmouth. He said the State thought so much of his neighborhood, they placed I-264 right through it. He said he could relate to the need for affordable housing.

Mr. Schlusell said he could talk to the outdated Comprehensive Plan, and its lack of attention to infrastructure. He said the infrastructure study the Board has requested on Rio Road has yet to start.

Mr. Schlusell said he could talk about the flawed traffic study the development did, using the delay of one car at the intersections. He said the study did not consider the impact of multiple cars at the intersections.

Mr. Schlusell said he could talk about the number of students attending the schools for this development. He said the County schools are excellent, but the schools have not done well in predicting students each year. He said the number given by the developer is low.

Mr. Schlusell said he could talk about the development impact to the environment. He said the Board has received his thoughts on this issue, and that he hoped they had read this analysis.

Mr. Schlusell said he could talk about confusion about the development's proposed trailhead. He said it is clear the County will own it, but it is not clear who will maintain it or enforce the rules of the park, the City, or the County.

Mr. Schlusell said he could talk about the lack of need for more apartments. He said one study for the Department of Housing and Urban Development just last year forecasted, "During the next three years, it may expect for 1,625 new rental units. The 1,275 units currently under construction, and the 460 units in planning, will meet the demand during a 3-year forecast period." He said since the report was written, the Board has approved more apartments.

Mr. Schlusell said he had no doubt this property will be developed. He said perhaps R4 is not the correct zoning, but that there should not be a large apartment complex on this Entrance Corridor. He said it should be developed as an infill project compatible to the current housing and adjacent properties. He said affordable housing can also be done in a more compatible manner than apartments. He asked the Board not to approve this rezoning request.

Mr. John Springett, Rio District, said that during the past year, he has spoken and written the Board many times regarding the application to rezone the Wetzel property. He said additionally, more than 500 residents of adjacent properties have signed and forwarded a petition requesting the application be denied. He said citizen displeasure with this application has only grown.

Mr. Springett said the County's own Community Planning staff has worked with the developer for over two years and has now formally recommended that this application be disapproved for the following reasons. He said the request does not fully conform to the Places29 Master Plan, nor the Comprehensive Plan. He said even with the proffered road improvements, the request will result in increased delay times at nearby intersections where current congestion problems are experienced.

Mr. Springett said there was actually no comprehensive or realistic transportation planning being done. He said it is all notional, and there are simply no dollars associated with the plan.

Mr. Springett said these are all the exact same issues that have been raised by citizens.

Mr. Springett said furthermore, the current Albemarle County Growth Management Report published less than six months ago states that there will be an excess of all types of housing units in the County through the year 2040.

Mr. Springett said other infrastructure issues such as school overcrowding, environmental concerns, and negotiations with the City of Charlottesville regarding the ownership and maintenance of the proposed trailhead have not even been completed.

Mr. Springett summarized that the County's forecasting officials say that there is already an excess of units. He said the County's Community Planning staff say the application is inconsistent with the Master Plan, will further aggravate the already overburdened transportation infrastructure, and recommends disapproval. He said an overwhelming number of citizens living adjacent to the property are opposed. He respectfully recommended that the application be disapproved.

Ms. Marcy Springett, Rio District, Dunlora, said she had four points she wanted to make. She said the commendable mission statement of Albemarle County is, "To maintain Albemarle County's stature as a quality community by promoting the values of education and lifelong learning, historic and scenic preservation, safety, affordable, cultural diversity, citizen participation, and economy opportunity that make the County a desirable place in which to grow up, raise a family, and grow old while preserving our natural resources, rural character, and visual beauty for further generations."

Ms. Springett said her second point is that it is very interesting and telling that the Board mentions and does endeavor to preserve natural resources, rural character, and visual beauty for future generations. She said it seems to take place only in the Rural Areas, however. She said unfortunately, in the 5% of the County designated "Urban Density," in which the Board is determined to place 95% of the population, they seem to have set aside all of those important goals for keeping the urban density a desirable place in which to live.

Ms. Springett said her third point is that the situational ethics are blatant. She said the County has actually changed the zoning for not building on steep slopes and safeguarding the watershed to satisfy developers' demands. She said the Wetzel farm has steep slopes, a floodplain, wetlands, and is part of the watershed into the Meadow Creek, which feeds directly into the Rivanna River. She said the farm itself sits within direct view of historic Monticello. She said this Parkway Place proposal levels off slopes, displaces many acres of land with asphalt, changes the watershed, and puts in a mosquito pit for rainwater runoff.

Ms. Springett said the safety of the occupants is completely ignored. She said there are two very complicated turns from Rio Road East into the development; however, there is only one way out. She asked how this is allowed for a development of this size and density. She said there are also no crosswalks to enable the use of the sidewalks on the southeast side of the highway, and no good spots to allow school buses to load and unload the possible 67 schoolchildren.

Ms. Springett said her fourth point is that if there is one thing they have learned during this pandemic, it is that people recognize the need for family space. She said more and more Millennials are already now searching for their own homes, not apartments. She said they want some of their own green spaces to plant a little garden and play outside with their children.

Ms. Springett said over 40 million people have lost their jobs. She asked where the new businesses are for Albemarle and Charlottesville. She asked what is going into Fashion Square Mall. She asked where 328 families would go to work. She said the County could easily keep this zoned R4 and still have a wonderful variety of homes of all affordable categories, and in keeping with the mission statement for the entire County. She asked the Board to vote "no."

Mr. Matthew Gillikan, City resident, 726 Orangedale Avenue, said he was speaking in favor of the project. He said he wanted to focus on the human element of what this project will entail, as much of the discussion has been around traffic, rules, and planning. He said all of this is important, but he wanted to mention that he has three small children, ages 3, 5, and 8, and he thinks that this trailhead is something his family would take advantage of. He said they were recently at Greenbrier Park and at the John Warner Parkway, where he hopes there will eventually be a connection via an official trail, and would like to see that amenity happen, which would not happen with by right development.

Mr. Gillikan said in terms of housing, contrary to what was said earlier, there is a shortage of housing in the area. He said the opportunity to have 300 more units in this location is an opportunity that shouldn't be passed up. He asked if they did not do more density here, where would it happen. He said with the affordable units that could hit as low as 65% AMI, he agrees he would love to have more than 10 years and more than 15%, but that these are currently the rules set by the County and State.

Mr. Gillikan said his wife is a teacher at Jackson-Via Elementary in the City, and many of her co-workers are not able to live in the City or County, but have to live in surrounding counties due to the lack of affordable housing in the area. He said the 65-80% AMI is a sweet spot for young teachers in the City and County, and that Charlottesville High School, Greenbrier, Agnor Hurt, and Woodbrook are all within a few miles of this development. He said he would like the Board to consider the possibility of this being a place where many teachers, firefighters, and nurses could be. He said if by right development happens, none of them would be able to afford to live there.

Mr. Gillikan said in terms of transportation, a denser development has the chance to be a catalyst for some non-car transport up the Rio Road Corridor by having a larger number of homes close to the bus stop. He said he could envision a sort of Southwood all the way up to the Rio/29 interchange bus route that runs direct and gets people all the way up and down the corridor, providing opportunities for teachers at Jackson-Via, for instance, to live there and take the bus to school rather than having to drive a car.

Mr. Gillikan said additionally, regarding the bike infrastructure on the John Warner Parkway, he started recently bicycling, and that 3 miles is not as far as it might seem.

Mr. Gillikan asked the Board to vote in favor of the application.

Ms. Lisa Drummond, Rio District, said she has written several letters to the Board and Planning Commission. She said in summary, there is no good reason to change the existing R4 zoning, and many reasons not to change it. She said for instance, the County Planner recommended against the rezoning in March. She said the Planning Commission did approve it, but two of the approving votes said they went back and forth and had conflicting opinions at different times and seemed as if they could have gone either way and would have defeated it.

Ms. Drummond said in addition, the existing R4 zoning, plus bonus units, will still give the County an acceptable density in the Master Plan range. She said it would give them an 8 net density, and the plan range is 6-34 units per acre. She said Parkway Place is a 16 net density.

Ms. Drummond said this is not the best use of this parcel, nor is it the place for high-density building. She said there are other places in the County that can provide capacity for mixed-use, high-density dwellings near major roads. She said there are many other apartment buildings being built in the County, and Albemarle Square and Fashion Square Mall will likely be redevelopment in the future, in line with the 2018 Rio-29 Small Area Plan concepts.

Ms. Drummond said the higher density should mean appropriate urban infrastructure. She said Parkway Place would be surrounded on all sides by two-lane roads. She said this is not sufficient infrastructure. She said the fact that the developer is offering to make some road improvements might seem attractive. She said their offering of green-Ts and partial medians means that in a two-tenth of a mile stretch on Rio, there will be six distinct turn lanes, four separate medians, two merge and acceleration lanes, two dedicated through lanes, along with a 10-foot bike and pedestrian path. She said it seems like this will make traveling on Rio a safety hazard, not to mention dumping twice the density on a currently stressed road, which will make matters worse.

Ms. Drummond asked the Board to wait until there can be a comprehensive, realistic, and impartial traffic study done, whether it is this fall or next year. She said as an example of making a commitment now, and then later having the traffic study indicate something different, is that the apartments will be 30 feet back on Rio Road, and if the traffic study says to widen Rio Road to four lanes, this would then become impossible.

Ms. Drummond said an apartment complex of this size and scale is out of character with the surrounding single-family, townhouse, villa neighborhoods, not to mention the farmland right next door, and the standalone houses that have acreage along Rio. She said it will also, in her opinion, be an eyesore. She said it is too close to the road. She said the developer will flatten the character of the land, particularly with the trailhead parking lot. She asked the Board to vote "no."

Mr. Lanny Drummond, Dunlora Forest, said his concern is with traffic management and safety, particularly if the proposed rezoning will roughly double the number of units to be built, and the dramatic increase in the vehicle traffic on Rio Road, a two-lane road. He said his references are humble and organic, and they include the Cville residential rental statistics, Daily Progress demographics, and Joint Center for Housing Statistics.

Mr. Drummond said to help focus on traffic safety, he hoped the following would help the decisionmakers. He said rental vacancy in a 328-unit apartment complex will result in an average of 295 units occupied at any one time. He said the average numbers of working adults per unit is 1.8. He said this does not include commuting students. He said this results in 531 adults commuting daily.

Mr. Drummond said for these working adults, 2% ride the bus, 2% walk, 7% telecommute or work from home, and 77% drive alone, meaning in the case under discussion, 408 vehicles will be outbound each day.

Mr. Drummond said regarding traffic safety risks, they have heard a good bit of sterile numbers and speculation, which did not include what he calls the "human factor." He said regarding traffic, many numbers have been offered and challenged by each side of the debate. He said with only one exit from the complex, it is very difficult to calculate wait time if you are not the first car in line. He said with a large number of exiting vehicles, there will be a line. He said further, with the current commuting volume, turning left from the complex will be extremely difficult.

Mr. Drummond said with regard to the human factor, what is known is that people under pressure do mindless things, and that jumping out into traffic is high on the list. He said the number of people who are late for work, doctor or dental appointments, and getting kids to school or daycare is unknowable, but it is a daily certainty. He said they could sit there all night and arm-wrestle numbers, but they have heard or seen nothing regarding the human factor.

Mr. Drummond said this project, as proposed, will place all area commuters at risk of loss, damage, or worse. He asked the Board not to allow this proposed rezoning to go forward, and to vote “no.”

Ms. Monica Atkinson, Dunlora, said she would echo many of her neighbors’ comments. She said she has experienced traffic delays at the intersection of Dunlora Drive and Rio, in particular, and has observed unsafe driving conditions. She said her concern is that these conditions will be greatly exacerbated if the property is rezoned as requested. She asked the Board to vote “no.”

Mr. Timothy Hulbert said long ago, he was drafting Mario Matthew Cuomo’s speech, and that the Governor told him, “Repetition is the mother of knowledge.” He said tonight, he would echo the comments that were submitted earlier in the year to the Planning Commission by his friend Matthew Gillikan as he was recovering from open heart surgery at the time.

Mr. Hulbert said he is a resident of the East Rio Road/John Warner Parkway neighborhood, close to Dunlora in Shepherd’s Ridge. He said he and his wife moved to Fowler Ridge Court two years ago and loves their new neighborhood, having moved from the City. He said he supports approval of the Parkway Place neighborhood, a project that would cross Rio Road in a beautiful part of Albemarle County.

Mr. Hulbert said he was not on a payroll there tonight but is one of the neighbors who thinks that Parkway Place will be a neighborhood community of homes and families with the funds needed to make roadway improvements. He said the County’s project was #14 on the list, which was at least a decade away. He said the intersection needs funding, and that the only funding that will show up will be private investment.

Mr. Hulbert said Parkway Place will offer 278 market-affordable, workforce housing units and 50 designated affordable housing apartments. He said to compare this with how many affordable housing units were built in the County over the past couple years. He said the economy today and tomorrow demands more rental housing across the board. He said companies like WillowTree, CFA, Sigora Solar, and others need this type of housing to be able to fill their workforce. He said the project scale is fitting as well within the Comprehensive Plan range of 6.01-34 units per acre. He urged the Board to approve the rezoning.

Ms. Laura Mulligan Thomas said she and her husband live in the Rio District and that for nearly four decades, she has taught at Charlottesville High School. She said they urge the Board to vote “no” to the Parkway Place rezoning application. She said the proposed high residential density of 328 new units, which is 16.1 net dwelling units per acre, will generate an additional 1,800 vehicle trips per day, which is a 15% increase over current volume.

Ms. Thomas said the intersection of Rio and John Warner Parkway is already a hot mess, rated D- by VDOT, the very entity that designed it. She said it absolutely cannot handle this increased volume. She said as anyone who lives in or commutes in this area daily, she urged the Board to consider how many hundreds of housing units are already in the pipeline for this area, in addition to the increased traffic that the newly completed Center at Belvedere and the SOCA facilities will bring.

Ms. Thomas said she understood that the Planning staff did not recommend this project, and that the Planning Commission vote was split. She said she has questions. She said she did not hear anything that evening about the school bus routes, and if they will be able to enter Parkway Place or need to stop traffic on Rio Road during peak hours. She said when JAUNT or CAT buses stop at the transit station located so close to the intersection of Rio and JWP, the impact on traffic will be serious.

Ms. Thomas asked the Board to vote “no” on rezoning until the infrastructure is in place to handle the increased density in traffic in an already-dangerous intersection and congested area.

Mr. Josh Carp, City resident, said he was there to express his support for the project. He said since the beginning of the Coronavirus pandemic, they have all been talking about how much they value essential workers, like teachers and healthcare aides, but that far too often, they do not help the essential workers when it comes to housing. He said it was hard to think of a job more essential, at least to him, than a teacher.

Mr. Carp said he has a three-year-old son who used to go to daycare behind the Staples downtown, and since getting to know the teachers who work there, he has learned that none of them live in Charlottesville or Albemarle County, as they cannot afford to. He said they live in Nelson, Greene, and Orange, and drive up to an hour to get to work. He said with that commute, they are away from their own kids for 12 hours a day and spend a lot of their own money on gas and car maintenance. He said this was why he was happy to hear about the project.

Mr. Carp said if the Board approves the proposal, the County will get 50 affordable units at 65% of AMI, plus hundreds more than will be affordable at market rates. He said these are homes that his kids’ teachers would be able to afford to live in, or healthcare aides, restaurant workers, or retail workers. He said people are only now going to appreciate how much they rely on people who do these kinds of jobs, and that they deserve to be able to live in the communities where they work.

Mr. Carp said he would also remind the Board of what would happen if they reject the proposal. He said the property will still be developed, but without the traffic improvements that everyone agrees are

needed. He said they will not get a new bus stop, trailhead, or greenspace and that, more importantly, they will not make the community more inclusive, but will keep driving working families farther from their jobs. He said they will pay all the costs for more development without the benefits offered by the developer today. He said he hoped the Board would take a step forward in welcoming essential workers into the community and support the rezoning.

Ms. Val Newcombe, Samuel Miller District, said she works on the Downtown Mall in a climate tech firm, which drives the adoption of residential solar and energy storage. She said she also sits on the board of Georgia's Friends, which is the City's only recovery house for women. She said recently, she was invited to the Board of Supervisors for Generation 180, which is a nonprofit that activates communities to take action on clean energy. She said she lives in the County but cares deeply about what goes on in the City, and is engaged in this conversation.

Ms. Newcombe said she wanted to share a couple anecdotes in favor of the development. She said from a professional standpoint, her firm struggles with recruiting on a few fronts, and often hears from potential candidates that Charlottesville is of interest because there is an assumption that housing there is affordable, but then hears that they have lost a potential hire because they are relocating to another city such as Raleigh or a place with a more robust offering.

Ms. Newcombe said although she works in climate tech and the thought may be that they pay big salaries to their team, they really do not. She said they are a startup in year four and is largely comprised of people who care about the environment, with a more progressive urban environment. She said this often outweighs the big paychecks that one may assume they are paid.

Ms. Newcombe said she is mother to a couple teenagers and that she is thinking about their future. She said one is ready to head to college this fall, depending on what happens with COVID-19. She said she was hopeful they would come back to Charlottesville, as it has been a great place to raise kids, but she hoped they would not live with her. She said she hoped there would be opportunities for them to live independently without accumulating a lot of debt, work towards being contributors to the community, and have a place they can afford in the City.

Ms. Newcombe said another example, which is a hybrid of personal and professional for her, is that she has a niece who is a teacher in Pennsylvania and was excited that she was applying for a job in the City. She said she has a master's degree and was interested in relocating to ultimately pursue her PhD at UVA. She said comparing Harrisburg, PA to Charlottesville, she found it unaffordable to move here, so she scrapped her plans and is rethinking her next steps. She said she thought it was unfortunate that young professionals discount Charlottesville because they look at the rents and think, "No way." She said although it is a smaller town, it is expensive.

Ms. Newcombe said when she heard about this project and the potential for housing that has access to Downtown, it excited her that it might be moving in the right direction.

Ms. Newcombe said with working in her field, she is excited about getting cars off the road. She said it seemed odd to her that something with this kind of proximity to mass transit and access to Downtown wouldn't be more popular in the community. She said she has appreciated everything everyone has said that evening, and that it has taught her a lot. She said she has been in the area for 13 years and has worked in renewable energy for the past 5 years.

Ms. Ann Cooper said she wanted to thank many of the people who have already spoken for speaking about the traffic issues. She said unless one lives there and has to deal with them every day, they cannot even imagine what it is like.

Ms. Cooper said she has been a teacher there for many years, and that those numbers given as far as the schools were from 2016. She said every time she went to get a class, she found out there were a lot more kids than what they had told her there were going to be. She said the schools are already overcrowded, and new schools are needed to be able to handle it.

Ms. Cooper said there are many houses on Route 29 being built, and that those people come down Rio Road to get to the expressway. She said it will not help to have a few little things done. She said she hoped the Board will not pass this, as it would be a terrible move.

Ms. Nan Halperin, Rio District, said she did not want to repeat the other good points that have been made by fellow citizens. She said her concerns center around the stress on their already-crowded roadways, and the impacts on schools, especially Albemarle High School. She said she concurred heartily with the comments made by Mr. Rick Seaman regarding traffic and agrees that the County should follow best planning practices and avoid piecemeal development, which this plan seems to embody.

Ms. Halperin said she also agrees with and endorses Ms. Judy Schlusel's comments about responsible development and environmental stewardship. She encouraged the Board not to approve the rezoning proposal.

Mr. Brent French, Rio District, said he and his wife have lived in Dunlora for 20 years, raised their family there, and watched the traffic grow year by year to become more of a problem. He said with Belvedere, Dunlora Forest, and the opening of the John Warner Parkway, traffic has steadily grown worse and worse. He said it is now so bad, it is difficult to enter or exit the neighborhood during rush hours. He said visitors to Dunlora are already confused by the fact that there is no clear entrance to the

neighborhood.

Mr. French said they find it difficult to believe that the Planning Commission would ignore the County Planner, as well as a petition signed by 500 residents, and instead approve a plan to drop 328 units next to Dunlora with only a green-T traffic plan that is totally untested and unlike any other traffic pattern in the City.

Mr. French asked why they should believe any of the projections or studies that the applicant uses to argue their case. He said all he knows is what history has taught him, and that is that traffic gets worse with every new development. He said it also gets worse with every so-called "improvement" made by VDOT. He said what history has taught him in over 20 years of living in Dunlora is that any change is always a change that makes traffic worse, not better. He said even by the applicant's own analysis, wait times for Dunlora will increase as a result of the Parkway Place, and even with the green-T traffic plan which is, by their own admission, incompatible with any longer-term solution involving a roundabout.

Mr. French said it was also important to note that this development lies outside of the Planning Commission's Priority Areas. He said he, for one, would like to know where those Priority Areas are located, and why this development cannot be relocated to someplace where it can do some good rather than harm. He said to consider, for example, the newly completed extension of Berkmar Drive that runs 2 miles out to Hollymead Town Center. He said this corridor is not only underutilized but goes essentially unused. He said a development there could have commercial areas readily available to it as opposed to the proposed location.

Mr. French said he questions whether a Master Plan completed over a decade ago is even relevant today. He proposed that this development should be tabled until the Rio Road Corridor Study can be completed. He said dropping 328 units in their backyards is ill-advised in the absence of a solid and impartial plan, going forward.

Mr. French said only those who support this development are people who live outside of the neighborhood. He said the people who will be most impacted are uniformly united against it. He urged the Board not to approve the rezoning request.

Mr. Tom Click, Dunlora, Rio District, said he is a business owner and member of GO Virginia Region 9. He said he has worked with Andy Wade in Louisa County on meetings like this and appreciates the Board's situation on this very important issue. He encouraged the Board to vote "no" on this rezoning request.

Mr. Click said while the presentation they just saw was impressive and tempting, there was a great deal of uncertainty surrounding the true impact of the project. He agreed with comments made by some Board members regarding underestimating the true number of additional cars, and how this plan does not account for the impact on schools by other previously planned projects. He said in addition, the renderings do not reflect the current vehicular and pedestrian traffic that is seen every day at this intersection.

Mr. Click said the common tactic by developers is to buy properties with undesirable zoning, then lobby to change the zoning, in this case, more than doubling the number of units, then, offer proffers and roadway improvements that supposedly benefit the community by solving the problems that the new, impending development will create. He said they then draw comparisons between their improvements and doing nothing, essentially offering a traffic jam for residents and a hostage situation for the Board of Supervisors. He said they also try to minimize the presented impact to local schools by drawing comparisons to other properties such as The Reserve, which is not an accurate comparison.

Mr. Click said Kotarides Properties look very nice online, and the business story is inspiring, but the reality is that they do not live here. He said he and his wife moved from Chicago to Charlottesville to Dunlora 14 years ago with their then 8-month-old son, and now have three children. He said while they love many things about Chicago, they did not like the traffic, noise, or density. He said they wanted what many people want from life, to live in a community that supports families, protects the environment, promotes safety, and encourages connection with its members. He said Charlottesville provided this type of community.

Mr. Click said over the last 14 years, however, these aspects have changed dramatically, and they now find themselves literally surrounded by development after development, chewing up the Virginia landscape like a paper shredder, consuming more and more water, increasing the noise level, increasing the safety of the children and elderly, and trading greenspace for asphalt and vinyl siding.

Mr. Click said this portion of Albemarle County has gone from a place where they can hear birds sing and smell honeysuckle on the breeze to one of the Chicago neighborhoods where one can smell car exhaust, hear cars speeding and horns honking, and drivers yelling at pedestrians when they get too close to the curb. He asked the Board not to approve this rezoning request.

Ms. Jennifer Mathes, Dunlora, said she, too, is concerned about the increased traffic, loss of greenspace, and overall change in the feel of the community. She said throughout this process, she has heard reference to the Rio-29 Comp Plan. She said decisions to take away their greenspace and increase congestion seem to turn on its dictates. She said notwithstanding the argument that a new Comprehensive Plan is needed; she would urge the Board to consider the other elements and principles in the current plan and whether those are being met.

Ms. Mathes said in the vision statement of the plan, it states that the four northern Development Areas will be pedestrian-oriented and, “integrated into this urban-style development. Parks and Open Spaces will provide a sense of respite and contribute to an overall excellent quality of life.” She said when she drives through the City, she sees these parks; however, as far as she knows, there are no parks in this part of the County planned. She said as to the 1-acre park in the developer’s plan, it consists of an asphalt pathway, a trailhead and presumably, a parking area, all bordered on two sides by very busy roads, not a place where anyone wants their child playing.

Ms. Mathes said in addition, there are some guiding principles to the plan that are not met. She said #9 refers to an efficient, effective, and accessible transportation system. She said the developers made proffers of road improvements. She said she would argue strongly that the green-T proposed will actually increase already poor sight distances along Rio Road at the Dunlora entrance. She said in addition, the Planning staff, which she is told recommends projects over 90% of the time, has not recommended this one, in large part because of traffic concerns.

Ms. Mathes said #10 states, “Future improvements to the transportation system are an opportunity to increase the connectivity of places and land uses currently separated by US-29 and other high-traffic roads, such as Hydraulic and Rio.” She pointed out that in a previous Board meeting, a former Supervisor noted that he would purposely avoid this area and go the long way around because of traffic delays. She said staff noted that the traffic issues have not been dealt with.

Ms. Mathes said #13 states, “Community values the expansive views of the Blue Ridge Mountains and other vistas. They add to the quality of life. They should be preserved through careful delineation and protection of viewsheds.” She said this area is an elevated location that still allows for views of McIntire Park and the mountains. She said adding tall, long buildings with no space between them will seriously curtail the lovely Charlottesville vistas not only from the nearby neighborhoods, but also along an Entrance Corridor into Charlottesville.

Ms. Mathes said she would challenge the need for a change in the rezoning. She said the 2019 Growth Management Report on the County’s own website detailed a projected need for housing through 2040 under different scenarios. She pointed out that under the most conservative scenario with no rezoning, the report concludes that the County will still have an excess of housing into the year 2040. She asked the Board vote “no” to further destroying the vistas, greenspace, and further burdening the already out of control traffic.

Mr. David Myers, Rio District, said he firmly opposes the rezoning request and asks the Board to do the same for the following four reasons. He said number one, the Planning staff recommendation was to not approve the request, after years of analysis.

Mr. Myers said the second reason was safety. He said they have talked about many things that evening, but have barely touched safety, which seemed odd, given the current times. He said the roadway changes proposed by the developer are inadequate and unsafe for pedestrians, cyclists, and automobiles alike. He said Mr. Langille discussed this topic, and a resident has already given a summary with regard to the turn lanes, the medians, the through lanes, the bike path, etc. all within a 0.2-mile stretch of road. He said it is dizzying just to look at a drawing, let alone be in that area.

Mr. Myers said as someone who regularly bikes and runs with his wife and young son in this area, it is dangerous enough already, and the proposal will make it worse from a safety perspective. He said Mr. Gallaway made the safety point in regard to new residents, but there are significant safety concerns for existing residents as well.

Mr. Myers said the third reason to oppose was traffic. He said they have heard a lot about it, but as a community, they continue to piecemeal new development together, largely driven by developers’ desire for rezoning. He said residents are left to deal with increased traffic but more importantly, no comprehensive long-term plan to remedy the situation. He said the line of questioning from Ms. Price was spot-on in regard to a holistic approach of this problem, which they are not doing at the moment.

Mr. Myers said what they do know about traffic is that there has been no corridor study performed, that the funding for the study has been pulled, and that all the new signage at the Rio-29 GSI has directed all southbound traffic through this corridor, in addition to the upcoming, unbuilt developments. He said traffic will be an erosion to existing quality of life for residents.

Mr. Myers said the fourth reason to oppose this request is the weak proffers. He said the Planning Commission and others have noted that this is one of the last available, developable parcels near Downtown in the County. He asked the Board to treat it that way. He said there is a \$750,000 proffer for a project that will enrich Kotarides for 60, 80, or 100 years, actually, in perpetuity, by their own admission, is an embarrassment of an offer for residents, the landscape, and a County as a whole. He said for context, they just heard that a roundabout has an estimate of \$6-8 million.

Mr. Myers asked why affordable housing would expire in 10 years. He said this should be in perpetuity. He asked why they would band-aid a solution, as already significant as it is, in the community today.

Mr. Myers said there are significant different viewpoints on infill versus greenfield and character and understanding of the existing neighborhood. He said this needs to be further discussed before

moving forward. He asked the Board, for these four reasons, not to approve the rezoning request.

Mr. Peter Krebs, Piedmont Environmental Council, said the Parkway Place project, situated in the heart of the urban core, comports well with the County's vision, as articulated in the Comprehensive Plan, and aligns well with ideas he often hears from County residents. He said people want to live close to jobs, schools, and entertainment. He said they want multiple transportation options and ready access to nature.

Mr. Krebs said this project is situated near the core of the designated Growth Area and is where the community would want people to live. He said it sits astride multiple roads, an important bus line, and one of the area's premier multimodal routes, the John Warner Parkway, with its high-quality greenway. He said the project is also adjacent to the Rivanna Trail and is less than a mile from McIntire Park and many nearby resources.

Mr. Krebs said several new bike/pedestrian infrastructure projects will be coming to the neighborhood soon, including the County's North Town Trail and the City/County connector under the railroad tracks near Meadow Creek, which will connect residents to the 29 and Hydraulic areas.

Mr. Krebs said additionally, the developer is offering a few improvements that will benefit the entire community. He said the trailhead they propose will be an important gathering place, where he would expect mothers and the elderly to meet up for safe, social midday and evening walks. He said the road improvements on Rio will be welcomed, as well as the frontal sidewalk, although this should be a given, and the easement for a streamside trail.

Mr. Krebs said they cannot look to meet their goals for rural conservation, health, equity, and reducing and mitigating climate change unless people have quality places to live in the urban area. He said from a land use perspective, this project is consistent with that and the County's longstanding goals. He said he looked forward to seeing this project going forward and hopefully being a resource over time.

Ms. Nancy Cornell said she has lived in Dunlora for the past 27 years. She said during that time, they have had the entrance to the neighborhood change, which increased traffic from people trying to get to Pen Park, thinking they could do it through the neighborhood. She said between Dunlora Drive and Park Street, there have been large apartment complexes built, Belvedere has been developed, and all of this traffic has to go either on Rio Road or the Parkway.

Ms. Cornell said she works less than 2 miles from her home, and it should take her 5-6 minutes to get to work. She said if she has an 8:00 a.m. meeting, she has to allow at least 20 minutes, or she will be late. She said as she leaves work, she sees the traffic backed up from Melbourne Road to the Bypass. She recommended that the Board consider the traffic in this area. She said it is a major issue, and it needs to be addressed before they add more traffic to the roads in the area.

Mr. James Watson, 569 Lochlyn Hill Drive, said he lived in the City for several years, in Belmont, and was part of the evolution of Belmont. He said he was able to come over to this side of town about a year ago. He said he has a child at Greenbrier Elementary, and one at Charlottesville High School. He said he finds that he can get from his house at Lochlyn Hill to Greenbrier Elementary in about 8 minutes. He said he actually does not find the traffic to be as bad as one would think, although the road does look abnormal when going from Stonehenge to the John Warner Parkway/Rio intersection. He said he does not find it to back up as much as one would think, however.

Mr. Watson said he thinks the project can be great for the area. He said a trailhead is needed, and that many times, he parks at the vocational school when he goes there with his family. He said it gets dangerous crossing the current street, so he likes that the developer has come up with some ideas to improve pedestrian mobility through that area.

Mr. Watson said many of those at the meetings are older, and that looking at the companies that are moving to the area to Downtown, such as Apex, Co-Construct, and WillowTree, and a large building on the Downtown Mall will bring 530 employees, many of these people are younger and do not want to drive like older people do. He said many of these new employees could work from home, as IT is coming to the area. He said IT, however, will make the cost of living even more difficult for people to achieve.

Mr. Watson said years ago, he and his wife bought their first house in Belmont, which was an affordable housing option. He said now, one cannot buy a house in that neighborhood for under \$380,000. He said there is no affordable housing option for a teacher, even one with 7-8 years of experience.

Mr. Watson said there are some things with the design that can be improved, but he thinks design can overcome anything. He said they must look into the future, as many of the younger people can work from home, are not as car-dependent, and can bike and walk, in some cases. He said they could also support buses that could go from this area to UVA and Downtown. He offered his support to approve the project.

Ms. Kristine Campbell, Dunlora, said she was speaking on behalf of herself and her husband Patrick, and that they both strongly oppose the development. She said she appreciated the speakers, slides, and statistics that were shared, but that it was one thing to hear those numbers and another to actually live in Dunlora and drive on Rio Road every day. She said every day, she turns left out of Dunlora with her three children, and also drives up Rio to 29 to head to work. She said every day, she feels absolutely unsafe due to congestion and speeding. She said Rio Road is unsafe for her family, her

neighbors, drivers, bicyclists, and other pedestrians.

Ms. Campbell said she shares all of the concerns that have been raised so far and would like to raise a few additional concerns that have not been brought up. She said there has been a lot of discussion of taking a left turn out of Dunlora, and it is true that this is a long wait time and is dangerous. She said what has not been discussed, however, is taking a left turn off of Belvedere Boulevard onto Rio Road, and that this turn is treacherous. She said all turns, in fact, when crossing lanes on Rio are not only near impossible, but very dangerous.

Ms. Campbell said many of the numbers that have been given regarding traffic have focused on the present, and then current numbers, if this development were to happen. She said she would like the County to look at the numbers of traffic violations such as speeding, accidents, and even deaths along the Rio Corridor. She said she knew for a fact that a few years ago, a woman was killed turning left from Rio onto Hillside Drive.

Ms. Campbell said the numbers that have been given related to traffic do not seem to account for the hundreds of kids that live in the Dunlora and Belvedere neighborhoods alone who will be driving within the next few years. She said those children will not only add to the congestion they are all dealing with, but also themselves face the dangers of the Rio Road Corridor.

Ms. Campbell said residents in the area often drive through Huntington and Carrsbrook to bypass Rio Road, and traffic on those roads will impact those neighborhoods and those residents. She said she knows that other people driving Rio will take advantage of those bypasses, and the concerns of those residents should be addressed as well.

Ms. Campbell said impacts to schools have been discussed, and it is important to note that all of the public schools that the Dunlora neighborhood and accompanying neighborhoods feed into are rated below average on the greatschools.org site, which is the foremost resource parents use when deciding where to send their children and where to live. She said in particular, Albemarle High School, which they know is over capacity, is only rated 4 out of 10, and the elementary schools the neighborhood feeds into are rated as low as 2 out of 10.

Ms. Campbell strongly urged the Board to vote "no."

Ms. Chris Londen said she was also speaking for her husband, Ron Londen. She said they are the original owners of their Dunlora home, having moved there in 1995. She said they have tolerated the infill of their area for the past 25 years, along with the unrelenting traffic increases, including a large apartment complex down Rio Road that has not even opened yet. She said who knows what the impact would be there.

Ms. Londen agreed with other Dunlora neighbors that this development represents a continuing bait-and-switch, diminishing the very things that drew them to Charlottesville to begin with. She urged the Board to vote "no" on this rezoning project.

Ms. Cheryl Evans said she has lived in Dunlora for 9 years. She asked the Board not to approve the rezoning or the apartment project related to the rezoning. She said she is an attorney who has focused on land use and zoning many years ago in her career. She said she can see that this seems to have been pushed through without following the recommendation of the staff planning report, which did not recommend this development in the area. She said to the points raised by a number of other neighbors and interested citizens, the Board requested a corridor study of Rio Road, which has not been funded and completed. She said there are various other things that have not been done. She said in many ways, it is ill-conceived.

Ms. Evans said she agrees with some of the points raised by a variety of people, including the notion that the hallmark of zoning is not to do things in a piecemeal way. She said this would certainly be piecemeal development.

Ms. Evans said she was impressed with the engaged, smart, thoughtful comments of those in the community. She said having moved to the area from Washington, D.C., it was nice to see and hear.

Ms. Evans said while affordable housing is needed, she thinks placing it here is misguided. She said there are very few affordable housing units that will be in this development, and a high-rise or large-scale, dense apartment building will not fit in with the community. She said she knows this because she has not always been in upper-middle-class housing and was even in HUD housing as a teen. She said while the area might need affordable housing, they need it in the right place, and this is not it.

Ms. Evans said she agreed with the issues regarding schools and the impact on schools that are overcrowded, and the lack of ingress and egress here. She said significantly, the character and traffic of the neighborhood would drastically change, and that it would not be for the better in any way. She said they can put affordable housing in a better location where there will be less danger.

Ms. Evans said she agreed with her neighbor regarding Rio Road accidents. She said she was first told about this when she moved here, and thinks it is an issue. She said at this time, putting a bus stop here and this high-density housing does not fit in with the development and will cause more problems. She said there are certainly other places to place this type of development. She said some of the assertions made by the developer are somewhat disingenuous. [Inaudible] and higher density and

traffic are patently not accurate. She said it is a solution in search of a problem, at this point.

Ms. Evans said the County needs affordable housing and can certainly develop it in other areas of Charlottesville. She said she hoped the Board will oppose this and follow a planned, well-thought-out process for developing affordable housing in Charlottesville.

Mr. John Atkinson, 952 King William Drive, Dunlora, said he was calling to advocate against the rezoning of the property. He said there has been a good, thoughtful argument put forth by others that he would not repeat. He said to proceed without planning for traffic would be very ill-conceived. He asked the Board to vote against this application.

Mr. Rory Stolzenberg, City resident, said the last time he spoke to the Board, he asked [inaudible]. He said people in the community households [inaudible] into apartments that is affordable, which are under 80% AMI, are replaced at federal minimum rents, if they can unlock the vouchers for federal available and City-funded vouchers [inaudible] residents of the County to affordability so that people can find a home. He said this is 50 units, but the whole City voucher program was 100 units.

Mr. Stolzenberg said speakers that evening mentioned the Coronavirus pandemic. He said the most common form of houselessness is overcrowding and having to move in with many other people because otherwise, one would be out on the streets. He said when there are many households living together, this is dangerous for spreading infectious diseases. He said if more apartments are built that are cheaper and more readily available, people are spread farther apart.

Mr. Stolzenberg said to consider the 278 households and all the people in them that will move into the rest of the units which, with the developers' projections, would be at a little less than 80% AMI and market rent. He said from his understanding in the market as a renter, it would be there or a little higher.

Mr. Stolzenberg said to think about the jobs that they are moving into, and the causality. He said jobs are created in the Charlottesville/Albemarle area, and they have to find people to fill them. He said they will move into the area and as a Supervisor said, there are large projections for growth up 29, but this does not happen in a vacuum. He said some of those people could move closer in, where there is high-tech, state-of-the-art infrastructure to get to the City. He said if they live in Greene townhomes, they will not be able to do that, and they will still drive through the area.

Mr. Stolzenberg said he is on the MPO Tech Committee and knows there is an \$8.2 million Smart Scale application for this intersection. He said he knows one of the things on the rubric for Smart Scale is that land use is happening around it, and it meshes with other efforts made such as the \$35 million parkway and trail to get to Downtown. He said the application will be strengthened, and Mr. McDermott can confirm that. He said as that happens and the intersection is reworked, if it happens at the same time the apartments are being put in, those can work together, have synergy, and be built as one coordinated plan.

Mr. Stolzenberg said he hoped the Board would vote "yes."

Mr. Gallaway closed the public hearing and brought the matter back to the Board. He said this was the time for the applicant to be able to rebut what was heard in the public hearing.

Ms. Schweller said she would start by going back to the beginning and talking about why it is so incredibly important to comply with the Comprehensive Plan and to build a project in this location with density that the plan calls for.

Ms. Schweller said to be clear, the Comprehensive Plan, which has, for many iterations, called for medium density in this area, calls for 6.01-34 dwelling units per acre in this area. She said this means over 6 dwelling units per acre. She said by right, one would only be able to do 6 dwelling units per acre because with all of the bonus factors, one can only go up to 50% more than what is permitted with current zoning.

Ms. Schweller said she wanted to be clear that to comply with the Comprehensive Plan and to actually fulfill the goals that the County has set for this large area of property so close to employment centers, they really need to rezone. She said what they are proposing is in the sweet spot for that density. She said they do not want to miss the opportunity to put housing here in the Development Area.

Ms. Schweller said in terms of commuters coming in, the reason why they would do this project so that the people who are coming in to work in Charlottesville and the urban areas of Albemarle County are not traveling all the roads. She presented a map and said that looking at the commuter flow in the Charlottesville-Albemarle metro area, the map shows where people live in the metro area, e.g. Fluvanna, Greene, and Louisa. She indicated to where they work. She said about half the dots representing workers working in the urban area of Albemarle and Charlottesville are coming from outside Albemarle and Charlottesville.

Ms. Schweller said as one example, Fluvanna County sends 20.7 workers into town every day for 1 sent in the other direction. She said this is why there is so much traffic on the roads.

Ms. Schweller said looking at the larger area of Planning District 10 plus Nelson, 68% of workers commute across jurisdictional lines to go to work in the area. She said putting people in the area where

they need to be, they will not have as much traffic on the road, which is why they want denser areas closer into employment centers. She said this is what they are proposing, which is a project that would be 2-3 miles from major employment centers. She said she wanted to make sure the point was clear to the neighbors.

Ms. Schweller said she also wanted to talk about the timing of road construction and preserving natural features, as well as the mix of housing. She said they are not proposing a mix of housing on this parcel, but the reason they are not proposing that is because there is so much single-family detached and single-family attached in the immediate neighborhood at Dunlora and Dunlora Forest. She said only 3% of the land in Albemarle County is zoned for multifamily housing, so 95% of the land in Albemarle County is zoned for single-family housing.

Ms. Schweller said the area surrounding the proposed project are heavily developed with single-family detached homes. She said there are other housing options available for people who want to have yards and gardens. She said this project is for those who want a multifamily opportunity that is more affordable. She said they want to have more inclusionary zoning in Albemarle County. She said they already have it here, and that the land use map is already set. She said this zoning only fulfills those goals of the land use plan.

Ms. Schweller said in terms of preserving natural features, as she showed earlier, this project would preserve almost 50% of the acreage. She presented a map and said to be clear, the entire area she indicated to is on the project property. She said there are 5.89 acres of preserved land with trails and trees that will only be enhanced with additional naturalistic landscaping, as recommended by the ARB. She said there will be 50-foot landscape buffers along an area, and 30-foot buffers along another. She said all of the trees will be planted within the community, and all the areas that are steep slopes and floodplains would be undisturbed.

Ms. Schweller said there will be beautification along Rio Road as well, with 45 feet between the road and building envelopes. She said large trees can grow in this area. She said this is very much in keeping with the Rio Road Corridor, and that they would be a good neighbor.

Mr. Gallaway brought the matter back before the Board.

Ms. LaPisto-Kirtley said she appreciated all the comments and the presentation and did not have any questions at that time.

Ms. Price asked Mr. Langille to pull up Attachment A1 from the staff report, which was a systematic map that shows part of the development area.

Mr. Langille pulled up the map.

Ms. Price said if they could see where Belvedere Boulevard comes into Rio Road, and at the corner of the property is where East Rio Road comes off, there is Dunlora heading up to the northeast. She asked what the name is of the little street that connects between Dunlora and Rio Road.

Mr. Gallaway said it was still Dunlora Drive, and just a right turn in off of John Warner Parkway in, and a right turn out for Dunlora Drive.

Ms. Price said Dunlora, then, forks there and continues onto East Rio Road right in front of the existing residents on the proposed property, past Varick Street. She said her question relates to a block in the middle of all of that.

Mr. Langille asked if Ms. Price meant the houses he was indicating to.

Ms. Price replied no. She said at the end of Varick Street, she meant the property immediately across Dunlora from Varick Street. She said it looks like several lots.

Mr. Gallaway said this was the wildflower meadow.

Ms. Price said no. She explained she was looking at the non-cul-de-sac end of Varick Street. She said the property Mr. Langille was now indicating to looks like different lots. She said in the attachment in the staff report, it looks like vacant property. She asked what this is.

Mr. Langille said this is an area referred to by various names, and that it is a meadow. He said there are some plantings that have been and will be installed there. He said Ms. Price is correct that there are several different property lines there. He said each of those properties are either owned by the City, the County, or a combination of the two and are all public right of way. He said earlier, when Mr. McDermott was speaking about where the future roundabout could be located, this is the area where it would likely be.

Ms. Price said this was what she was getting to, as she wondered if the roundabout would be there, or down farther on East Rio where the existing farmhouse is. She said her big concern is traffic, and she would speak generally later about it. She said she was still perplexed and had questions that need to be satisfied about the traffic in this area and she looks at the sequence proposed from Belvedere to Dunlora to East Rio Road, the increase of traffic in that area, and the capacity of the roads. She said if there was anything more that Mr. Langille, Mr. McDermott, or Mr. Moore could add to help her understand

the traffic situation and the potential resolutions, she would like to be briefed.

Mr. Langille said he would defer to Mr. McDermott on that.

Mr. McDermott said he was not sure if Ms. Price had any specific questions. He said the TIA looked at, over the next five years, what that change in traffic levels would be, and how it would impact the intersections. He said there are currently failing movements at the intersection of John Warner Parkway and Rio Road, and that some of those movements would continue to fail. He said the operations would decrease a little bit, but not greatly. He said the level of trips generated from this project don't lock up the entire intersection and will have an impact. He said there are additional impacts they would see from the other additional changes or growth in traffic volumes throughout due to the other developments and background traffic growth, in general.

Mr. McDermott asked if there was something specific he could answer related to that.

Ms. Price said she wished there were, and thanked Mr. McDermott for his contribution. She said she had no further questions, but would like an opportunity at the end to make a final discussion.

Ms. Palmer said she had a question for Ms. Schweller. She said Ms. Schweller had mentioned that the applicant could offer to put in writing that there would be a percentage of single-bedroom apartments, 45%. She asked if Ms. Schweller could explain this one more time and inform the Board as to if this was a definite offer.

Ms. Schweller replied that the applicant is willing to make that offer. She said it was not on the current plans or in the current proffers and would require a change for County staff and Mr. Kampner to review. She said this is something they are willing to do to provide those percentages.

Ms. Palmer asked if this would be 45% of the apartments being single bedrooms. She asked for the percentages again.

Ms. Schweller said the estimates they have described so far have been 45% one-bedroom, 45% two-bedroom, and 10% three-bedroom.

Ms. Palmer said she personally thought that would be a good addition to the list, going forward.

Ms. Palmer said she appreciated staff helping her understand this tonight, and that she had much more clarity after Mr. Langille's discussion of the Master Plan and Mr. McDermott's information about the roads. She said she appreciated the work that staff has done on this.

Ms. McKeel said going back to Ms. Price's concern about traffic, there was a good slide that one of the presenters had shown that talked about the intersections and showed that there was a significant improvement in one of the intersections. She said she would like to see that slide again. She said it showed a slight increase in wait times, but that at one intersection, there was a significant improvement.

Ms. Schweller said this was from her presentation, where she showed the turn left out of Dunlora.

Mr. Langille showed a slide from his presentation and asked if this was it. He said the bottom bullet points are the ones that talk about the level of service getting better at the intersection of Dunlora Drive and Rio Road East.

Ms. McKeel said this was a wordy slide, and that there was one much shorter that had times. She said this was fine. She said the reality is that while there is a slight increase in wait times, in seconds, there was the Dunlora and Rio intersection seeing significant improvements.

Ms. Price said this had been Ms. Schweller's slide.

Ms. Schweller asked if she could show that slide.

Ms. McKeel replied yes.

Ms. Schweller said this slide was in a map format and easier to read. She presented the slide.

Ms. McKeel said she had recalled hearing about seconds of wait time increase at some intersections, but significant improvements at this intersection. She said the slide was helpful.

Ms. Mallek said she was having a hard time putting enough faith in all of this traffic prediction without the corridor study being done. She said this is a gap of information that unless the Board decides to say this project will not happen until they get that information, she did not know how to solve that problem.

Ms. Mallek said the other problem she had, which she had mentioned several times across many topics over the past year, is to how they get accountability for things which are presented in public hearing to make sure that people follow through. She said the things that particularly jumped out at her that evening were representations that all 328 units are effectively renting at an 80% AMI level. She said this was the description that, using the fair market approach for the 50 units that were to meet the obligation for affordability that truly, these other rents, because of the custom this company has, would all

qualify.

Ms. Mallek said to her, this is another situation where she would like to have a commitment from the company that they mean this and they not plan to turn around in a few years and make everything completely market rate. She said if the Board is making a decision based on the things they are saying that evening and it turns out not to be true, it is the Board's fault if they do not ask. She said this is a real concern to her, and she thinks they need to do a much better job of getting things in writing, declaring that this will be the operating mode, and that this is the way that this property will be managed. She said there should be a rental easement for the significant increase in density that they are proposing. She said this is one problem she has.

Ms. Mallek said there is unpredictability that any of these proposed traffic improvements will succeed and reduce the impacts that have already been placed upon existing neighbors for many years, will really happen. She said she would be interested in comments people have about that.

Mr. Kamptner said the applicant, in the statement in the application plan which becomes part of the zoning if the project is approved, has committed to 15% of the total number of dwelling units being affordable. He said the statement goes on to explain what affordable housing means for these purposes, and it is the HUD fair market rent. He said he did not hear all 328 units being affordable housing under the 80% AMI.

Ms. Mallek said it was part of Ms. Schweller's presentation with a chart about the fair market and 80%. She said the Board were to take from that presentation that with the way the rents broke down, that all of it would qualify. She said if that is something the applicant is saying and sticking to, that is one thing, but if it is not, the Board needs to know that.

Ms. McKeel said Ms. Schweller should clarify that.

Ms. Schweller said as Mr. Kamptner explained, the applicant's commitment is 50 units to be rented at HUD fair market rents for at least 10 years, ensuring affordability to those making 80% AMI. She said this is the commitment and is line with the Comprehensive Plan and the timeline for by right bonus density for affordable housing.

Ms. Schweller said what the applicant went on to show was the difference between fair market rents and affordable rent at 80% AMI. She said what they are offering is actually lower currently, based on current fair market rents and current affordable rent at AMI. She said it just so happens that if looking at current 80% AMI rents, they line up with Kotarides rents, just to illustrate how apartment living is more affordable than buying a single-family home in Albemarle County tends to be. She said this was a description of what this type of project can provide.

Ms. Schweller said it is not a commitment that all 328 units are affordable housing units for 10 years. She said the commitment is for 50 units. She said this is a description of what multifamily provides to the community that they do not have now. She said she wanted to be very clear about that. She said she did not intend to say that all of the units would be affordable forever. She said the ones that are not affordable units are market rate units.

Ms. McKeel said this was matching what the County's standard is. She said if the County wants higher than that, they need to say this, but not change the goal in a middle of a proposal.

Ms. Schweller said the applicant has spoken with Ms. Pethia about this and knows the County is working on its policy now. She said the standard and what the Comprehensive Plan asks developers to do is to provide 15% affordable housing. She said 50 is a lot of units, especially when there is not much affordable housing in the County. She said the applicant thinks this is quite significant, and along with \$1.1 million of road improvements, \$600,000 in park improvements, and \$20,000 in transit improvements, their proffers are not weak, but strong. She said this is a lot they are offering to the County that they will not get with by right development.

Ms. Mallek said the clarification was important because it was the column that compared the applicant's market rate rents to the 80% AMI that caused her to misunderstand. She said she may have not been the only one.

Ms. Schweller said she appreciated Ms. Mallek asking for that clarification.

Ms. Mallek said there was no way, without the corridor study being done and finally addressing the big picture, to get that answer tonight. She said the obstacle, to her, was the fact that they have not gotten that accomplished before this project came along, and they did not consider postponing a decision on this application until they had it.

Mr. Gallaway told Mr. McDermott he was still somewhat confused on the 2% growth, and that he needed a number and some way to understand it. He asked when considering 2% annual growth in transportation, what the number is that the 2% is derived from.

Mr. McDermott replied that he went over the numbers with the applicant's consultant, and what they are looking at is 2% vehicles annual growth rate, so that 2% is added to the total amount of vehicles expected going through any movement in the intersections.

Mr. McDermott said to give an example that may help the understanding of that, he looked at the John Warner Parkway-Rio Road intersection, and in the AM peak hour, one will see approximately 2,700 vehicles going through that in the future, with the project. He said removing the existing, it goes down to 2,300 vehicles, and what they end up with is approximately 250 vehicles represented by the 2% annual growth rate. He said this is saying that over the next five years, just by annual growth alone, they can see approximately 250 vehicles per hour additional going through that intersection from all movements.

Mr. Gallaway asked if this was just the peak hour.

Mr. McDermott replied yes.

Mr. Gallaway asked what the PM hour number was.

Mr. McDermott replied it was roughly about the same.

Ms. Mallek said in the text, it says 2% for five years equals 10%. She asked if Mr. McDermott meant 2% per year.

Mr. McDermott replied yes. He said over the five-year period, it came to approximately 250 vehicles.

Ms. Price said this would be more than 10% because the cumulative effect of 2% would make the number higher.

Mr. McDermott replied yes.

Mr. Gallaway asked if it was roughly about 50 an hour for one year.

Mr. McDermott replied yes. He said this was rough but was not considering the cumulative effect that Ms. Price just mentioned.

Mr. Gallaway said his point earlier that backing into the 2% annual growth seems to represent normal growth and not The Center and SOCA.

Mr. McDermott said he just glanced at The Center's site development plan, and they did have traffic generation estimates. He said they estimate that they will add approximately 120 vehicles during each peak hour. He said to keep in mind that this is a total of 120 vehicles coming and going, which would go different directions and would not all go through the John Warner Parkway intersection. He said perhaps in their accounting for another 50 vehicles going through that intersection, so of the 250 total over five years, perhaps 50 of those are accounted for by the senior center.

Mr. Gallaway asked if they had numbers for SOCA.

Mr. McDermott replied no. He said this was a very old approval, and that he would not rely on what was done at the time, anyway. He said they would have to dig into that more.

Mr. Gallaway said The Center was estimating they do 300 daily trips now, and were estimating that capacity to double, and that it would probably be more than double with everything going on. He said the daily trips for SOCA were estimated, for the indoor facility, to be 130 during the week, and 190 for the outdoor facility for the week, for a total of 320. He said that is 900 daily trips, once those facilities are up and running. He said he didn't know how to back into that for an hour, but it sounds like more than 50 they were accounting for.

Mr. Gallaway said if they are going to look at these analyses and put things in for growth, and try to take things into account for planning purposes to make the best decision they can, they have to figure out how to factor those types of things in. He said he didn't think 2% growth gets there.

Mr. Gallaway said at the end of the day, traffic is the biggest concern he has for the area. He said it was not just because of left turn complaints out of Dunlora. He said he has left turn complaints along the entire corridor. He said one can go between Rio-29 and the City line all across Rio Road, and every one of them has a complaint about turning left, with the exception of the neighborhood coming out of Greenbrier, which is in the City. He said the ideas that all of those intersections have left turn problems, and any adding to the volume only increases that.

Mr. Gallaway said this was not the applicant's problem. He said the applicant is trying to do what is best for their application at one intersection. He said he thinks the Rio Road parkway right now, where it meets Dunlora Road, is a case study of what happens when one designs and builds a road without taking into account the density that is going to exist. He said that design got put into place 12-14 years ago, before Belvedere was on anyone's radar. He said he was on the HOA in Dunlora at the time as they negotiated with VDOT, and were trying to just get the road that is under contention right now moved further up the hill, which would create a better situation now.

Mr. Gallaway said his whole point about the traffic concerns, which he laid out prior to the first deferral of East Rio 999, is that over the last 10 years, there have been almost 1,700 units put in there. He said Mr. McDermott just mentioned that there are failing movements at an intersection because it was designed and planned for much less density.

Mr. Gallaway said they know now what density is occurring there, and before they continue to put more density into a failing situation, the question is why they would not take the time to pause. He said his problem is with the timing of the project. He said they are adding a lot more density in a place that has seen tremendous density growth over the last 10 years. He said Dunlora Forest and Belvedere did not exist before, and it was in 2008-2009 that Belvedere started going with their developments.

Mr. Gallaway said there are apartments in Belvedere, the Lofts at Meadowcreek opening, Treesdale, and that the community is not averse to that. He said the residents are all members and working in the community now. He said it was not being opposed to this particular type of development, because it does exist in the area. He said at some point, however, they have to say "enough is enough" with adding to the density in a place where the infrastructure is not supported.

Mr. Gallaway said he has heard that evening those who speak in support about the project being next to major roadways, its proximity to the City, and being on the transit line. He said the transit line is not effective. He said if it were effective, in front of the Treesdale apartment units, he would see people out there in his morning commute when he passes through there, waiting for a bus that would work for them as a morning commute. He said rarely does he see this.

Mr. Gallaway said it bothers and worries him that this line is not a functional line. He said the stops are all poles sticking in the sides of roads with no facilities, and the County is saying they are going to put density in a place in close proximity to Downtown when while it may be 2 miles by John Warner Parkway, the bus route doesn't go that way. He said they must get other things in there to fix it, but in the meantime, they will keep adding to the problem.

Mr. Gallaway said the reality is that when he asked the question about the concerns of the applicant for their residents when they put them in, it is that they do not have working transit right now. He said they do not have working infrastructure to move through their cars. He said it is already failing, and only exacerbates and adds to it.

Mr. Gallaway said that in his opinion, proper planning means that if this were a brand new, first site out of the gate for approving a rezoning for up density, and they make the argument that they cannot get everything in place and hold off building a development because nothing would get done, he agrees with that. He said they have put 10 years of development and density in, however, and now it is time for the planning to catch up with it and get the infrastructure put in place.

Mr. Gallaway said he was very appreciative of the applicant's approach. He said they did reach out to the community. He said they held two meetings before an application was even put in and learned a lot from it. He said for the most part, he knew this would not be an easy situation. He said the applicant heard from the community, and the community had plenty of time to put input in. He said he did not want any of his comments or ultimate action to reflect on the fact that he was not appreciative of the process the applicant has volunteered to go through and were not required to do so.

Mr. Gallaway said his other concerns include the impact on schools. He said particularly to this applicant, this did not impact his mind, but the way the information is brought forward for the Board to consider for decision making somehow needs to be better. He said the fact of the unapproved housing units that he knows are in the area and the impacts those will have on schools, when they decide how they feel about this application, is missing, and it leads to making bad decisions.

Mr. Gallaway asked for an honest answer from Mr. McDermott. He said he has had the conversation with The Center and community members about Smart Scale and how it works. He said the Rio Road/Pen Park Smart Scale application did not get funded and is not on the list. He said now, they are putting forward John Warner Parkway and Belvedere. He asked for the best-case scenario, if everything goes according to plan and the County gets everything it wants, as to how soon those improvements would be put in.

Mr. McDermott replied that he did not think he would see it as operational for four years after. He said this was actually five years from present because the budget wouldn't happen for a year, so best case scenario, they were looking at four years out and in the worst case, six years.

Mr. Gallaway said a year ago, these two intersections were not on the radar, and now they are, which he is thrilled about. He said the reality, however, is that he is not very optimistic that those projects get funded based on the other items he knows are going through Smart Scale. He said the fact that Hydraulic Road did not get any funding from the State the last round, and knowing what a severe problem that is, leaves him little hope that this intersection will happen under any sort of best-case scenario. He said the fact is that infrastructure, if it gets funded and planned, is not going to happen anytime soon, and if this development is approved, he didn't want anyone thinking that would be the case. He said it will take some time for that to get in.

Mr. Gallaway said this leads him to the corridor study. He said the corridor study has to be done to inform what they do along this entire road. He said it will inform every piece of it. He said pieces such as the suggested Pen Park Road roundabout, and the ongoing pedestrian facility where Greenbrier is that he hopes will be in place that year, and intersections closer to the Small Area Plan have to all work in tandem for the entire stretch to work properly.

Mr. Gallaway said the green-Ts look great in terms of how this works with this particular

application, but then the question is how this will work with everything else, and if it would get torn up. He said he didn't know the answer to that. He said they have the opportunity to get the answer to that, but it comes back to timing.

Mr. Gallaway said the other infrastructure he would love to see in place around this is that it is not easy for pedestrians right now. He said it would be great for the people at this new development, as they would be able to cross as the existing intersection, but the sidewalks and use trails that go farther down Rio Road East are not in yet, and just to be able to go from Dunlora Forest to the new Center involves crossing in places where there are no sidewalks to be able to access the short walk it is over to Belvedere Drive. He said he would like to see those other infrastructure elements get put in place and then, when they have this type of density, it can be supported, and the residents will have a quality of life once they are in there.

Mr. Gallaway said at this point in time, he would have to agree with staff that he cannot support the application due to the unfavorable factors outweighing the favorable factors.

Mr. Gallaway said he had one final comment to make. He said this was not to Ms. Schweller, the applicant, or anyone. He said it seems like in multiple rezonings the Board gets, they keep getting this threat of "by right" as a reason why they must do the rezoning. He said as a tactic, this is starting to grate on him, as a Supervisor. He said this has been sitting and could have been developed as a by right development at any point in time, and there is a reason why it hasn't been. He said he was not judging those reasons, as he thinks they are valid reasons, and if he were the property owner, he imagines he would be doing the same thing.

Mr. Gallaway said the same thing happened with East Rio 999, and the Board heard it last with the Tiger Fuel application. He said they are constantly getting hit with the fears of what could go up with by right, and this is something that is leaving a sour taste in his mouth, as this continually comes to the Board as a way to clobber them over the head to approve whatever rezoning is in front of them. He said he would not be supporting the application.

Mr. Gallaway offered to have the Supervisors make final comments or go to a motion.

Ms. Price said she would briefly summarize her analysis. She said first, looking at the factors favorable, she finds all of them to be very persuasive. She said she sees this as a very beautiful application. She said she believes that the more densely populated developments should be closer to the major roadways and not be in neighborhoods, as the latter simply requires traffic to travel farther and increases the complexity. She said it is a great location for access to many amenities that are nearby.

Ms. Price said looking at the unfavorable factors, as reported by County staff, she was not persuaded by the first one, that the request does not provide a complete mix of uses consistent with the Neighborhood Center, even though this is listed first and is apparently of the most concern to staff. She said it did not trouble her.

Ms. Price said the fifth unfavorable factor, that it is not located within a Priority Area, is not something she finds to be troubling, as it is in the Development Area and appears to be a very good application, in those respects.

Ms. Price said her hang-up, as she thinks has come through in her questions that evening, are with unfavorable factors 2, 3, and 4. She said a question she has is if a single developer should be accountable and responsible for the cumulative effects of development and traffic, and that she didn't think this was fair to impose on a single developer. She said significant to her was that in March of 2019, there were 412 units proposed at the initial meeting. She said within a couple of months, approximately 1,000 local residents signed petitions in opposition to the plan. She said over the next 15 months, a number of revisions were made, which reduced it to 238 units.

Ms. Price said she was very much in favor of the affordable housing aspect of this. She said she could not, however, get past the transportation complexities. She said she has looked at it in every way that she can and is very appreciative of the proffers that the applicant has made with the green-Ts. She said she would add, as another annotation, that she lived in Virginia Beach for 18 years, and her recollection was that Kotarides development was a very responsible company. She said although the Board could appreciate that they were making the offer, ultimately, when she looks at the intensity of the concern by the number of local residents based on the traffic concern, she is not able to ultimately support the application.

Ms. Palmer said she agreed with everything that Ms. Price just said, as she summarized it very well. She said she came to a different conclusion, however. She said she thinks that after staff has explained the situation, she certainly wished that they had the corridor study, as it would be very helpful to have, but the fact that the applicant has offered the money or the green-Ts, depending on what the County finds in the corridor study, was very helpful. She said she has landed on the other side where she would support the application, knowing that the applicant has offered the proffer of 45% single-bedroom apartments.

Ms. McKeel said she appreciated the discussion and the points people were making, but for her, she is pleased with the affordable housing. She said it matches what the County has requested in the Comprehensive Plan and the Places29 Master Plan. She said she finds that the factors favorable outweigh for her, and that she will be supporting the application.

Ms. Mallek said she would not go over her traffic concerns again, and the impacts on the existing neighborhoods. She said the Priority Areas are an important element because when there are limited funds, they must be able to put them where the most demand and success is, which is why those improvements at the higher-density Rio-29 corridor or intersection are more of the priority. She said she has not found solutions available for her hang-ups, so she would not be able to support the application.

Ms. LaPisto-Kirtley said she is very torn over the whole proposal. She said she did agree with much of what Ms. Price has said. She said what was very compelling to her is the fact that 45% of units would be one-bedroom and 45% of units would be two-bedrooms. She said the County does not have much of that, and it does provide an opportunity for entry-level workers, e.g. teachers, firefighters, and police officers, or single parents to be able to afford a nice place and area for their children to play in.

Ms. LaPisto-Kirtley said she is very concerned about the traffic issues. She said she was not concerned about the schools' issue, as she did not think it would have that much of an impact. She said she is concerned about the traffic, but that this is the County's responsibility, and they cannot put everything on a developer. She said the developer is doing a lot, and that these affordable housing opportunities do not happen enough in the County. She said this is a Development Area. She said for those reasons, she would be supporting the application.

Mr. Gallaway said before making a vote, he recalled that Ms. Palmer had a contingency she had expressed she would want to have in writing. He asked Mr. Kamptner if this would need to be addressed immediately.

Mr. Kamptner replied that Ms. Schweller had indicated that her client was willing to either proffer or amend the application plan to identify the mix of units based on the number of bedrooms. He said proffers would need to be signed and because the Board was meeting virtually, it is difficult. He said he did not know if there was a capability for the applicant to prepare electronic signatures to revise proffers or the application plan. He said staff would likely want time to be able to confirm the application plan change has been made and reflects what has been proffered by the applicant.

Mr. Gallaway noted that Ms. Schweller sent him a message asking that she would like to defer to make that percentage request.

Ms. Schweller said she would like to do this, but she wanted to ask Ms. Palmer to clarify her request. She said she heard Ms. Palmer was interested in a commitment to 45% single-bedroom and wasn't sure if the other mix was of any importance or if it was just about the single-bedroom component.

Ms. Palmer said her request was what Ms. Schweller had proposed, the 45-45-10 offer.

Mr. Gallaway said everyone had stated their positions.

Ms. Schweller requested a deferral.

Mr. Gallaway asked if there was any objection. He expressed that he didn't understand what the deferral would do, based on what the current positions were.

Ms. Mallek asked what they would be learning from the deferral, and what changes would be proposed. She said otherwise, they should vote.

Mr. Gallaway said he understood Ms. Palmer's concern, but that this would not change the current statements of support. He asked Ms. Schweller if she was asking for a deferral for other reasons.

Ms. Schweller replied yes, as it could be that in her estimation, the Rio Road Corridor Study could be done, and some of the decisions that people feel need to be made to support the application could actually be made within the three years before the applicant has promised to begin the proposed road improvements. She said because there is this possibility, they do not want to lose the opportunity to bring this application back, if it so happens that the Rio Road Corridor Study is approved and does happen in eight months, as Mr. McDermott suggested it could be done. She said the applicant may want to bring the application back as the Board has more information about transportation.

Mr. Gallaway said Ms. Schweller was asking for an open-ended deferral if he understood correctly.

Ms. Schweller said yes.

Ms. Palmer said she thought this would be a good idea.

Ms. McKeel said there have been Supervisors to hinge their decision on that and have had Mr. McDermott make some statements about the ability to get it done, and so she had no problem with the deferral.

Ms. LaPisto-Kirtley said she did not have a problem with the deferral.

Ms. Price said she would be supportive of that, as safe transportation is the only issue she had at the moment.

Ms. Mallek agreed, as long as Mr. Kamptner would indicate a consistent approach, such as a two-year limit.

Mr. Kamptner asked Ms. Mallek if she was speaking about the length of the deferral.

Ms. Mallek said yes.

Mr. Kamptner said that as an indefinite deferral, it would have to be re-advertised anyway. He said the clock is not running, and that it comes back when the applicant is ready to go. He asked Mr. Langille for how long the applicant, in this case, has set that period in motion.

Mr. Langille replied that the applicant has requested the full possible length of deferral for the final Board action that they are allowed under Section 33 of the ordinance. He said the Board final action date has to occur on or before July 2, 2022.

Ms. Mallek said this should give them enough time to get a good transportation corridor study done.

Ms. Price **moved** the Board defer ZMA201900008 Parkway Place indefinitely. 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.

Mr. Gallaway thanked the applicant and everyone who participated in public comment.

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

Ms. Mallek said there were reports from citizens about the newly improved Board process. She said this was what the clerks have been working on for the past few years, and thanked the clerks, noting it has been well-received in the public.

Ms. Mallek asked staff for an update on what is happening on the fill and waste process that was discussed several months ago, as she would like to know when it is coming back. She said she did not need an answer that evening.

Ms. Mallek said she had a brief sentence from LEAP to read: "In an effort to make our services available to as many homes as possible, we are excited to introduce a new, innovative approach to home assessments, virtual audits. A 90-minute audit includes a live video chat with one of the Certified Residential Building Analysts and will guide you virtually through the potential energy-efficiency weak spots in your home. All you need is a smart phone, stable internet connection, and the ability to access your home's various spaces and appliances. As you would with an in-person assessment, you will receive a detailed report outlining the recommended improvements to your home following your appointment. Over the last 10 years, LEAP has helped more than 13,000 home and business owners save money and reduce their climate impacts while living more comfortably in their spaces."

Ms. Mallek said she wanted to share this information in case members of the public would like to make those arrangements and take advantage of this new offering.

Mr. Kamptner said he could partially answer Ms. Mallek's earlier question about fill and waste. He said she may be aware that there was a bill in the General Assembly this session that DEQ is forming a work group to approach this issue at the State level. He said he believed the County has a representative from Community Development on that work group. He said there is a State study that is either underway, or almost underway.

Mr. Kamptner said in terms of how this affects the timing of the County's own fill and waste ordinance, he said at a meeting, it was discussed whether the County should proceed with its ordinance, or wait for the work group to finish its work. He said he could not recall how this ended up.

Ms. Mallek said she hoped the Board would be able to give input on that, as they are in the crosshairs every day. She said waiting a couple years for the State to figure this out is not her preferred route. She said hopefully, there will be a group discussion at a future meeting. She said this sounded like far too big of a punt, from her perspective.

Ms. LaPisto-Kirtley thanked all the presenters and participants from that evening.

Ms. Price said she would like to briefly finish up where they had begun that evening, dealing with the issue facing the nation today. She said she generally does not like to bring national issues to the local Board, but that it is imperative to remember that on February 18, 1965 in Marion, Alabama, Jimmy Lee Jackson was shot and killed by State Troopers while he was trying to protect his mother, who was being beaten by police. She said the next month on March 7, 1965, 600 civil rights workers began a march from

Selma to Montgomery, Alabama. She said they made it all of six blocks until the foot of the Edmund Pettus Bridge, where they were brutally assaulted by Alabama law enforcement.

Ms. Price said two weeks later, on March 21, they began the march again. She said four days later, on March 25, their numbers swelled to 25,000, and protected by National Guard troops, they hit Montgomery. She said on the steps of the State Capitol, Martin Luther King, Jr. gave his "How Long, Not Long" speech. She said this was 55 years ago. She said they are still waiting for equality, and they must rise up. She said it appalls her to think that the federal government may now be looking to use federal troops to combat protesters rather than protect them. She said Black lives matter.

Ms. Palmer thanked Ms. Price for her comments.

Ms. McKeel thanked Ms. Price for the reminders, and that the Board agreed that Black lives matter.

Mr. Gallaway said he appreciated Ms. Price's statement.

Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, asked Mr. Doug Walker, Deputy County Executive, to take some time to talk about the County's transition into Phase II, off of the Governor's directions for Phase II planning for Friday, June 5.

Mr. Walker said that week, the Governor announced intentions to move Virginia forward into what is being characterized as Phase II, as part of a three-phase plan for transitioning with mitigation of the COVID-19 pandemic.

Mr. Walker said he has talked previously about the County's movement, and how they try to align with Virginia's movement in its response into recovery, or "reconstitution," aligning also as best they can with the City, University, and local Health Department so that they are being as consistent as possible.

Mr. Walker said they do plan to move the County into Phase II on Friday, June 5, and had just that evening sent out the "playbook" to County employees for Phase II. He said the Phase I playbook was sent out a couple weeks prior, and that this has been modified to reflect the changes that are relevant for Phase II.

Mr. Walker reminded the Board that the Move Forward Virginia mitigation plan focuses on a number of factors or metrics that they are following, and that the same thing is being done locally, including a downward trend in cases, the increase in testing, the availability of contact tracing, and meeting the needs for PPE and hospital resources being available.

Mr. Walker said every weekday morning, there is an Executive Meeting of the Incident Management Team. He said today was day 86 of the IMT operations, and they start the meeting with a situation report on sitrep where the Police Department gives an update on relevant data. He said as of today, they are tracking 46,905 cases in Virginia, 506 cases in the Thomas Jefferson Health District, and 204 cases in Albemarle. He said they also track the number of symptomatic calls responded to by Fire Rescue, both volunteer and career. He said that since March, they are averaging a little more than 2 symptomatic calls per week, which is more than normal.

Mr. Walker said there is also an average of 7 calls per week for violations of the Executive Order, which are calls that come into 911 typically and are responded to by the Police Department. He said they are also counting visitor engagements or activity within the County Office Buildings, which are closed, and that for McIntire, for the month of May, they are averaging 21.5 average daily customers. He said most of those have been in the Community Development Department, which is open Monday, Wednesday, and Friday.

Mr. Walker said through the EOC, they are tracking some local data. He said this is aligned with the metrics that are also being tracked at the State level. He said they are also looking at the average downward trend of a 7-day moving average to present positive tests over a 14-day period. He said they are looking at the availability of testing, and the testing that is being formed in the community, the availability of adequate contact tracing, the availability of hospital beds in intensive care, and the sustained increasing availability of PPE. He said these are all measures that are being measured through the EOC at the regional level, and that these are also being tracked at the local level.

Mr. Walker said in the County's effort to move from response to recovery, this is going from Phase 0, which was all response, and Phase I, where response goals were maintained, and reconstitution goals were pursued, to Phase II. He said the posture has not changed, and they will continue to respond as needed to the incidents of pandemic disease that occur within the community. He said at the same time, they are moving into Phase II, reconstitution and recovery.

Mr. Walker said he would present information that he thinks the Board and the community would find useful about recovery looks like for the County. He said this is their tenth Board of Supervisors meeting since April 1 that has been held virtually, including five regular meetings and five virtual meetings. He said additionally, there have been four virtual Planning Commission meetings, and 14

virtual meetings of other public bodies. He said as a frame of reference, they have completed 36 virtual Family Partnership Meetings with the Department of Social Services. He said although there have been some technical difficulties, they are becoming more accustomed to the virtual platform.

Mr. Walker said that while the buildings may be closed to the public, staff is working hard to deliver services as always, and that he would acknowledge some meaningful data points. He said the evaluation of permits issued is over \$100 million, with almost 650 total building permits issued. He said over 1,000 adult and child service calls have been received and handled. He said 764 staff applications have been processed. He said there were 17,100 in weekly vehicle counts at parks. He said they are meeting the needs of the community differently.

Mr. Walker said the County was holding a face covering giveaway in the community, both in the Rural and Urban Areas. He said 20,000 face coverings have been given away.

Mr. Walker said on site, they continue to make sure that staff and the public who do come to the buildings are safe. He said there are approximately 75 non-public safety staff who are working on site. He said public safety staff is working as they normally do in the field. He said 408 hand sanitizer bottles, almost 2,000 pairs of gloves, and 750 masks and face coverings have been provided to staff. He said this is all part of Phase I and Phase II for staff and the general public.

Mr. Walker said for Phase II, in terms of what community access to services will look like, they are acknowledging the expectation that they will keep the County Office Buildings closed to the public, for the most part, until at least Monday, July 6. He said they will be expanding their current in-person service delivery on a limited basis.

Mr. Walker said a specific example that is meaningful is that although they are merely trying to educate the public on using the alternative means for paying their taxes remotely, whether by phone, online, using the kiosk, or using the drop box, staff will also receive them for an appointment. He said that day, they set up an ambassador tent in front of the McIntire building for individuals to pay their taxes. He said they greet and help them use one of the alternative means, if possible, and make sure they did not leave without being able to pay their taxes.

Mr. Walker said another example was that in Social Services, they have been holding meetings with parents and children virtually, through foster care work in particular. He said they are now moving to an in-person format by appointment so they can give additional value.

Mr. Walker said a big issue staff has been anxious to get to is the parks, and that they anticipate most of them will open that weekend, including playgrounds, tennis courts, and basketball courts. He said with regard to gathering areas such as picnic tables, shelters, grills, and restrooms, these facilities will be cleaned, but they will not be sanitized on a constant, ongoing basis. He said signs will recognize that individuals can make their own judgments about their comfort level in using these.

Mr. Walker said there have been arrangements made to open the Yancey School Community Center. He said there will be free area access by reservation. He said there are many people in the community who have been coming and sitting outside the building to access the internet, and that staff are very excited about being able to allow them to come into the building.

Mr. Walker said he anticipates the public meetings to continue to be virtual. He said there has not been a determination about when they would be back to in-person meetings. He said at this point, in his opinion, the earliest would be towards the end of July. He said he would keep the Board posted on when they would be back together, noting they were eager to have the meetings in-person, but only when it is safe.

Mr. Walker said all individuals must wear face masks in the buildings, as there are mandatory requirements in the building as well as for field staff.

Mr. Walker said the employee playbook was distributed to all employees, and that a town hall would be held with them at 11:00 a.m. the following day to answer questions. He said there are many similarities between Phase I and Phase II as it relates to employees being in the building. He said they are still emphasizing telework and are continuing to deliver services and keep people working remotely for as long as possible. He said they are still limiting in-person gatherings, limiting the occupancy of physical spaces, and minimizing interactions between the public and staff.

As Mr. Walker was having technical difficulties, Ms. Mallek said she would submit her question to him via email.

Ms. Palmer said she wanted to know the two additional respiratory calls per week, on average, above the pre-March levels. She asked if this was to the Health Department.

Mr. Trevor Henry said this was being tracked through ACFR. He said this number is for Albemarle County and is the County's response to calls.

Ms. Palmer asked if this did not include hospitals and doctor offices.

Mr. Henry said no.

Ms. McKeel said Mr. Walker’s report stated that the County Office Building would remain closed, as it is, through July 6. She asked if the playgrounds and park equipment are opening on June 5, or July 6.

Mr. Henry replied that parks facilities would begin to open that Friday, but it would take them about four days into early the next week to get everything open. He said staff would immediately start this on Friday morning.

Ms. McKeel asked if the July 6 opening date was for the County Office Buildings.

Mr. Henry replied yes.

Agenda Item No. 22. Adjourn to June 17, 2020, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(6).

At 11:11 p.m., Mr. Gallaway adjourned the Board meeting to June 17, 2020 at 1:00 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 11/03/2021
Initials CKB