

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 17, 2020 at 1:03 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 June 3, 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 1:03 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.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price asked to pull Item 8.1, "Rules for the Public's Use of the County Courthouse Grounds" from the consent agenda.

Mr. Gallaway said this item would be addressed individually immediately after the approval of the consent agenda. He asked if any other items needed to be pulled from consent. Hearing none, he asked for a motion.

Ms. Price **moved** to adopt the final 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.

Agenda Item No. 5. Brief Announcements by Board Members

Ms. Price said the nation is dealing with many issues. She said the pandemic seems to have fallen into the background of many people's lives, but that that day, she saw that Texas, Arizona, and Florida are facing record infection rates. She said the nation cannot put behind them a pandemic that is still in the midst of them. She urged caution to everyone in the Commonwealth and the community, as they look to reopen things. She added they were still dealing with the economic fallout from this.

Ms. Price said that due to the most recent news with the Black Lives Matter movement, which has coalesced after the death of George Floyd, but was the latest in a number of issues, she would like to take a few moments to express her support for the Albemarle County Police Department, Chief Lance, and the work they have done in their community policing. She said they hear calls for defunding the police, which means different things to different people.

Ms. Price said she was in the Navy for 25 years and near the end of her career, the military was being called upon to do things that were not in the realm of what the military should be doing. She said she believes that over time, they have imposed upon the police departments responsibilities that really are not theirs, and that those in government have an obligation to fund the resources in other areas, e.g. social support, social welfare, mental health, in order to remove those responsibilities from law enforcement and allow law enforcement to do the things that they do best.

Ms. Price said she is very appreciative of what the County's local law enforcement has done and expressed her support for them. She said she and Chief Lance have had a number of communications where they recognize the importance of employing the proper individuals, having the right procedures, training them on those procedures, and then holding them accountable and responsible. She said she

thinks the community has been blessed.

Ms. Palmer said she had no announcements. She said she was going to speak about the general state of the world, that Ms. Price did an excellent job speaking to this, and that she agreed with her comments.

Ms. McKeel agreed with Ms. Price's comments, noting they were excellent and well-said. She said she wanted the Board to consider in the fall, when they are establishing their legislative packet, that one of the things they will want to talk to the General Assembly about is helping the County to finance some of the government responsibilities that Ms. Price mentioned, such as social services and all the functions that need to happen that have been pushed back onto the localities to pay for. She said they would need the help of the General Assembly to make this happen and be able to afford what they need to do.

Ms. Mallek said it has been a positive change over the last 12 years, and she appreciated all the work that County staff, citizens, and the Police Department have done to increase the training level, standards, and accountability for the police. She said they have been very responsive to questions from citizens, and that she appreciated these very well-articulated sets of information that have been sent out. She encouraged people to stay involved with the discussion as they go forward, as everyone knows that there are improvements the County can make, and the officers know this as well and are working very hard to improve things as every day goes along.

Ms. Mallek said with regard to COVID-19, there are still businesses in the area who are not following the Governor's guidelines about masks. She said she hears complaints from citizens, and ask them to call the Department of Health, as that is where this enforcement should happen. She said businesses should be aware that if there is not a comfort level on the part of their customers, their customers are not going to come. She said everyone is in this together and have to be very careful to continue the work that has caused such sacrifice amongst citizens and communities in Virginia. She said they cannot turn their backs on it now and throw it all away.

Ms. Mallek said in good news, the Safe and Ready Resilience Committee, which is a sub-group of the White Hall Ruritans, is progressing along every two weeks, working on their plans to help communication and planning for the citizens of that area. She said she hoped this would be a pilot that would then be picked up by other neighborhoods and neighborhood organizations throughout the area.

Ms. Mallek said the latest news is that they are sponsoring COVID-19 testing, as is the Earlysville Fire Department, with dates to be determined in July (1, 16, or the 30). She said the Crozet date has not yet been chosen. She encouraged others in other parts of the County to do the same and reach out to VDH to be able to offer a site where people, by appointment, can drive up to get testing. She said this will help the numbers, the understanding of the current situation, and to do a better job in dealing with this.

Ms. LaPisto-Kirtley concurred with Ms. Price's and Ms. McKeel's comments. She said she is in support of Chief Ron Lance, as well as Sheriff Chan Bryant, and that they do an excellent job. She said there is room for improvement, as there always is. She said that police officers are not social workers and should not be expected to do that. She said the Board needs to make sure they have the monies. She said they have excellent ideas as far as getting it from the State, which needs to help the County be able to fund more services in areas that belong to mental health, social work, and others that should not belong to police enforcement. She said police is needed in all areas because of the fact that crime does not go away.

Mr. Gallaway concurred as well. He said he appreciates that constituents have been reaching out to the Board, and that while the Board has been receiving a volume of email around their normal land use and application items, they are also receiving emails as they relate to COVID-19 issues, Mr. Floyd's death, and statutes. He said the fact that constituents have been emailing the Board shows that even though there are so many issues going on, they stay well-informed, as the Board appreciates and expects from their constituency. He said he expected the entire Board was very appreciative of receiving everyone's input as they move forward to make the decisions on these important matters, especially during this time.

Agenda Item No. 6. Proclamations and Recognitions

Item No. 6. a. Proclamation in Celebration of LGBTQIA+ Pride Month.

Mr. Gallaway said there were two proclamations and recognitions. He said the first proclamation is in celebration of LGBTQIA+ Pride Month.

Ms. Price said she would read the proclamation.

Ms. Siri Russell, Director, Office of Equity and Inclusion, said she would defer her speaking time to Lisa Green, Chair of the Albemarle County LGBTQIA+ Affinity Group.

Ms. Price **moved** to adopt the Proclamation in Celebration of LGBTQIA+ Pride Month and read the proclamation as a motion. Ms. Palmer **seconded** the motion.

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

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

Ms. Lisa Green thanked the Board for this resolution during Pride Month, and while they should be celebrating with all the new rulings by the Supreme Court and the new legislations that have been passed protecting the LGBTQIA+ community from employment discrimination, she would be remiss not to mention the injustices and tragedies that continue to occur in the nation, adding that they must do better.

Ms. Green said Pride Month began 51 years ago as a riot against police brutality against human beings of the LGBTQ community and specifically, transgender people of color. She asked if this sounded familiar. She said this new ruling by the Supreme Court and the signing of the new legislation gives glimmers of hope, but that she promises the community has not exhaled. She said a wise woman told her that week, "We have just won this battle. We are far from winning the war."

Ms. Green said the resolution was another step forward, and thanked the Board, explaining to them the importance of this particular resolution. She said in the past, the Pride Month resolutions have been requested and accepted by the Cville Pride organization as part of the Pride Festival in September. She said while she is a part of that Cville Pride organization, she is grateful for the support by this Board to this regional organization. She said neither herself, nor any other County employee, has ever come before the Board in this capacity.

Ms. Green said she had a story she shared with some and would share it with the Board. She said in 2013, the Cville Pride organization came to this body asking for a resolution for a celebration of the Pride Festival on September 4. She said at that meeting, one of the Board of Supervisors at that time asked, "How many people care about this?"

Ms. Green said when the President of the Cville Pride organization, which happened to be at the time her future wife, who was there, along with her children and herself, as an employee, asked everyone to stand as a part of support for this, she slumped in her chair. She said reluctantly and hesitantly, she stood, but that she was fearful. She said she knows there were others in the audience who did not stand but probably would have, had they not had the same fear. She said in the County, there has been a fear that one may lose their job just for being who they are, loving who they love, and being married to who you are married to.

Ms. Green said that resolution, in 2013, did not pass that day. She said that by the current Board passing the resolution, she hoped that the Board would show they stand up without hesitation against homophobia and transphobia and stand with the community in saying the names of Black and brown transgender humans who have been injured and killed very recently, whose names are not being spoken. She stated their names: Tony McDade; Lena Pop; Monika Diamond; Ria Milton; Dominique Fells; and their own community member Sage Smith, who went missing in 2012 and still has not been found, and whose name was not mentioned in the news media.

Ms. Green said she is very happy, filled with emotion, without hesitation to stand up on behalf of the LGBTQIA Affinity Group as a County employee and accept this resolution.

Ms. Palmer thanked Ms. Green for her comments, noting she would cry if she tried to comment.

Ms. McKeel thanked Ms. Green for her comments, stating that they were beautifully put. She said she remembered many years ago, as a School Board member, fighting just to have a rainbow sticker on the doors of classrooms so that children would feel safe.

Ms. Price said as the first transgender member of the Board, this has been a very emotional week. She said earlier that week, they saw that the Trump administration is rescinding healthcare protections for transgender individuals. She said also very recently, they saw a 6-3 Supreme Court decision come out that unequivocally stated that Title 7, the Civil Rights Act of 1964, one cannot talk about homosexuality or gender identity without addressing sex, and that it is protected.

Ms. Price said in her lifetime, she had served in the Navy, where if the Navy had found out that she even thought that she was transgender, she would have been discharged, and the basis would have been sexual perversion without regard to any conduct or behavior.

Ms. Price said there is an opening to a closing, and that today, there is an opening again. She said with a 6-3 decision, they see that history is on their side. She said much as after the Obergefell decision on marriage equality in 2015, many people thought that the concerns were done. She said they have seen attacks against civil rights and human rights for LGBT individuals.

Ms. Price said today, they are dealing with the same issue with regard to Black Americans, with the Black Lives Matter issue, and their brown brothers and sisters, and people of all races and ethnicities.

Ms. Price said she was there today with pride, literally and figuratively, in the progress that the country is making, and the support that the County now offers. She said it was hard to imagine what has happened and what has changed in the last 7-10 years, simply allowing people to be "free to be me," to live their lives without fear. She said she was extremely proud to be a part of the Board, and extremely appreciative of the support that this Board, County Executive Jeff Richardson, County staff, and the community have shown to her. She said they are stronger together, and all in this together. She said this

was just one step.

Ms. Price thanked Ms. Green for her moving words, expressing that they touched her deeply.

Mr. Gallaway said that this Board will never fail to stand in support of Ms. Green and everyone in this community. He said they will stand quickly and steadfastly and will be there with the community as they continue to make the progress needed. He thanked Ms. Green for being there to accept the resolution.

Proclamation in Celebration of LGBTQIA+ Pride Month

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

WHEREAS, the Board of Supervisors is committed to supporting through its actions and its partnerships the promotion of an equitable and inclusive Albemarle County; and

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

WHEREAS, on April 11, Governor Northam signed the Virginia Values Act, comprised of 16 pro-equality bills, into law, making history as Virginia became the first state in the South to protect LGBTQ people from discrimination in their daily lives; and

WHEREAS, the Virginia Values Act:

- bans discrimination against LGBT people in employment, housing, and public spaces
- allows cities and counties to pass their own non-discrimination ordinances
- prohibits health insurance companies from discriminating against transgender Virginians
- ensures public schools provide an equal learning environment to transgender students; and more; and

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

Signed this 17th day of June 2020

Item No. 6. b. Resolution of Appreciation for Matt Smith.

Ms. LaPisto-Kirtley **moved** to adopt the Resolution of Appreciation for Matt Smith and read the proclamation as a motion. Ms. Palmer **seconded** the motion.

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

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

NAYS: None.

Resolution of Appreciation for Matt Smith

WHEREAS, Matt Smith has faithfully served the County of Albemarle over the last 46 years as the Superintendent of Parks, providing mentorship and leadership as a recreation service provider, building and maintaining relationships at the community, regional and state level, that reflect the community's and organizational vision; and

WHEREAS, Matt's leadership and vision with the Parks and Recreation Department in creating and maintaining a County wide Park and Recreation system have led to tremendous growth and success which has resulted in over 5,000 acres of public park land, 12 regional and community parks, 3 swimming beaches, 4 community centers, 21 athletic fields, 5 public river accesses, 2 dog parks, 75 miles of multi-use recreation trails, greenways and open spaces that provides recreational experiences for over 850,000 visitors and guests annually; and

WHEREAS, Matt has coordinated and served as project manager on countless Capital Improvement and Park Enhancement projects, been a leader in many existing and new park designs, with his knowledge, skills and innovation have resulted in project design and development savings; all benefiting our community and surrounding areas; and

WHEREAS, Matt has diligently worked with community leaders and stakeholders, both non-profit and for-profit, in accessing and providing community recreation needs, not only for the present but for future generations, and has served on many civic organizations that also benefit our community in so many ways; and

WHEREAS, Matt has coached and mentored not only his own staff but also staff from other departments and agencies, looked at the broader picture in assisting others as to how projects, tasks and issues would benefit the County in meeting community needs, encouraged others to do the utmost for excellence, viewed success in relation to the overall organizational success, and has strived to provide the highest level of service for Albemarle County.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, hereby honor Matt Smith and commend him for his many years of exceptional service to the County of Albemarle, the Department of Parks and Recreation, Albemarle County residents, the broader community in which we live, and the Commonwealth of Virginia, with the knowledge that Albemarle County is strengthened and distinguished by Matt's leadership, dedication, commitment, professionalism and compassion in meeting community needs.

Signed this 17th day of June 2020

Ms. LaPisto-Kirtley added that she wished Mr. Smith could stay with the County for another 46 years.

Mr. Bob Crickenburger, Director, Parks and Recreation, agreed with Ms. LaPisto-Kirtley. He said Mr. Smith is not one that is comfortable with a lot of public recognition, but that he wanted to share some comments.

Mr. Crickenburger said looking back on the history of Parks and Recreation, they find that different people have featured in prominent ways, at various times. He said Mr. Smith is one of those individuals. He said Mr. Smith has served this organization and community for over 46 years. He said he has had the honor and pleasure of serving by Mr. Smith's side. He said over those years, Mr. Smith would oversee many defined moments and major park developments.

Mr. Crickenburger said Mr. Smith has been such a strength and foundation and navigated the department in times of change and tremendous growth. He said when they started, there were only three park facilities, Mint Springs Valley Park, Chris Greene Lake, and Beaver Creek. He said over the coming years, and with Mr. Smith's leadership, there are now over 4,000 acres of public property for regional and community parks, 21 athletic fields, 5 public river access, 4 community centers, greenways and open spaces, and 75 miles of multiuse trails.

Mr. Crickenburger said as stated in the resolution, the parks' annual visitation averages over 850,000 people per year. He said Mr. Smith leaves his signature with each park visitor.

Mr. Crickenburger said during Mr. Smith's career, he has managed all these facilities, and at times, with limited resources. He said with Mr. Smith's skills, talent, and innovation, however, and by employing best practices, the County has been able to continue to provide a high level of service to its citizens, which is reflective in the Parks and Recreation 2004-2018 Community Recreation Needs Assessments, and in the recent County's community survey. He said the findings of all these surveys mark Parks and Recreation very high in quality and care, with a high level of customer service.

Mr. Crickenburger said as an individual with the ability to inspire others and knows how to bring the best out of people, Mr. Smith was excellent in encouraging imagination, culture, and teamwork. He said he did this not only with the staff that he managed, but others in Parks and Recreation, as well as others across the organization. He said Mr. Smith's thinking and actions have always looked at the broader picture, and not just his own. He said it influenced others to think and react the same.

Mr. Crickenburger said Mr. Smith is one of the smartest people he has ever known. He said Mr. Smith doesn't just know a lot about everything, he knows everything about everything. He said whenever he needed something, he did not go to the internet, but would always go to Mr. Smith, as he would always figure it out and always had an answer. He said a day rarely goes by that someone doesn't stop by Mr. Smith's office, stops him in the parking lot or hallway, sends him an email, or calls him, all seeking his assistance, advice and tapping into his wealth of knowledge. He said Mr. Smith always welcomes the opportunity to assist and is always willing to drop whatever he is doing to help.

Mr. Crickenburger said Mr. Smith will always be remembered as putting the needs of others ahead of his own. He said Mr. Smith has always been the department's go-to person and a dedicated team player. He said they joke in Parks and Recreation that if Mr. Smith can't fix it, regardless of the need, they are all in trouble.

Mr. Crickenburger thanked Mr. Smith for who he is and what he accomplished for so many years as a public servant. He said with his leadership, commitment and vision, these talents have made the quality of life in Albemarle County and a desirable place to live and play. He said Mr. Smith will be greatly missed, but never forgotten. He said he knows that if Mr. Smith places as much effort in the joys of retirement as he has in working for the County, then this, too, is sure to be a success.

Ms. Palmer said she remembered the first time she ever met Mr. Smith, when she was on the board of the Ivy Creek Foundation almost 20 years ago. She said there was a small project she wanted to do there that involved some plumbing, and they were not quite sure how to do it. She said everyone told her to call Mr. Smith, and that he came right away to explain everything that needed to be done. She said he was incredibly helpful. She said over the years, she has heard from citizens over and over again exactly what Mr. Crickenburger said. She said Mr. Smith will be missed and wished him well in his retirement.

Ms. Price said she wanted to express great appreciation to the Parks and Recreation department and to Mr. Smith for his work. She said the parks are so critical to the quality of life in the County, and the improvements that have taken place are amazing. She thanked Mr. Smith for his dedication and support over nearly five decades for the County, the community, and citizens.

Mr. Gallaway said he found it remarkable to be celebrating 46 years of service in one place. He said this was becoming a rarer milestone. He said Mr. Smith certainly earned enjoying his retirement, and that he wished him the best.

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

Mr. Peter Krebs, Piedmont Environmental Council, said he wanted to talk about the Monticello and PVCC connector that is among the suite of Smart Scale applications. He said the Board has heard that people should not have to drive to be able to take a walk on the area's favorite trail. He said they have heard about reducing vehicle trips by the intensive thousands and parking at Monticello. He said they have spoken about getting to PVCC without a car in connecting Southern Neighborhood residents to jobs and opportunity.

Mr. Krebs said Monticello is visible and close to many residents, including the children at Clark school, but they cannot easily get there, nor can the tourists who arrive by plane or train. He said with this project, they could walk, bike, or even catch the #1 CAT bus.

Mr. Krebs said the biggest reason he was so personally passionate about this dates to when he took part in a walking procession from the Jefferson School to Monticello. He said it was fun, deeply moving, and great exercise, except that the organizers had to hire a bus to drive them the half-mile from the City line to the Monticello trailhead. He said this isn't right and is an example of how the status quo actually causes harm.

Mr. Krebs said there are challenges, as there are with any project, but that they could work through them together, which is what a "yes" vote would authorize. He said he knows the Board has been hearing frightening words about the destruction of trees, but that this was not happening. He said it is absolutely possible to have both the path and trees. He said, in fact, that PEC insists on it. He said as a founding partner of the Journey Through Hallowed Ground, PEC is fully committed to do whatever it takes to protect these important resources.

Mr. Krebs asked the Board not to fall for stories about nicer alternatives that may one day become possible. He said he has studied them all intimately, and that none of them is likely anytime soon. He said this project, on the other hand, is very feasible and would be a major improvement.

Mr. Krebs said Albemarle can meet its climate goals and be the connected community that residents consistently say they want, but to do it, they have to learn to accept "yes" as an answer. He said a "yes" vote that day would authorize a robust, good-faith community effort to find a solution that VDOT will then pay for. He said a "no" vote simply shuts it down. He said he hoped the Board would allow this process to go forward with whatever amendments they are required to assure it will be satisfactorily inclusive.

Ms. Dorothy Smith said she owns an 18th-century house on Route 20, near Scottsville. She said the Monticello Gateway tree planting is a combined vision of the Charlottesville Tree Commission, the Charlottesville Area Tree Stewards, and Journey Through Hallowed Ground. She said the design is a series of groves of native canopy trees that visually and environmentally link Monticello and PVCC to the City, welcoming travelers to Charlottesville. She said the trees were chosen for their lifespan, thus reducing long-term costs, height for visibility and safety for drivers, and fall color. She said species are favorites of Thomas Jefferson.

Ms. Smith said that in 2015, the Charlottesville Area Tree Stewards received a grant from the Virginia Trees for Water Quality program to plant 80 trees to enhance the tree canopy and improve water, air, and quality of life. She said the many local businesses, nonprofits, and government agencies that contributed labor, money, and services to this proud endeavor are listed at the end of the history she emailed the Board the day prior.

Ms. Smith said these trees are the final stretch of the Journey Through Hallowed Ground heritage area, which stretches for 180 miles from Gettysburg to Monticello. She said the term "memorial trees" refers to the Living Legacy tree planting, an initiative to plant one tree along the Hallowed Ground Byway for each of the 620,000 soldiers who died during the American Civil War. She said the trees in the Monticello Gateway are the culmination of honoring all the spent blood that still defines the nation.

Ms. Smith said the current plan for a bike path in the Route 20 median does not acknowledge the well-being of the trees in any way. She said there is not one dollar of budget allocated to their survival. She said as citizen arborists, the Tree Stewards and their professional partners are raising the alarm that this plan, as it now stands, will kill the trees. She said the Monticello Gateway represents the best of the community working together toward a vision that unites history and nature.

Mr. Timothy Maywalt, Charlottesville Area Tree Stewards, said he would like to make one addition to the comments just made by Ms. Smith. He said he was involved in the planting of the trees along the median on Route 20. He said on the day they planted the trees, he had the opportunity to work side-by-side with Virginia National Guard troops, who volunteered to assist the stewards to put these beautiful trees at a site that welcomes all those who enter the City via Route 20. He said he feels it would be a dishonor to those troops, as well as to the families of Civil War dead, to damage and displace those trees, which is the only way they will be able to accomplish putting a trail there.

Mr. Maywalt said he did not believe that the Board should approve this proposal.

Ms. Kendra Harrison Hall, Samuel Miller District, said she would read a letter from Phyllis Johansen, a concerned citizen who has unreliable internet, and also a Charlottesville Area Tree Steward like herself:

"It has come to my attention that a proposed bike path will seriously alter and possibly destroy the trees that currently exist in the Monticello Gateway project. As a resident of Albemarle County, I'm disturbed for several reasons."

"First, a large-scale, three-year effort representing the work of multiple community organizations and hardworking people is about to be tossed to the curb. These trees are a source of pride and are intended to beautify the entrance to Charlottesville for all residents and visitors. How is more concrete going to upgrade the look of our beautiful landscape?"

"Secondly, having people ride bikes between multi lanes of fast-moving traffic is a recipe for disaster. If nine trees have been run over in the last four years, what is the potential for a tragic accident? Certainly, it represents a distraction to motorists driving in both directions."

"Thirdly, and most important to me as a citizen of the world is that the Charlottesville Area Tree Stewards have projected the deaths of 62 trees. As we humans wrestle with what we can do to repair nature, why in the world would we think that replacing trees with concrete is the right thing to do? Trees fight climate change by absorbing CO2 and pollutant particulates, storing the carbon, and then emitting pure oxygen. The rest of the world is planting trees to save the planet."

"Trees grow slowly, but bulldozers move quickly. So please do not destroy the Monticello Gateway by approving funding for this project."

Ms. Hall thanked the Board for the chance to speak.

Ms. Jacki Vawter, Charlottesville Area Tree Stewards, Rio District, said she would read a letter from a Tree Steward who is also a biker:

"I disagree with the location of the shared use path on Route 20. You would think that a wide path in a median would provide some safety for pedestrians and bikers. Instead, I think that anyone, young and old, that rides or walks that path once will not do it again."

"I have biked many miles throughout the area in the on-and-off 21 years I've lived here. I have biked Route 20. Having large trucks go by makes you feel like you are going to be sucked under. While cars pass, my knuckles are white, and my teeth are clenched. I am pedaling as fast as I can and scanning ahead for potholes and a place to ditch in case there is a problem from oncoming traffic."

"So, I applaud efforts to make the area more bicycle-friendly, but my concerns are the following. Number one: access to both the northern and southern terminus of the path will be crosswalks across two lanes of traffic. Number two: being in the center of traffic gives no option to avoid an oncoming out-of-control car, much less one coming from behind. Could that happen? Yes, as evidenced by the number of trees in the median that have been replaced after the original trees were run over by reckless drivers, as has been said. Guardrails do not provide enough safety."

"Number three: for a biker or pedestrian, the path will be breezy, noisy, and dusty due to the traffic. It will be extremely hot in the summertime due to pavement on both sides. There will be little to no shade after the path has been built because the installation will require removal of some of the trees, and the rest will start a slow death due to suffocation caused by several feet of soil added to level the median, and by compaction caused by heavy equipment."

"In summary, what was once a welcoming memorial grove of more than 70 trees, funded by a federal grant and planted and cared for by many volunteers, will just be a very expensive bare

path in the median of Route 20.

Sincerely, Libby Gretz.”

Mr. Paul Josey, Charlottesville resident, said he is a principal at Wolf Josey Landscape Architects and the former chair of the Charlottesville Tree Commission from 2016 to 2019. He said it is ridiculous that PEC is trying to sneak this bike lane down the center of the Route 20 median.

Mr. Josey said he worked on the design of this memorial grove with a number of groups, including the Tree Commission and Tree Stewards, along with Monticello, working with species that Thomas Jefferson admired, as well as the Journey Through Hallowed Ground and the National Guard members that helped plant all the memorial trees to fallen soldiers. He said he knows the site and knows the many utilities that they flagged to look at the trees. He said he knows the challenging topography, as well as how loud and dangerous the site is.

Mr. Josey said this plan, nor the budget for this plan, does not account for those utilities with the topography. He said because he knows the site, he knows the proposed plan removes nearly every memorial tree proposed.

Mr. Josey said there are good ideas for a revised design for this plan that have been discussed and could save these trees. He said they have talked about narrowing the lanes of Route 20 to slow down traffic, widening the median to make it a safer, more welcoming place to ride bikes, and ways to save the trees or transplant the memorial trees. He said these have all been discussed, but that none of these ideas are in the plan proposed or in the budget proposed for this Smart Scale application.

Mr. Josey asked if those trees growing in 5-10 years would be watered. He said they will need water every day. He asked if VDOT provides irrigation, noting that he did not think so. He said this is a critical, historic connection between Charlottesville and Albemarle County, between Monticello and the town, and is a bad plan and bad budget. He asked the Board to deny the Smart Scale funding for the Route 20 bike trail and let them come back in two years with a good plan, built with public input to build a trail for families and walkers, not just bikes.

Ms. Kathryn Nepote said the plan, as presented, is deceptive and incomplete. She said elevations were deliberately not provided, and so it is not clear that the median is a drainage ditch. She said the ditch starts at about one foot at College Drive and deepens to around 5 feet at the bridge. She said the trees are planted in the sides of the ditch, and some even near the bottom. She said the plan will fill the ditch and add curbs to further increase the final height of the median. She said if they fill the ditch, they will bury the trees under feet of dirt. She said if a tree is buried, it is killed. She said one did not have to be a tree expert to know this.

Ms. Nepote said a ditch is filled by bringing in dump trucks and heavy equipment, and then by compacting the soil. She said a compacted surface is needed for the trail, so not only are the trees buried, but the soil above them is compacted. She said therefore, they cannot get air or water. She said the trees will die. She said all the trees in the median, over 60 trees, will die.

Ms. Nepote said they say they will remove and relocate the trees that are in the footprint of the path, but no plans are provided, and there is no budget item for the trees. She said with no plan and no money, it is highly unlikely it will happen.

Ms. Nepote said if this plan goes through, there will be a path, but it will be flanked by dead trees. She said she has worked in the median and that it is a terrible place. She said getting to and walking in the median is stressful. She said cars, trucks, and semis speeding down both sides make ear-shattering noise and spew out toxic fumes. She said it is a noxious environment. She asked why they were even considering letting children and handicapped people walk almost a mile down the middle of a four-lane highway.

Ms. Nepote said to ensure the health of both the trees and her fellow citizens, she asked the Board to deny the project.

Mr. Bill Emory, Charlottesville resident, said he is a contributor of Piedmont Environmental Council, but was speaking on his own behalf as a bicyclist and walker. He said the Jefferson Area Bicycle Pedestrian Plan, which was an amendment to the County's Comprehensive Plan, contains a lot of good ideas. He said they understand the public process involved with the creation and adoption of the bike/ped plan.

Mr. Emory said now, they get to the tough part, implementation of the bike/ped vision. He said there are approximately 160 proposed bike/ped routes in the plan. He asked how the routes are rated and ranked, and how and why a route is chosen to be built. He said the Bicycle/Pedestrian Coordination Committee picked the Route 20 shared use path for Smart Scale funding. He said the Coordination Committee is not an official group. He said there is not a membership list on the MPO website. He said the committee meets at undisclosed times, their work takes place out of the sunshine, they do not publish an agenda, they do not keep minutes, and they do not explain their actions.

Mr. Emory said they are directing millions in taxpayer dollars so that walkers and bikers can arrive at an end point safely. He asked how, as a community, they choose the beginning and end points of the path, and how they lay out the route in between. He said historically, topography recommended three primary routes connecting Charlottesville to Monticello. He said now, institutional interests and the interstate have added more possibilities. He asked how the choice was made between the five possible routes, what the routes are, and how they are weighed. He said they have no idea.

Mr. Emory asked the Board to pull this request from Smart Scale Round 4 consideration. He asked for the Board, in the next round, to ensure that a named and known group evaluates potential bike/ped Smart Scale feasibility report candidates by the light of day. He said two years hence, it is possible that a Monticello proposal will return. He said such a proposal must be created in the open, with the public in attendance.

Ms. Robin Hanes said she has property in Schuyler and is a Tree Steward who had participated in planting the trees. She said she wanted to echo the statements of the seven speakers before her to say that, despite months of their specific concerns, plan designers offer them no clear assurances on particulars for viable modifications on this plan.

Ms. Hanes said she had more concerns. She said entering and leaving the median through two lanes of busy traffic, on foot or on a bike, is a challenge, even with adding crossing measures. She said the amount of traffic on this stretch of road, especially during rush hour, will bottleneck if it is slowed or narrowed.

Ms. Hanes said there is a large opening in the overpass, which will require a sizeable bridge for bikers to cross that is not described in the proposal. She said Jessica said in her first webinar that a 10-foot-wide path is a DOT regulation standard and required, and that they will not accept another size. She said now, she hears that there is an additional 2 feet on each side, which will be compacted and probably filled with gravel. She said there will be grade changes and machinery compaction, which will harm the trees.

Ms. Hanes said perhaps the Bike/Ped Committee will hope to plant more trees once they have done away with those in their way. She said tree installation and keeping them alive are not inexpensive.

Ms. Hanes said there are many serious problems with this proposal. She asked the Board to vote against it.

Ms. Susan Kruse, Executive Director, Community Climate Collaborative, said she wanted to speak in support of the County's draft Climate Action Plan, with some recommendations. She said the Community Climate Collaborative works with businesses, nonprofits, households, and schools to advance individualized climate solutions, identify obstacles to action, and recommend policies to accelerate that action. She said she thanks the Board of Supervisors for setting leadership targets to reduce their community-wide greenhouse gas emissions by 45% by 2030 and reach carbon neutrality by 2050. She said she applauds the release of the County's Climate Action Plan Phase I draft, which reinforces its commitment to these targets.

Ms. Kruse said as residents of the County and the greater Charlottesville area, the supporters that have signed on to C3's letters, currently at 161 area residents, share a common goal to protect the health and vitality of the community against the effects of climate change. She said the future of the community, children, and legacy is dependent on the commitment to reduce greenhouse gas emissions.

Ms. Kruse said while C3 is grateful for the County's current work on climate, they believe that they can incorporate some recommendations which will improve the present plan and set Phase II for success. She said first, they believe that Albemarle County should adopt smart targets for each sector in its Climate Action Plan. She said a target can only be an effective guide for decision making and action implementation if it is possible to know and measure to what extent the target has been achieved. She said it is time to move toward more effective and result-oriented targets for climate action.

Ms. Kruse said C3 also applauds the County's inclusion of equitable implementation of climate action planning but believes that targets for that need to be identified. She said currently, the CAP does not set any specific strategy or target for guiding implementation of climate actions in an equitable way. She said C3 believes the CAP should include specific equity commitments by requiring that historically economic-disadvantaged communities represent a certain percentage of the County's benefitted and engaged residents.

Ms. Kruse said she wanted to encourage the Board to again commit to regular data collection, reporting, and inventories of greenhouse gas emissions. She said the next step of the Climate Action Plan absolutely relies on knowing when they will achieve their targets and what they need to do to get there. She said without an initial inventory, this task will be very challenging.

Ms. Kruse said they only have 10 years, now 9 left, to reach a 45% reduction of greenhouse gas emissions, and frequent measurement of progress is essential. She said the County should gather and publish community-wide building energy use data annually, with separated values for each of the main energy consumption sectors, residential, commercial, governmental, and industrial, and commit to a full greenhouse gas inventory every two years.

Ms. Kruse thanked the Board for recognizing the need to address these important issues. She said C3 believes that together, they can ensure the health and vitality of residents, protect natural resources, and strengthen the resilience of this dynamic community they call home.

Mr. Chris Meyers said he is Executive Director of the Local Energy Alliance Program (LEAP), a nonprofit that provides energy-efficiency solutions to residents. He said he hoped the Board and their families were all doing well during this challenging time.

Mr. Meyers said he was commenting on the Climate Action Plan the Board would be discussing that afternoon. He said he participated in the consultation process executed by County staff and found it to be rigorous and inclusive. He said importantly, he noted that the plan did take an equity perspective when considering the actions it proposes.

Mr. Meyers said because of that and other co-benefits that are generated by taking climate action, economic development, improved health for residents, and in addressing affordable housing challenges, he requests the Board approve the draft and its near-term actions. He said such actions are those that LEAP implements, and that he would give an example of a recent one that was done in the Southwood Mobile Home Park.

Mr. Meyers said in Southwood, they retrofitted 10 mobile homes, which included replacing heating and cooling systems, and insulating the underbellies and attics, among other measures. He said the climate impacts were impressive, reducing the energy use in each mobile home by 40-50% and equivalent greenhouse gas emissions, the co-benefits of this action included reducing their energy bill by at least \$1,200 a year, or an average of \$100 per month. He said it improved indoor air quality and reduced respiratory health challenges, as well as limiting the need for kerosene heating, a fire risk.

Mr. Meyers reiterated his support for the Climate Action Plan and request that the Board have staff prioritize advancing it because of the significant amount of benefits it will bring to constituents.

Mr. Paul Risberg, President, Altenergy Inc., said he was speaking on behalf of The Market at Boyd Tavern project.

Mr. Gallaway informed Mr. Risberg that the time to speak for that was that evening, during the public hearing. He said the current portion of the meeting was for matters not listed for public hearing.

Mr. Risberg apologized and said he would tune in that evening.

Ms. Linda Goodling, Samuel Miller District, said she was speaking for the League of Women Voters. She said the League of Women Voters of the Charlottesville area has submitted a written statement regarding the Climate Action Plan. She said she would briefly emphasize the main points of that statement.

Ms. Goodling said the first point is the importance of plans. She said at a League seminar on climate change, all four speakers agreed that setting a goal, creating a plan to meet that goal, and sticking to the plan is the most effective thing anyone can do to address global warming. She said the Albemarle County Comprehensive Plan directs the County in policy and decisions. She said the Climate Action Plan will complement and complete parts of the Comprehensive Plan.

Ms. Goodling said that the second point is that the Climate Action Plan is important for the following reasons. She said it fills a gap in the climate change section of the Comprehensive Plan. She said with the exception of housing, all sections of the Comprehensive Plan address topics related to energy and environmental sustainability. She said greenhouse gases reduction in the Climate Action Plan connects directly to those topics.

Ms. Goodling said Community Development can combine economic growth with the carbon reduction. She said that by using renewable energy sources and redesigning buildings and open spaces, they can decrease both cost and the GHG emissions.

Ms. Goodling said the third point is to keep global warming as a focus of attention. She said the plan should include having every project demonstrate how it will reduce carbon use and by how much. She suggested doing a basic GHG inventory and stick to the plans, rather than making spur of the moment decisions that may conflict with the plan. She suggested encouraging developers to consider whether their projects follow the spirit as well as the letter of the Comprehensive and Climate Action Plans.

Ms. Goodling said the fourth point is that this needs to be done now because climate change and its negative effects on health, safety, and the economic will keep getting worse unless the root causes are addressed now. She said the Climate Action Plan is meant to do that. She said they can use it, together with the Comprehensive Plan, to help achieve a better quality of life for all County residents, at the same time promoting sustainable economic development. She thanked the Board for its commitment to the Climate Action Plan.

Ms. Donna Shaunesey, City resident, said she wanted to speak to two issues, with one being the proposal to declare the area in front of the courthouse a nonpublic forum. She said it appears to be an unfortunately timed effort. She said she was not aware that it has been a disruption to the courts. She said at a minimum, this decision should be open for discussion by the County residents, in general.

Ms. Shaunesey said as the Chair of the Piedmont chapter of the Sierra Club, she wanted to reiterate the comments others have made about the Climate Action Plan. She said the club is grateful that the County set such an ambitious goal for greenhouse gas emissions, and also for the amazing effort that staff made over the past year with a very inclusive public participation process, using the knowledge of many to address all the different sectors of greenhouse gas emissions.

Ms. Shaunesey said the Sierra Club, like others, are concerned that there are not concrete targets for achieving the goals set in the plan. She said a plan without milestones often ends up being a piece of paper. She urged the Board, at the earliest opportunity, to put some concrete numbers with those milestones.

Ms. Barbara White, President-Elect of the Charlottesville Area Tree Stewards, said she is a certified arborist and recently retired as the Urban Forestry Coordinator for the Virginia Department of Forestry. She said the Monticello Gateway Tree Planting project was funded by a Virginia Trees for Clean Water grant from the Virginia Department of Forestry and the USDA Forest Service. She said in addition, members of the Charlottesville Area Tree Stewards donated hundreds of volunteer hours. She said numerous local businesses, organizations, and the local National Guard unit supported the planting.

Ms. White said this project was thoroughly researched prior to funding, so the costs were well established. She said approval was received from Albemarle County, City of Charlottesville, Virginia Department of Transportation, and the Virginia Department of Forestry. She said the federal funds that were used come with the expectation that the plantings will be in place for a minimum of 15 years and into perpetuity, as the purpose of the Virginia Trees for Clean Water grant is to plant trees to improve water quality. She said large, mature trees provide many more water quality benefits than small trees do. She said the purpose is to have large trees that not only provide water quality benefits, but also improve health and expand quality of life benefits.

Ms. White said it seemed absurd to her to destroy a project that was funded by federal funds and replace it with a project which would be funded by federal funds.

Ms. White said as a professional arborist who has worked on planting trees in medians and taking care of them, she can attest that the process of constructing a level 10-foot-wide concrete path between established trees in a limited and constricted space will destroy these trees. She said even if there is absolutely no physical damage to the trees above ground, the damage to the roots will be extensive, resulting in the trees dying a slow, torturous death. She said trees depend on their roots for water and nutrients. She said if the roots are damaged or destroyed, the trees suffer.

Ms. White said construction equipment compacts the soil, removing the porous space necessary for air, water, and nutrients to move into the roots and then up into the canopy. She said there is nothing in the plan proposal to identify the needs and expenses of managing the trees during construction. She said she would expect that any well-thought-out plan would have identified and detailed concerns for the trees and included them in the project budget. She said not one dollar has been allocated to the welfare of the trees in the Monticello Gateway.

Ms. White said this is a very harsh site for any tree, and community volunteers have worked for 5 years to maintain their health and vigor as they become established. She said the construction will severely impact these trees, just as they are starting to really provide the environmental and community benefits that they were planted for. She said the construction of the path among the existing trees is essentially impossible. She said the result would be many dead and dying trees as an entryway to Charlottesville. She said trees grow slowly, but bulldozers move quickly. She asked the Board to find another path.

Mr. Allen Ingling said he would like to speak about the bike paths. He said trails and pathways should be safe and healthy environments. He said the proposed bike path is neither safe, nor healthy.

Mr. Ingling said with regard to safety issues, the intersection of Route 20 and Quarry Road at the north end of the bike path has four traffic lanes and four pedestrian bike lanes coming together at that point. He said the southbound lane of Route 20 is downhill and has a curve there. He said this situation has a high potential for rear-end collisions, as well as injury to pedestrians and bicyclists. He said the proposed bells and whistles will create additional distractions rather than helping.

Mr. Ingling said another serious problem is the I-64 on/off ramps that cross the median, creating unsafe conditions. He said drivers on these ramps are watching surrounding traffic, traffic signals, and will be suddenly confronted with pedestrian/bike traffic in the median, which would be unexpected.

Mr. Ingling said a serious problem is that there are 10 total crosswalks for users of the path. He said bike commuters would have to negotiate 6-7 of these crosswalks, depending on where they enter or exit the paths. He said for these commuters, this means 12 or 14 road crossings per day, presenting

many opportunities for conflict with motor vehicles.

Mr. Ingling said in terms of health issues, he spent time in the last few years working out there, digging holes, planting trees, and straightening trees that have been run over by cars. He said it is a terrible place to be. He said one feels as if they have their life in their hands. He said users of the bike path will be subjected to degraded air quality for the approximately three-quarters of a mile along Route 20. He said what is more important that most people don't notice is fallout from I-64 and that with its heavier traffic, more trucks, and diesels, it will likely severely worsen the situation. He said carbon dioxide, oxides of nitrogen, and more importantly, particulates drifting down from I-64 will make this a seriously unhealthy environment.

Mr. Ingling said these safety and health issues, plus the conflict with the trees, make the proposed bike path an unsuitable project for location in the median of Route 20. He said this situation was summed up succinctly by the editorial the day prior in The Daily Progress: "Find a better way."

Mr. Gallaway closed Matters from the Public.

Agenda Item No. 8. Consent Agenda.

Mr. Gallaway reminded the Board that Item 8.1 had been pulled.

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

Item No. 8.1. Rules for the Public's Use of the County Courthouse Grounds.

The Executive Summary forwarded to the Board states that the Board's current Rules for the Community Use of County Facilities, adopted October 16, 2019, govern the public's use of the County's Office Buildings located at 401 McIntire Road (COB-McIntire) and 1600 5th Street (COB-5th), but not other County facilities.

The proposed Rules (Attachment A) would establish rules for how the public may use the County Courthouse Grounds, which is composed of the property owned by the County on which the Albemarle County Circuit and General District Courts, along with related offices and the offices of the Clerk of the Circuit Court and the Commonwealth's Attorney (collectively, the "Courts and the Offices"), are located. More specifically, the Grounds are located on part of the block commonly known as "Court Square," bounded on the west by the City of Charlottesville's Court Square Park, on the north by East High Street, on the east by Park Street, and on the south by East Jefferson Street, as shown on the map identified as Appendix A to Attachment A.

The proposed Rules pertain to the Courthouse Grounds only. They do not pertain to the buildings on the Grounds, which are under the control of the Courts and the Offices. Because almost every court to address the issue has held that the grounds of a courthouse are not a "traditional public forum" like a public park or a public sidewalk, the proposed Rules do not open the Grounds to all activities. Instead, the Rules will allow the public to use the Grounds to get to and from the buildings to conduct business in the Courts and the Offices, to actively travel from one abutting public sidewalk to another, and for selective activities such as historic tours, classes, and other activities specified in the Rules. All of these activities would be subject to them not disrupting the business of the Courts and the Offices. Like the rules that apply to COB-McIntire and COB-5th, the proposed Rules place the County Executive and his delegates in charge of the Courthouse Grounds.

The proposed Rules were shared with the Circuit Court (Judge Higgins), the Clerk of the Circuit Court, the Commonwealth's Attorney, and the Sheriff. As of this writing, staff has not received any comments. Since sharing the proposed Rules, staff has made one revision to provide some flexibility related to selective access - a clause was added to Section 5(B)(3) to authorize the County Executive to allow other activities similar to those identified in that section with the prior consent of the Circuit Court.

In the near future, enforcement of this policy by the Police Department or the Sheriff's Office could result in overtime costs due to maintaining security of the courthouse grounds and its buildings. In the long term, staff does not expect these Rules to have any significant budget impact.

Staff recommends that the Board adopt the attached Rules (Attachment A), inclusive of any changes requested by the Board on June 17.

* * * * *

Ms. Price said she pulled the item because she had some concerns, as well as did Mr. Jim Hingeley and a number of constituents. She said it would be very helpful if they could ask the County Attorney, Mr. Greg Kamptner, to address some of the considerations that went into this item, in a large measure, to address the concerns constituents had in terms of what is and is not a public forums, the limitations, the geographic area, and to ensure constituents are comfortable that the Board is not seeking to constrain free expression, but are simply recognizing the unique nature of the Courthouse property and the business that must continue to be able to take place on the properties.

Ms. Price asked Mr. Kamptner to address the concerns that have been raised.

Mr. Kamptner acknowledged that he had not reviewed every single email that came in. He said he did read Mr. Hingeley's, and that his comment, number two, was certainly a good suggestion.

Mr. Kamptner said part of the question about the rules is the timing of the rules. He said these rules were started in conjunction with the other work the County Attorney's Office has been doing regarding other County facilities, including this site, COB McIntire, and COB 5th. He said the Courthouse Grounds work was an offshoot of that because invariably, when one does research regarding public spaces, one ends up with cases challenging the right to engage in First Amendment activities around courthouses. He said as he noted in the Executive Summary, the courts have been virtually unanimous that Courthouse Grounds are not what the courts refer to as "traditional public forums."

Mr. Kamptner said one view of looking at these rules is that they are really just memorializing what is, and even if there have been demonstrations in the past, they did not transform the Courthouse Grounds to a public forum. He said during the Unite the Right rally in 2017, the County portion of Court Square, referred to as the Courthouse Grounds, were being protected and monitored by the Sheriff's Department.

Mr. Kamptner said in terms of timing, this was a project that was being worked on in January, February, and March. He said when he pulled up a draft date a few weeks ago, it was right around the time the pandemic was hitting, which was when the work stopped. He said it was coming back now because slowly, staff are trying to bring forward non-pandemic-related matters to the Board for the Board to act on.

Mr. Kamptner said this was on the Consent Agenda and obviously has generated some public input. He said they could review the comments that have been received, and discuss Mr. Hingeley's comment number one, that the Courthouse Grounds be open at times other than when the court is in session. He said generally, this would be any hours after 7:00 p.m., to be safe. He said it is not a public forum right now.

Mr. Kamptner said the Board also has the opportunity to designate Courthouse Grounds as a public forum. He said if it is just as a designated forum, this is essentially the Board treating it as a public forum. He said there is some case law that allows the Board to define groups or topics that can be within the scope of permitted activities that has yet another name, which is a "limited public forum." He said the County and the Board cannot regulate the content of it, and whatever rules they had in place would have to be viewpoint neutral.

Mr. Kamptner said he was happy to revisit the issues that have been raised by the public in the past couple days and return to the Board at a later date with a revised set of rules, if this was the Board's desire.

Ms. Price said she appreciated Mr. Kamptner addressing the distinction between the Courthouse Grounds, and that constituents need to understand the very limited geographic size of that property, in reality, and the distinction between Courthouse Grounds generally not being a public forum as opposed to the work that Mr. Kamptner and the Board has worked on in opening up the County Office Building at McIntire to public forum participation areas.

Ms. Price said she believes that the last comment Mr. Kamptner made was worthy of the Board taking action on, which is to defer action on this particular proposal to be able to review the comments that have been received. She said she would recommend they take this as a course of action and ask Mr. Kamptner to come back to the Board after that review with some possible revision to it.

Ms. Price said it is also important that the Board helps residents understand that this is the Courthouse Grounds, with courts taking place there, and that this is typically not a public forum, so that it is clear that the Board is not trying to prevent free expression of ideas on other areas of County property.

Mr. Kamptner added, for the public, that Court Square is bounded on three sides by public sidewalks and public streets that are traditional public forum, and the rules do not include the public sidewalks that surround the court. He said those are unaffected by these rules. He said on the west side of the Courthouse Grounds is a City park, which is also a traditional public forum. He said that area certainly provides plenty of opportunities for a person to make an expression.

Ms. Price said it might be a good idea if they could get the Community and Public Engagement Office to provide a map or rendering that shows the actual geographic areas.

Mr. Kamptner said he could pull one up.

Ms. Price said on a different topic, related to monuments and the new law that goes into effect July 1, she has personally received a number of communications from constituents who were not aware that the park to the west of the Courthouse Grounds is not County property, and so this might help constituents understand exactly what they are talking about.

Ms. Palmer agreed with what Ms. Price asked for, as far as delaying the matter to have Mr. Kamptner have a chance to read through the comments from the citizens and respond to the Board on

those.

Ms. Palmer said another thing she wanted to mention is that over many years, the County has chosen to put a variety of commemorative plaques on this property, and that in some ways, those plaques almost invite the public to go there and visit those plaques to, as one email had mentioned, have a quiet vigil around the recent plaque that was put in about the lynching that took place in the community many decades ago. She said this should be considered, moving forward, and the whole discussion about how the County has made this place one where people would naturally go to express their concerns about different issues.

Ms. Palmer said she would like to postpone this until more options have been reviewed.

Ms. McKeel asked Mr. Kamptner if he could further explain what the term "public forum" really means.

Mr. Kamptner replied that it is a term that comes from U.S. Supreme Court analysis and that traditionally, it was a place where the public gathered to debate. He said streets, sidewalks, and parks were traditional public forums, which is where First Amendment activity is allowed to take place. He said in those places, the government cannot regulate the content of the speech. He said they can establish reasonable time, place, and manner regulations, but otherwise, it is open for all types of First Amendment activity.

Ms. McKeel said she is receiving emails from constituents who feel like it means that they cannot even step foot on those Courthouse Grounds or take their child there to look at a memorial. She said it is being interpreted that they cannot even access those grounds. She asked if this was the intent.

Mr. Kamptner replied no. He said this can be better clarified. He said going back and seeing some of the comments, this could be clarified.

Ms. McKeel said this was one of the concerns that she has had for years, when they have a historic courthouse that people naturally want to be able to see. She said there is a park situation, and two working courts that are all in the same location. She said it is creating some problems with the County because this particular small area of land has become all things to all people, which makes it very awkward to have all those situations piled into one small area.

Ms. McKeel said this is where they are right now, but she does think that people are misinterpreting the words "public" and "public forum" and their ability to access. She said she would like Mr. Kamptner to take a look at this and come back to the Board with his thoughts and suggestions.

Ms. McKeel said that at the end of the day, however, the Board did determine when they said they were going to leave the courts downtown, that these are two working courts. She said they have to be safe and accessible during their hours of operation.

Ms. Mallek said her main focus was to make sure she understood correctly that any restrictions about courts not being public forum was because they needed to make sure that people who have business in the court were able to get there. She said she did not think that this conflicts with tourists reading the signs or looking at any of the historical things that are there. She said clarification will help to sort all of this out. She said she looked forward to seeing an improved draft the next time.

Ms. LaPisto-Kirtley agreed with Ms. Price in pulling the item and educate the public about the matter.

Mr. Gallaway said by his count, there did not seem to be any objection to deferring or delaying the item to give them a chance to go through the input they are receiving, including from the Commonwealth Attorney, and be able to revisit the item. He said the public would then have a chance to weigh in as well.

Ms. McKeel asked if they could make Mr. Jim Hingley's email to the Board public, as they keep referring to it, and she was sure Mr. Hingley wouldn't mind.

Mr. Kamptner replied that it was a public record.

Ms. McKeel said she would appreciate allowing people to see that.

Mr. Gallaway said the public should know that the Board reached out to Mr. Hingley, the Sheriff's Office, and the judges for feedback on this. He said while they appreciate Mr. Hingley giving the feedback, part of the process was to attempt to get that feedback.

Mr. Gallaway said the item will come back, and asked Mr. Kamptner if he needed anything else from the Board.

Mr. Kamptner replied that he had enough, and that since they were finishing up Executive Summaries for the July 1 meeting, it would likely come back on July 15 for approval.

Mr. Gallaway said now would be the best time to address that the Board has received multiple emails relative to the statue that sits on Albemarle County's property there at Court Square. He said as

they just talked about rules, he thought it would be important for the Board to have a discussion about what the process is. He said there is a process in place, and they all know that the law will change on July 1, effectively giving localities control over their property. He said Ms. Emily Kilroy can speak to the timeline briefly, and then each Supervisor can ask questions or comments. He said this was mainly for the public to understand the Board's timeline and how they will make the decision.

Ms. Emily Kilroy, Director of Communication and Public Engagement, said she would focus her remarks on the schedule that is set forth in the legislative process that was laid out with the signing of Senate Bill 183 and House Bill 1537, which Mr. Gallaway referenced takes effect on July 1. She said this is the legislation to give localities the ability to remove, relocate, and contextualize monuments in their communities.

Ms. Kilroy said this has been part of the Board's legislative priorities for several years and as of July 1, the Board of Supervisors, for the first time, will have the opportunity to begin the legal process to remove, relocate, or contextualize monuments in Albemarle County.

Ms. Kilroy said the process begins with the Board asking staff to advertise a public hearing. She said the public hearing has to be advertised for a period of 30 days. She said following that public hearing, the Board can take an action to make a request if there is an interest in removal, there, and there is a period of 30 days where the Board has to offer the monuments to groups who would like to express an interest in receiving a monument that might move.

Ms. Kilroy said staff has roughed out a schedule of what that might look like. She said none of the dates are confirmed, as they would have to schedule some items, but what this could look like, for planning purposes, is that July 1 is a regularly scheduled meeting with the Board of Supervisors and at that meeting, with the legislation in effect, the Board could direct staff to advertise the public hearing.

Ms. Kilroy said staff expects by Monday, July 7 that public hearing ad to run in the paper of record, The Daily Progress. She said the safest date for which to have that public hearing, to ensure they hit the advertising requirements and the turnaround time it takes to get something into the paper, would be a special meeting on Thursday, August 6. She said at that meeting would be a public hearing and immediately following, a potential for action by the Board to remove, relocate, contextualize, or cover a monument or memorial.

Ms. Kilroy said if an action to remove was taken, there would have to be a period of 30 days for a museum, historical society, government, or military battlefield to express their interest in receiving that item. She said that period of 30 days, if the meeting were held on August 6, would end September 5, which would be the point at which a movement or contextualization could occur.

Ms. Price thanked Ms. Kilroy for laying out the potential timeline, as it is important for constituents to understand that Albemarle County is committed to following a legal process. She thanked constituents for the communications that have been sent to the Board thus far, and expressed her appreciation for the law-abiding nature of residents in not moving ahead of the process, letting it work, then finding out what the outcome will be.

Ms. Palmer thanked Ms. Kilroy, noting that she knew staff would be working on this and that the Communications department will be pushing out information in trying to get the schedule out to everyone. She said it is critical that people understand what the legal schedule has to be and what the legal process is.

Ms. Palmer said her additional comment, which she emailed to the Board earlier, is that they are getting a large volume of emails, with some people listing their address on their email. She said typically, the Board will look up the addresses to make sure the senders are constituents and take those letters and answer them individually. She said typically, the Chair ends up answering those that are directed to the entire Board. She said they know their name, but not necessarily where they are from. She said in this case, they are getting so many emails, and that they will continue to do those.

Ms. Palmer said these emails are addressed to the Board and not to the County or staff. She said if they could have a method or standard email that explains the legal process to be used for those emails where they do not know where the person lives, and where it is also addressed to bos@albemarle.org. She said this has been done in the past, but she did not know how Mr. Gallaway felt about this, as it usually falls on the shoulders of the Chair to take care of that. She said it seemed like something that would make communications easier but more importantly, make sure that there is a consistent message coming from the Board about the legal process.

Ms. McKeel said she wanted to make sure she understood what Ms. Palmer was asking. She said she understood that Ms. Palmer was asking if there was a way that staff could respond to the BOS email.

Ms. Palmer said they could have the clerk do it, or have one Board member do it, but that what she wanted to do was make sure the correspondence came from their office and that all were answered. She said right now, they may all be getting answered, but she did not know how it was being handled. She said she sent out an email several days prior on that topic. She said if the clerk's office is doing it, this is fine, but that it is important that it comes from the Board office in some way.

Ms. McKeel said Ms. Russell already provided the Board with an email about the timeline and the

legal process. She said this was available, and it seemed to her that they could simply identify someone to respond to the BOS emails. She said she has been using this information for the BOS emails anyway, but it is true that they are getting emails from the City and surrounding counties.

Ms. Palmer said she just wanted to make sure they were covered.

Ms. McKeel agreed. She said it would be easy because the Board already has the document that Ms. Russell worked hard on. She said while the Board doesn't have to use the whole document, it spells out the timeline, and they could add to it any changes to the timeline that could happen now that there are more specific dates. She said this was very appropriate for people to get an answer and understand the legal process.

Ms. Palmer said it was important for it to come out from the Board office because some of the emails will go to a staff person or County information emails. She said the ones directed directly to the BOS should come from the BOS, the clerk's office, or Mr. Gallaway, adding that she hated to put it all on Mr. Gallaway as there was too much volume.

Ms. McKeel agreed there was a great deal of volume. She said they should ask staff how they might approach that.

Ms. Palmer said she would rather it be the Board's staff.

Ms. McKeel agreed.

Ms. Mallek said she would ask people who are writing in to identify where they live, as it is very important to her and the constituents who have written to her that this be a County process and decided by County residents. She said this is not something where they are flowing with the tide from other places. She said they need to do it in their way, correctly, and listen to their citizens. She said the more information the correspondence provides will enable the Board to do that better. She encouraged people to continue to correspond after they learn what the next round will be.

Ms. LaPisto-Kirtley said she agreed with Ms. Palmer, and that it is very important to have BOS staff to respond with something that comes from the whole Board, especially when it is addressed to BOS. She said they are receiving emails from many places and many times; they do not say where they live. She said this means they will not get an answer because of the fact that they do not know whose Magisterial District they live in. She said since this is a matter that concerns everyone and not just a district-specific item, she thinks it is important that they do it this way.

Ms. LaPisto-Kirtley said if she receives an individual email that is addressed specifically to her and not to the BOS, she can still forward it to staff to answer that email regarding this subject. She said perhaps this can be done for other subjects that are County-wide as well, to save time, and for people to get answers to their questions in an email.

Mr. Gallaway said it was important to clarify that the volume of email they are speaking to is on several different topics, and not just one. He said there are certainly some that are creating volume on one topic, but right now, there just seems to be 5 or 6 topics that are all generating a tremendous volume of email, and they could speak to Ms. Palmer's point on each one of those items.

Mr. Gallaway said particular to the statue item, he thinks this is one the public would have interest in understanding what is going on, even if they are not emailing the Board. He said to have some standard format that goes out is prudent, but that there could probably be a link to a Board landing page or department page so that constituents can understand the timeline. He said they can go online to find the information rather than emailing.

Mr. Gallaway said this will only continue to create public interest, and he hated to think that the only way someone would get that information was if they were emailing the Board and expecting a reply. He said the replies to the emails could include a thank-you to the persons' question and direct them to the landing page with the information.

Mr. Gallaway said he would offer this as a suggestion because anytime they have a matter like this that rises to this level that could be found online, with perhaps an A-mail going out announcing it, it would help people to not have to necessarily get that information via email.

Ms. LaPisto-Kirtley said if they wanted individual responses, Mr. Gallaway would be able to handle this.

Ms. Palmer said she was expecting to have multiple ways to get this information out, and that Ms. Kilroy's department will be working very hard, as they always do, to get the information out. She said she wanted to make sure that every email that comes to the Board is answered with that timeline, and not knowing who they are. She said a link in that email is fine, but she just wanted to make sure that the emails were being answered, as she assumes they will continue as they go through this process.

Ms. Palmer said it never ceases to amaze her how people are paying close attention to the national news, but not so much to the local news, so they just do not get the information that Ms. Kilroy and her group are trying so hard to get out.

Mr. Gallaway said at the last meeting, they finished up a large application that was deferred, and that this evening, they would be taking action on an item and therefore, two very large volume-generating items will be behind them, which will cut down on some of the email volume and make it more manageable.

Ms. Price said Mr. Gallaway covered the major point she was going to make, which was to have a link to the information rather than having to provide a detailed email to each individual. She said Ms. Kilroy and Community and Public Engagement would have the information on the website, and that she did not want to see the clerk's office tasked with having to respond individually to emails when they come in.

Ms. LaPisto-Kirtley said she thinks that a standard reply, when it comes into the Board of Supervisors, for a matter of this nature that is County-wide would be okay, and that she agreed with Mr. Gallaway that any chance they get to redirect people to A-mail for information is always good.

Mr. Gallaway said the volume of email has been great, but he knows that everyone has participated in the replies. He said especially leading up to Board meetings, emails can generate up and then, they can go back and work through the ones that have not been responded to. He asked if working through with a web link was a reasonable request to be generated.

Ms. Kilroy replied that currently, concurrent with the legal process she went through, there is a community engagement process around the community conversations for Court Square that they began in February and had to pause due to the restrictions in place related to COVID-19. She said they have transitioned the process to a digital engagement process. She said there is a video tour of Court Square that mimics the tours they had scheduled for March and April. She said this video tour is posted now, and there is also a series of questions that are similar to the listening sessions they held at the beginning of March.

Ms. Kilroy said this is all available right now on <http://publicinput.com/courtsquare>, which is the project hub for the Court Square project. She said they would add a schedule, when they have it, for the legal process onto that page as well. She said this page will be the digital hub for all the information related to Court Square, moving forward. She said they are currently in the process of getting a banner image up on the Albemarle.org homepage so that the link back to the main site remains.

Item No. 8.2. Resolution to accept road(s) in the South Fork Farms Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the Resolution to accept road(s) in the South Fork Farms Subdivision into the State Secondary System of Highways:

R E S O L U T I O N

WHEREAS, the street(s) in **South Fork Farms Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 17th, 2020**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **South Fork Farms Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 17th, 2020**, to the secondary system of state highways, pursuant to §33.2-705, §33.2-334 Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Report of Changes in the Secondary System of State Highways

Project/Subdivision South Fork Farms

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: 33.2-705, 33.2-334

Street Name and/or Route Number

◆ **Field Creek Lane, State Route Number 1799**

Old Route Number: 0

• From: Rt 708 Red Hill Road

To: 0.31 Miles West To CDS, a distance of: 0.31 miles.

Recordation Reference: DB 2038; PG 338-360

Right of Way width (feet) = 0

Item No. 8.3. Resolution to accept road(s) in the South Fork Farms Phase IV Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted Resolution to accept road(s) in the South Fork Farms Phase IV Subdivision into the State Secondary System of Highways:

R E S O L U T I O N

WHEREAS, the street(s) in **South Fork Farms Phase IV Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 17th, 2020**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **South Fork Farms Phase IV Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 17th, 2020**, to the secondary system of state highways, pursuant to §33.2-705, §33.2-334 Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Report of Changes in the Secondary System of State Highways

Project/Subdivision South Fork Farms Phase IV

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: 33.2-705, 33.2-334

Street Name and/or Route Number

◆ **Sycamore Creek Circle, State Route Number 1798**

Old Route Number: 0

-
- From: Rt 1797 Sycamore Creek Dr
To: 0.12 Miles East to CDS, a distance of: 0.12 miles.
Recordation Reference: DB 5135: PG 98-119
Right of Way width (feet) = 0

Street Name and/or Route Number

◆ **Sycamore Creek Drive, State Route Number 1797**

Old Route Number: 0

-
- From: Rt 1798 Sycamore Creek Circle
To: 0.28 Miles South to CDS, a distance of: 0.28 miles.
Recordation Reference: DB 5135; PG 98-119
Right of Way width (feet) = 0

Street Name and/or Route Number

◆ **Sycamore Creek Drive, State Route Number 1797**

Old Route Number: 0

-
- From: Route 710 Taylors Gap Road
To: 0.40 Miles South to Rt 1798 Sycamore Creek Circle, a distance of: 0.40 miles.
Recordation Reference: DB 5131: PG 98-119
Right of Way width (feet) = 0

Item No. 8.4. Natural Heritage Committee Annual Report, **was received for information.**

Item No. 8.5. Albemarle County 2019 4th Quarter Building Report, **was received for information.**

Item No. 8.6. Albemarle County 2019 Year End Building Report, **was received for information.**

Item No. 8.7. Albemarle County 2019 4th Quarter Certificate of Occupancy Report, **was received for information.**

Item No. 8.8. Albemarle County 2019 Year End Certificate of Occupancy Report, **was received for information.**

Item No. 8.9. Albemarle County 2020 1st Quarter Building Permit Report, **was received for information.**

Item No. 8.10. Albemarle County 2020 1st Quarter Certificate of Occupancy Report, **was received for information.**

Agenda Item No. 9. **Action Item:** HS202000035 Homestay Special Exception Minor Mill

(Corradino).

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 2420 Minor Mill Road to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125-foot setback from the southwestern front property line to 60 feet for the structure and to 40 feet for the parking 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. Lea Brumfield, Senior Planner in Zoning, presented staff's analysis of the Special Exception application for Homestay 202000035 at Minor Mill Road. She said the homestay is located on a 10-acre parcel in the Rural Area, in a renovated barn. She said the applicant is requesting a reduction in the required 125-foot setback.

Ms. Brumfield said the homestay regulations that apply to this homestay, on a parcel larger than 5 acres in the Rural Area, include a maximum of 5 guestrooms; the use of accessory structures if they were built on or before August 7, 2019; a maximum of 2 homestay uses on the property; whole-house rental for a limited number of days; and a minimum 125-foot required yard from all property lines.

Ms. Brumfield said the requirements for all homestays listed on the screen also applied.

Ms. Brumfield said that on Rural Area parcels, there are two homestay regulations that permit Special Exceptions: use of accessory structures, and reduced setbacks. She said the applicant is using an accessory structure for the homestay, but as it was built in the 1960, it predates their time requirement by 55 years, and no Special Exception is required.

Ms. Brumfield said the applicant has requested a Special Exception to reduce setbacks to the southwestern property line.

Ms. Brumfield said the factors to consider for all homestay Special Exceptions are that there is no detriment to abutting lots; and that the Special Exception will not cause harm to health, safety, or welfare. She said the Board may impose reasonable conditions to address any possible impacts.

Ms. Brumfield presented a location map of the proposed homestay. She said the location of the parcel is about 3.5 miles north of Route 250, and 1.5 miles south of Proffit Road.

Ms. Brumfield said this is a 10-acre parcel located at 2420 Minor Mill Road. She indicated to the outlined parcel on the map.

Ms. Brumfield said the proposed reduced setbacks would be a setback of 60 feet from the property line for the structure use for the homestay, and 40 feet for the parking. She said there is a 25-foot planted buffer immediately shielding the homestay use from the closest neighboring house. She indicated to this on a photo, past the parcel boundary.

Ms. Brumfield presented a view of the proposed homestay location from the street, directly in front of the house, which is 2435 Minor Mill Road. She said this photo was taken on June 9.

Ms. Brumfield said previously, the Board has recommended use buffers and screening that is consistent with Commercial District use buffers, for Special Exceptions for setback reductions. She said under this standard, the use buffer and screening would not actually be required because Commercial use buffers are not required when a Commercial zone is located across the street from a Rural District. She said since the reduction is against the property boundary that is on a street, in a purely Commercial sense, they would not require this buffer.

Ms. Brumfield said the closest parcel, however, is 3.7 acres, and may not be developed with any additional residences, so the view presented is what would be. She said as the neighbor residing there has contributed a letter of support for the homestay application, the existing location of the homestay and its parking is not believed to be a detriment to the neighboring parcels.

Ms. Brumfield said that as an extra mitigating step, however, staff does recommend that the buffer between the homestay and 2435 Minor Mill Road be maintained as it currently exists.

Ms. Brumfield said staff believes that the characteristics of this property, including a large lot size, existing planted buffer, and support of the neighboring property owners, including the property owner whose house is closest and would be impacted by the homestay, indicate that this Special Exception would not prove detrimental to neighboring parcels.

Ms. Brumfield said as such, staff recommends approval of the Special Exception resolution, Attachment F, which includes the noted recommended conditions.

Ms. Mallek asked Ms. Brumfield if she could again show the photo that shows where the parking is, as she would like to know if there is existing buffer for the parking and whether that is directly

accessible to the street.

Ms. Brumfield presented the photo. She noted it is an aerial view of the buffer. She said it does not shield the parking from the street, but that it does shield the parking from the neighboring house. She said the buffer is not in front of the parking, and the parking does directly access the street, but the buffer does shield the parking from view from the nearest house.

Ms. Mallek asked if staff would have a condition that maintains the buffer, and if someone bulldozed it all down, it would have to be planted again.

Ms. Brumfield replied yes.

Ms. Mallek said for future discussion, she was shocked that there is a waiver for new buildings, as there was a long discussion before the adoption of the ordinance about how this was for existing structures and should not be used to populate new houses everywhere for this purpose. She said she would defer that discussion to a later agenda, but wanted to note it now, as it was appropriate for the Board to have this in mind. She said it does not interfere with this particular application.

Ms. LaPisto-Kirtley **moved** to approve HS202000035 Homestay Special Exception Minor Mill, with the conditions contained therein. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR HS2020-00035 MINOR MILL 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 southwestern front yard required for a homestay in the Rural Areas zoning district for HS2020-00035 Homestay Special Exception (Minor Mill), subject to the conditions attached hereto.

* * *

HS 2020-00035 Minor Mill Homestay Special Exception Conditions

1. The Homestay use is limited to two (2) guest rooms within the existing second dwelling (renovated barn) as depicted on the Parking and House Location Exhibit dated May 22, 2020.
2. Parking for Homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated May 22, 2020.
3. The existing 25' vegetative buffer located along the southwestern property line as depicted on the Parking and House Location Exhibit dated May 22, 2020 may not be disturbed and must be maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

Agenda Item No. 10. **Action Item:** Albemarle County 2020 Smart Scale Applications.

The Executive Summary forwarded to the Board states that The Smart Scale grant program is the primary method for funding large-scale transportation projects in the State. The Program provides State and Federal funds for the design/engineering, right-of-way, and construction of transportation projects and runs on a biennial cycle. On its April 1, 2020 consent agenda, the Board previously reviewed this list of proposed projects as part of the Albemarle County Transportation Priorities Update Report. A requirement of the Smart Scale application is a Resolution of Support for the applications from the local governing body. This Resolution is due with the application submittal on August 3, 2020.

Albemarle County has a four-application limit, but the Thomas Jefferson Planning Commission and the Charlottesville-Albemarle Metropolitan Planning Organization are each allowed to submit four applications as well. Because no other jurisdictions in the planning district requested projects on their behalf, there will be eleven applications for projects within Albemarle County, including the one for the primary elements that make up the Hydraulic Road improvement package.

The proposed Smart Scale applications for the FY 2019 Cycle, as further detailed in Attachment B, are:

Submitted by Albemarle County:

1. Old Lynchburg Road/5th Street Extended/County Office Building Intersection Improvements
2. US 250 Pantops Corridor Improvements - Route 20 to Hansen Road
3. Route 20/Route 53 Intersection Improvements
4. Rio Road/Belvedere Boulevard Intersection Improvements

Submitted by the Thomas Jefferson Planning District Commission:

5. Route 29 Shared Use Path - Carrsbrook Drive to Riverside Center
6. 5th Street Bicycle and Pedestrian Hub and Trails
7. I-64 Exit 107 Park and Ride Lot
8. Frays Mill Road/US 29 Intersection Improvement

Submitted by the Charlottesville-Albemarle Metropolitan Planning District Commission:

9. US 29/Hydraulic Road Intersection Improvement Package
10. Fontaine Avenue/US 29 Bypass Interchange Improvement
11. Route 20 Shared Use Path

Additionally, during budget discussions before the COVID-19 pandemic, the Board of Supervisors had expressed interest in contributing local funds through the Transportation Leveraging Program CIP Line Item in order to buy down the project cost and improve the scoring of those projects. The Board expressed continued support for these contributions at its May 11 budget meeting. After review of the projects and discussions with VDOT partners, staff recommends the following contributions of local funds towards select projects. These amounts are suggested based on project priority, project cost estimate, and assumptions of potential scores through the Smart Scale program. Smart Scale applications will include a notation that the County's CIP is not finalized at this time and will be considered in the fall due to the COVID-19 pandemic. Please see additional information on project funding under Budget Impact below.

Suggested Local Fund Contributions:

- Old Lynchburg Road/5th Street Extended/County Office Building Intersection Improvements - \$2 million
- US 250 Pantops Corridor Improvements - Route 20 to Hansen Road - \$2 million
- Route 20/Route 53 Intersection Improvements - \$1 million
- Rio Road/Belvedere Boulevard Intersection Improvements - \$1 million

These applications are for State funding to implement these projects. No County match is required with the applications. However, the Board may decide to approve the addition of local funds from the Transportation Leveraging Program CIP Line Item as described. If those projects are then selected for funding, the County will be responsible for providing those local funds in order to receive the State funds. Funding schedules will be developed following project selection. Local funds will not be necessary until FY23 or beyond. VDOT has expressed willingness to work with the County to develop a mutually agreed upon funding schedule within the Six-Year Plan timeframe. If approved, VDOT will administer these projects and maintain these facilities. Therefore, no County funds are necessary to support future maintenance or operations of the projects.

Staff recommends that the Board of Supervisors approve the Resolution in Support of the Smart Scale Applications in Albemarle County (Attachment A).

Staff further recommends that the Board of Supervisors approve the inclusion of the recommended local funding contributions as outlined above in the Smart Scale applications.

Mr. Kevin McDermott, Principal Transportation Planner, presented. He said staff would be requesting resolutions of support from the Board for the projects.

Mr. McDermott said as a reminder, Smart Scale is the primary source of State and federal funds for transportation projects in Virginia, and that typically, almost \$800 million is put into the program State-wide. He said it is on a biannual cycle, with application deadlines in even years, hence, 2020 is an application year. He said there is a four-project limit for Albemarle County, and the MPO and TJPDC are also able to submit an additional four projects each.

Mr. McDermott said the projects are scored and funded based on a cost benefit analysis that considers land use, safety, congestion, accessibility, economic development, and the environment. He said local funding can buy down cost of the project, and staff has recommended some local funding on select projects that is based on priority and the potential scores of those projects, through preliminary evaluation and assumptions about how they would score. He said staff has also discussed this with VDOT to get some feedback on what they think will be appropriate. He said there are amounts staff is recommending for some of the projects of local funding.

Mr. McDermott said the projects will compete for funding in both a State-wide and VDOT district-level funding pools. He said all projects that are located in Albemarle County require County resolutions of support. He said this includes the ones that are being advanced by the MPO and the TJPDC. He said these resolutions of support would decide whether or not the project moves forward today. He said in addition, the ones that are being advanced by the MPO and the TJPDC will go through a separate process and will need resolutions of support from those organizations, so there is a second level of questions on those at that time.

Mr. McDermott said the application selection is based on the Albemarle County Transportation Priorities List and strategic planning. He said this is to say that staff looks at those projects from the priority list and do not go straight down the list from number one, two, and three because some of those projects may not compete well for Smart Scale. He said there is also strategic planning involved where some projects may want to be advanced faster than others, even if they are further down the list.

Mr. McDermott said the Board was provided a report on projects that staff is moving forward on,

through consent, in April 2020. He said this was originally intended to be a presentation, and that there would have been a lot of great discussion at that time, but it did not move forward because of the COVID-19 reductions in Board items at the time. He said it probably would have made today's discussion a bit easier, but they are moving on, nonetheless.

Mr. McDermott said the design and cost information is based on very preliminary evaluations from VDOT. He said these numbers will change, and the design will change. He said this is ongoing right now. He said if the projects are funded, then it moves on to the next level of design, so there will be many more opportunities to reevaluate the projects as they move into the design process, and for some projects, they are looking for much more public input if they were to be funded. He said what they are looking at currently is the most preliminary evaluation of these projects.

Mr. McDermott said the projects are presented today in groups based on the response that staff has received from the public and from the Board. He said he would be presenting these in batches, allowing the Board to potentially approve groups of these based on the level of potential opposition, which staff believes will make this process move faster.

Mr. McDermott said the first group he would present are those projects that staff has received little to no feedback from the Board or from the public on, and that they believe there is a lot of general support for. He said he would then present projects where minor feedback has been received, and where there may be some opposition. He said he would finally present the projects that have received a high level of impact. He said he would try to move more quickly in the earlier projects, as the Board has seen and discussed those projects greatly, likely with a great deal of support. He said as they move on, he was sure there would be many more questions.

Mr. McDermott noted that they could also pull out any of the projects individually and vote on those resolutions separately, which is why the Board has also received the individual resolutions on each one of the projects.

Mr. McDermott said starting with the Smart Scale applications that have received less feedback, the first he would review is the Route 20/Route 53 Intersection Improvements. He said this application would be submitted by Albemarle County. He said it is recommended in multiple planning documents. He said the corridor improvements in this segment were recommended in the Southern and Western Areas Master Plan, and that intersection improvements were also recommended in the MPO Long-Range Transportation Plan Vision List.

Mr. McDermott said this is #15 on the County priority list, and the proposal is to reconstruct this intersection as a roundabout. He said it includes separated bicycle and pedestrian facilities and was previously submitted for funding in Smart Scale in 2018. He said it scored very well but was just outside of funding. He said it addresses a very high-crash and heavily congested location, and the preliminary cost estimate is currently \$7.5 million.

Mr. McDermott said that for this project, staff is recommending an additional \$1 million in local funding to the project.

Mr. McDermott noted that at the very end of the presentation, he would come back to these local funding amounts for further discussion and improve upon those amounts. He emphasized that they do not need to put on local funding to move forward with a project, and that this is a separate decision.

Mr. McDermott presented the proposal for the project. He indicated on the sketch to Route 20, going north to south, and to Route 53 coming from Monticello. He indicated to Monticello's parking lot, noting that PVCC was just off the sketch. He said it would go into a roundabout, with two lanes entering the roundabout on the north and south side, and a slip lane turn lane coming from Route 53 to address high levels of movement. He said there are pedestrian crossings shown, and that the green line on the sketch shows a separated bicycle and pedestrian facility on the side.

Mr. McDermott noted he would come back to each project group with questions.

Mr. McDermott said the next project is the I-64 Exit 107 Park and Ride Lot. He said this would be an application submitted by the Thomas Jefferson PDC, and is #82 on the County priority list. He said it is located on the corner of Patterson Mill Lane, US 250, and I-64. He said it includes 25 parking spaces, bike parking, and a bus shelter. He said it could be served by both the Afton Express and Crozet Connect. He said Afton Express is the demonstration project, recently funded, that will be starting soon, coming from the other side of the mountain.

Mr. McDermott said the project is identified as a need in the State Park and Ride Study and recommended in the LRTP. He said the preliminary cost for this project is \$2.7 million.

Mr. McDermott presented a general sketch to show what the project would look like. He indicated to US 250 and to the I-64 on-ramp just on the south side of the interstate, at the Crozet exit. He said they would need to add an extended left turn lane on 250 to turn onto Patterson Mill. He indicated to Patterson Mill, noting there is a turnaround for the bus, 25 spaces, and a bus shelter.

Mr. McDermott presented the next project, which was the US-29 Hydraulic Road Intersection Improvement Package. He said this is an application that would be submitted by the Charlottesville-Albemarle MPO. He said it is recommended in multiple planning documents, including the Places29

Master Plan, and has also gone through a long process of planning with the Hydraulic-29 Stakeholder Committee, which some members of the Board and MPO have been participating in. He said it is #1 on the County priority list, reflecting the high level of congestion and crashes at that intersection.

Mr. McDermott said the proposal includes multiple elements to improve safety and operations, pedestrian connectivity, and transit, including removing left turns from Hydraulic onto US-29; constructing a roundabout at Hydraulic and Hillsdale; providing new and enhanced transit stops on US-29, just north of Hydraulic, including a pedestrian overpass over 29 where the transit stops are located and converting Angus Road to a green-T intersection at US-29.

Mr. McDermott said the preliminary cost estimate for these improvements is \$29.6 million, and it would utilize the \$18 million in State funds that were previously identified for US-29 improvements. He reminded the Board that this funding could be at risk if it is not put towards a project that year. He said this has been a discussion staff has had with VDOT, the MPO, and the stakeholder team. He emphasized that this alternative was endorsed by the Hydraulic-29 Planning Committee.

Mr. McDermott presented the proposal, indicating to 29, heading north to south, Hydraulic Road, east to west, and the 250 Bypass. He indicated on the proposal to Whole Foods at Hillsdale, noting this is where the roundabout would be located.

Mr. McDermott said they have removed left turns from both sides of Hydraulic, so one would no longer be able to make a movement that goes from one point, northbound, or from another point, southbound. He said that movement could be made by going through and around the roundabout, back, and making a right; or, there is a turnaround proposed north of the project for people who want to make a right and come back to head south. He said there are multiple ways to make those connections besides making those left turns. He said one could stay on 250 or use Hillsdale, District, or Commonwealth.

Mr. McDermott indicated on the proposal to the location of the proposed transit stop, which would be pull-offs and shelter just on the north side of Stonefield. He indicated to a blue line, noting this is the location of the pedestrian overpass over 29. He indicated on the proposal to the point where Angus Road goes into 29, and that the green-T describes a protected left turn. He said if someone wanted to make a left turn from Angus, they would come to the light and when they get the green signal, it would stop southbound traffic, allowing them to get into the protected left turn lane, and then merge with the northbound 29 movement, with the drivers going up 29 not having to stop at that light and therefore, increasing that throughput.

Mr. McDermott said the next project is the Fontaine Avenue/29 Bypass Interchange Improvement. He said this is an application that would be submitted by the Charlottesville-Albemarle MPO. He said elements of the proposal are recommended in multiple planning documents, and that this is #6 on the County priority list.

Mr. McDermott said the proposal is to reconstruct the interchange as a diverging diamond. He said it would include a separated shared use path and address the safety and congestion issues, primarily for those ramps where people get off the 29 Bypass to make a left to go into town on Fontaine. He said this shows a lot of congestion in the morning and afternoon, which is causing problems, even with the main line of the 29 Bypass.

Mr. McDermott said another feature of this is that it could also relocate the US-29 northbound left turn onto the I-64 westbound ramp, eliminating that conflict in queuing. He presented a sketch of the diverging diamond, explaining that the tan line going through it is the shared use path with connections on both ends. He said just like the diverging diamond proposed for 250 and I-64, one would come up to a light if heading westbound, then cross over the eastbound traffic so that one is on the opposite side of the road, under the bridge, to another light and cross back.

Mr. McDermott said alternatively, one could be making free-flow lefts onto the ramps at all the locations, or free-flow rights as well. He said it removes the conflicts at those points and helps that traffic flow much better. He said I-64 is south of this, and that the left turn onto the ramp could be removed, or be optional, to allow the vehicles to come up to an indicated intersection, then make a left and a left, essentially a U-turn, without having to go through any signals or stops, then get back onto 29 and make a righthand turn onto that ramp.

Mr. McDermott said it has not been determined how that would be implemented, but that it could be an optional movement, or required at certain times of the day, or closed down permanently to force all vehicles to make this movement, addressing a major safety issue there.

Mr. McDermott said he would pause for questions on these projects he just reviewed before moving to the next group of projects. He said after the questions, he will talk about how approval may want to be recommended on a batch of the project resolutions.

Ms. Price said her principal questions were around the first item addressed, the Route 20/Route 53 Intersection Improvements. She said in general, she is supportive of this, but that she did have a question that will tie into the discussion they would later have about the shared use path down Route 20. She said she has read that traffic circles are very good for vehicles, up to a certain volume and that after that, they become problematic.

Ms. Price said she has read they are difficult for pedestrians and bicycles. She said the

advantage they have here is that the road going off to the west, off of the traffic circle, is a very short road with very little traffic, so she didn't see that as an issue.

Ms. Price said she was more concerned that as cars are coming west on Route 53, down the hill from Michie Tavern and getting ready to make the right turn onto northbound Route 20, any pedestrians might be there, which could be limited numbers, at this point, might be in danger at this crossing, as well as any pedestrians crossing Scottsville Road/Route 20, just north of the traffic circle. She said she would like Mr. McDermott to address this.

Ms. Price said as she sees it, the bicycle path will be coming on the west side of Route 20, and she wanted to make sure that they address in a later discussion on the shared use path how that bicycle path would work.

Mr. McDermott said even a single-lane roundabout can handle up to 20,000 vehicles per day, which is much more than what they are looking at here. He said this has two lanes heading on Route 20 in both directions, so he did not think they would ever see this being limited by the number of vehicles.

Mr. McDermott said as far as the pedestrian connectivity, the primary movement for pedestrians will be north-south on this western side. He said this will be a low-volume crossing. He said he showed the other crossings that are possible and that currently, these do not connect to anything. He said they could be something they could add in a later stage, as other development occurs or as the need arises, but that he was not sure these would be necessary for the project at this time because people will be able to access the parking area for Monticello from the signal at College Drive.

Mr. McDermott said this could happen with or without the other Route 20 project they are discussing because there is a signal there, and they could always allow pedestrians to cross at that signal with a signalized pedestrian head crossing. He said they could allow them to make that movement to get to this trail.

Mr. McDermott said the proposal with the Route 20 shared use path would move those pedestrians or bicycles out of the median at College Drive. He said from there, the people who want to get on the Monticello Trail would go to the east side of the road and connect to an indicated road to move to the Monticello Trail. He said the people who will want to continue down 20 would continue on the west side from College Drive.

Mr. McDermott added that there are protected medians in all of these so that pedestrians only have to look one way when they are crossing, if these are utilized at any point in time.

Ms. Price said she formerly lived just south of this in Stone Creek Village apartments and that once, and only once, she took her life into her hands and tried to walk from those apartments to the Saunders Monticello Trail. She said on her return, southbound and facing traffic, she found herself literally having to lean against the bank of the hill as vehicles coming north were coming up the road. She recognized that no project can ever cover every area, but in general, in terms of this particular intersection, this was well thought out.

Mr. McDermott said a future phase would look at further south on Route 20.

Ms. McKeel said she remembered the Hydraulic panel constantly had multiple roundabouts that were being suggested in the first round. She said they had a lot of discussions about pedestrian and bike safety, and roundabouts. She said she remembered that the discussion from VDOT was almost counterintuitive, that pedestrian and bike safety could be improved and that roundabouts were actually safer. She said the key was that it depends on where the crossings are located.

Mr. McDermott said it is true that it all depends on how the design is done and if they do it right, which he expects they would. He said they do back that crossing down the leg a bit, and it is not right at the circle. He said as vehicles approach those circles, what the channelization of the lanes usually does is force drivers to look both ways, so they go into it facing one way, then turn as a vehicle facing the other so that the driver is forced to look at both sides. He said this makes it much easier, and reduces the length of crossing for pedestrians, allowing them to only cross one direction of traffic at a time, which helps with the protected median. He said they could design these to be a much safer alternative than other options.

Ms. McKeel said she wanted Mr. McDermott to speak to that because she did not want to the public to think that every roundabout is much more dangerous for pedestrians and bicycles because depending on how it is constructed, it could actually offer a great deal of safety.

Mr. McDermott agreed. He said they are getting better at designing roundabouts all the time.

Ms. Mallek said she does think that the Route 20/Route 53 project has been under consideration for at least 15 years and has had a lot of work done on it, with lots of public discussion. She said she thinks it will be great. She said in the 1990s and 2000s, there was a lot of debate about roundabouts and in the efforts to persuade VDOT to build them, there was a lot of research about other places around the country with 50,000-60,000 vehicles per day, killing people, but it turned out it was far safer. She said they must take the time to make sure that people learn how to use them, and that they get them done right. She said stepping back the crossing from the first car is an important suggestion.

Ms. Mallek asked about the Fontaine project, regarding the left turn for trucks. She asked if the bridge and the turns are designed for the 60-foot box tractor trailer.

Mr. McDermott replied yes.

Ms. Mallek said those will be the primary users for I-64 westbound and that she wanted to be sure they were not cutting off their options for that.

Ms. Mallek reminded everyone that the University, with its last rezoning for Fontaine Research Park, has the obligation, which they are standing behind, to provide whatever traffic lights and improvements are needed for the intersection as soon as they are ready to do the next building. She said there are some resources, as this develops over time, that will help it get even better.

Mr. McDermott said these projects could be broken up into groups for approval. He said it sounded like they had support for this and if the Board would like, they could take a vote on the resolutions for those four projects. He said if they wanted to move forward with those right now in one group, the Board could make a motion to approve the resolutions of support for the Smart Scale applications to be submitted for the four projects he covered.

Ms. LaPisto-Kirtley asked if voting on these four projects now would have any effect on projects they would vote on later.

Mr. McDermott replied that these are all individual projects with individual resolutions, so they can approve those four and that they would not in any way affect the votes for the other resolutions.

Ms. Mallek **moved** to adopt resolutions for the following projects for application to Smart Scale: Route 20/Route 53 Intersection Improvements, I-64 Exit 107 Park and Ride Lot, US-29 Hydraulic Road Intersection Improvement Package, and Fontaine Avenue/29 Bypass Interchange Improvement. 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 IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires to submit an application for the following project to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

Route 20/Route 53 Intersection Improvements

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires the Thomas Jefferson Planning District Commission to submit an application for the following project located within Albemarle County on the County's behalf, to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

I-64 Exit 107 Park and Ride Lot

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires the Charlottesville-Albemarle Metropolitan Planning Organization to submit an application for the following project located within Albemarle County on the County's behalf, to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

US 29/Hydraulic Road Intersection Improvement Package

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires the Charlottesville-Albemarle Metropolitan Planning Organization to submit an application for the following project located within Albemarle County on the County's behalf, to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

Fontaine Avenue/US 29 Bypass Interchange Improvement

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

Mr. McDermott moved on to the next group of projects, noting they are projects where minor feedback has been received. He said he wanted to make sure the Board had an opportunity to see them all, and possibly separate them out if they would like to vote individually on them.

Mr. McDermott said the first project is the Old Lynchburg Road/5th Street County Office Building Intersection Improvements. He said this application would be submitted by Albemarle County. He said it is recommended in multiple planning documents. He said it is a recommendation from the currently underway 5th Street Corridor Study that VDOT is leading. He said the corridor improvements are recommended in the Southern and Western Areas Master Plan, and the intersection improvements recommended in the MPO LRTP. He said it is #7 on the County Priority List.

Mr. McDermott said the proposal is to reconstruct this intersection as a roundabout. He said it would include pedestrian crosswalks across all quadrants, improved access to the transit stops on both sides, and address this high-crash and heavily congested location. He said this is on the 5th Street Corridor, just north of where Southwood is being developed, and that there are multiple other developments ongoing in that corridor. He said they would continue to see this increase in congestion. He said this is an intersection that will be failing, which is why they are trying to address it now.

Mr. McDermott said the preliminary cost estimate is \$8.5 million, and staff is actually recommending an addition of \$2 million in local funding on the project.

Mr. McDermott said he did not have a great sketch of the project currently. He said it was actually submitted by the Albemarle Business Campus application submittal. He indicated on the sketch to 5th Street heading in one direction, with another way being Old Lynchburg Road heading into the City, and another leg being Old Lynchburg heading south. He indicated to the County Office Building entrance. He said there is a bus stop located there that pedestrian facilities would provide access to that would be included in the project. He indicated to a transit facility that would also be accessed, noting that although crosswalks were not shown, they would be included. He said this was a general sketch to give an idea of the area.

Mr. McDermott said the next project is the US-250 Pantops Corridor Improvements, for Route 20 to Hansen Road. He said this would be an application submittal by Albemarle County. He said it is recommended in multiple planning documents, including the newly approved Pantops Master Plan and the MPO LRTP. He said this is #2 on the County Priority List, which reflects the level of safety concerns going on there, as well as the heavy levels of congestion and traffic that are moving through this corridor.

Mr. McDermott said the proposal would close the center left turn lane and replace it with a median, with breaks for left turns and U-turns at key locations. He said they are also evaluating extensions of the continuous right turn lanes as part of this project. He said this would also close current gaps in the sidewalk network that exists on that corridor and addresses the safety issues and congested corridor.

Mr. McDermott said the preliminary cost estimate is \$11 million, and staff is recommending the addition of \$1 million in local funding.

Mr. McDermott presented a sketch of the proposal. He indicated to Route 20 coming from Stony Point. He said the City would be on one side of the map. He indicated to a route heading eastbound up Pantops Mountain, and to Hansen Road. He said they are showing U-turn and left turn locations at an indicated location, at Town and Country, and at People Place. He said this is where people could make turns if they came out of one of these and instead of going into the center lane, they would make a right and go to the next turnaround point, then come back. He said this addresses safety.

Mr. McDermott indicated on the sketch to the point where an additional sidewalk would be added. He said this does not show the extensions of continuous right turn lanes, but that this is something currently being evaluated by VDOT.

Mr. McDermott said the next project is the Route 29 Shared Use Path. He said this goes from Carrsbrook Drive to Riverside Center. He said it would be an application submitted by the Thomas Jefferson PDC. He said it is #35 on the County Priority List, and is also recommended in multiple planning documents, including the Jefferson Area Bicycle and Pedestrian Plan.

Mr. McDermott said the project would replace the existing 5-foot sidewalk with a 10-foot shared use path. He said it would be the initial phase to eventually connect across the Rivanna River to the existing shared use path on the north side that was built with the 29 Widening Project. He said they had originally looked at making this all one project, but complications crossing the bridge forced these to be separated into two different projects. He said this is a first phase but does provide a lot of independent utility.

Mr. McDermott presented a sketch showing the location. He indicated to Hilton Heights, going up to the new Berkmar extension where the roundabout is. He said there is a shared use path going one way on Berkmar, and work is being done on design for the shared use path going south on Berkmar. He indicated to Sam's Club and Walmart, and where Carrsbrook would enter. He said Carrsbrook is currently a heavily traveled bike corridor, which is why they are trying to connect to that. He said the river is on the north side. He said this would allow pedestrians and bicyclists to move up and down the corridor more easily in the first phase.

Mr. McDermott said the next project is the 5th Street Bicycle and Pedestrian Hub and Trails. He said this would be an application submitted by the Thomas Jefferson PDC, and leverages funding from an existing Transportation Alternatives grant that was awarded a number of years ago and has been worked on but has had an increase in its budget. He said they are now looking to go back and add funding through Smart Scale.

Mr. McDermott said the project would construct a shared use path connecting multiple commercial centers along the Moores Creek Greenway and is the initial phase of a greenway network that connects along Moores Creek, heading west and east towards Rivanna, as well as connecting to Biscuit Run, going down to the future Biscuit Run State Park.

Mr. McDermott said the preliminary cost estimate for this project is \$6 million, which would be partially offset by the remaining money in the TA grant funding.

Mr. McDermott presented a sketch of the current design. He indicated to the new 5th Street Center where Starbucks is located and is not open yet. He said there are a couple parking spaces that were reserved as part of that development for access to the trail. He said the trail would begin crossing Moores Creek at an indicated point on an existing bridge that would be enhanced, then run along the City side all the way up to 5th Street Station Parkway, where it would connect to the existing sidewalk there so people could go up to the pedestrian crossing to get onto one side.

Mr. McDermott said there is also a trail that goes under the current bridge but does not meet VDOT standards at this time and is therefore not included on this. He said it would have been expensive to bring this to VDOT standards as part of this project but could be in a future project.

Mr. McDermott said there is also a connection across Moores Creek that would wind up the hill to the Wegmans parking lot, where another trailhead is proposed and where parking is reserved for that as part of the proffer.

Mr. McDermott said he would pause for questions on these four projects.

Ms. Price said regarding the 5th Street trails project, on the picture showing where the purple trail ends, the trail shows the VDOT project, but that Mr. McDermott indicated that there is currently a path under the bridge, which would still be accessible but does not meet VDOT standards. She asked if this was correct.

Mr. McDermott replied this was correct.

Ms. Palmer asked, regarding the same project, where this connects to the trail that goes underneath I-64 and to Biscuit Run.

Mr. McDermott replied that this would be another phase they would look at for this project, and they are currently working on that with the Parks and Recreation department. He indicated to a blue line on the sketch that goes to Biscuit Run, explaining that currently, the unimproved trail goes along one side and would run into another trail. He said one can just barely see a piece of I-64 at one point, where the trail goes under it.

Ms. Palmer said she appreciated the suggestion that they put \$2 million additional into the 5th Street roundabout project in front of the County Office Building. She said all these projects are highly needed, but this one is, in her mind, very important.

Ms. McKeel said she appreciates the ability now to look at all these areas that need pedestrian, bike, and vehicular access and safety, looking at them through a different lens of ways to get at access that are different than the usual. She said in some cases, they are transportation improvements that are different to people, that people are not used to. She said if they are going to solve these problems, they have to sometimes look out of the box at different ways that are likely proving in other localities to be safe, and at different ways to look at congestion.

Mr. McDermott added that the designs come from VDOT, and that VDOT is pushing to look at alternative intersections and alternative ways to move vehicles. He said one gets additional points on projects through Smart Scale if one brings in an alternative intersection type. He said it scores higher for

the County to put a roundabout at Old Lynchburg Road, for example, than it would if they put in a signal, according to the scoring.

Ms. McKeel said it used to be the case that VDOT was very inflexible, but now with congestion everywhere, they are starting to come up with different solutions, as going back to the same old solutions will just not work. She expressed appreciation to staff and VDOT.

Ms. Mallek said regarding the shared use path on 29, she had listened into webinars about this project, and one of the suggestions that was raised several times was about not worrying about the bridge, which is very difficult to cross, and simply collect people from the north, from Riverside, up this proposed trail, and from the south at Carrsbrook, then send them up Hilton Heights Drive to the existing, well-constructed and expensive shared use path there. She said the proposed plan is fine, however.

Ms. Mallek asked, regarding the 5th Street hub and trails, if the route for the switchback trail prescribed now because of preapplication.

Mr. McDermott replied no.

Ms. Mallek said what has been commented to her separately, after listening into a webinar a couple times, is whether there has been consideration of going from the Starbucks development, hopping over Biscuit Run there, which also gets work to connect to under the I-64 connection, and stay on a better elevation all the way east. She said this would forget the switchback.

Ms. Mallek said she understood why the trail was made to go north along the creek, as many people want to go that way, but that the County is spending millions in environmental damage on a very steep slope. She said she did not have an answer but wanted to pass along what she has been hearing that there may be an easier way to get to Wegmans if they skirt around to the south.

Mr. McDermott said this exact alignment is not prescribed by making this application. He said once they move into the future design, this will be reevaluated. He said a connection between those would have to be made, if that is what is in the application. He said somehow, they do have to get people from each one of these points up to a certain point, but that it does not have to fall in that exact alignment.

Ms. LaPisto-Kirtley asked to see the plan for the 250 Pantops project. She said in studying this, she was slightly concerned, as there is a left-hand turn lane, but anyone coming out of the businesses on the south side has to turn right. She asked if they would then have to go to Town and Country to make a U-turn, or if they could make a U-turn at another point.

Mr. McDermott replied that they would have to go to Town and Country to make a U-turn or, if it were during a heavily congested period and they were not able to merge over across the lanes, they would have to go up to Hansen to make the U-turn.

Ms. LaPisto-Kirtley asked if they were to turn left, if they would have to turn left onto Town and Country Road, or if they could make a U-turn from that point.

Mr. McDermott replied that they could make a U-turn.

Ms. LaPisto-Kirtley asked if anyone coming out of Tip Top can only turn right.

Mr. McDermott replied yes. He said they would come down to the break at Town and Country to make a U-turn.

Ms. LaPisto-Kirtley noted the break where the U-turn could be made at Town and Country, at Hansen Road, and at People Place. She asked if at People Place, one can make a U-turn, but only coming from the east.

Mr. McDermott said this was correct.

Ms. LaPisto-Kirtley expressed that the area definitely needs improvements.

Mr. McDermott said this is a heavily congested corridor with many accidents, and that staff believes many of those accidents are probably the result of that center turn lane, which causes confusion and throws new movements into an area without much direction.

Mr. McDermott pointed out that there are parallel networks on the north and south side, and that they are also getting new private streets with this development that will connect to Route 20. He said there are other ways to make movements in the corridor that were developed.

Ms. Mallek asked, regarding Pantops, if the goal wasn't to get drivers off of 29 as much as possible, rather than encouraging them to come onto 29 and make a U-turn. She said one would go to a road that parallels 250 on the south to easily get to a place where there is a proper light and crossing, which would be preferred, with the same thing going back behind some of the existing buildings, like the architects building. She said they have back connections on the north side that people can use to get to Rolkin Road, for example, to be able to get out. She said hopefully, this would be a positive that would improve conditions for local shoppers on the road.

Mr. McDermott agreed that the goal was to make 250 much more focused on through travel and allow local traffic to access the back roads there. He said this is something that has developed more through the Pantops plan with additional connections.

Ms. LaPisto-Kirtley said Ms. Mallek was correct, and that there is a parallel street going behind Sentara Martha Jefferson all the way to Route 20, but the bottleneck happens once one hits Route 20 and makes a right turn because they want to go to Charlottesville, then has to go over Free Bridge. She said this is where a big bottleneck is and asked if there is any plan to address this intersection.

Mr. McDermott replied that the intersection is already funded for improvements. He said the Free Bridge project is not funded, though there are recommendations to improve throughput across Free Bridge and address the first intersection in the City. He said none of that has been advanced yet.

Ms. Price **moved** to adopt resolutions in support of a Smart Scale application for the following projects: Old Lynchburg Road/5th Street County Office Building Intersection Improvements, US-250 Pantops Corridor Improvements, Route 29 Shared Use Path, and 5th Street Bicycle and Pedestrian Hub and Trails). Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires to submit an application for the following project to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

Old Lynchburg Road/5th Street Extended/County Office Building Intersection Improvements

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires to submit an application for the following project to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

US 250 Pantops Corridor Improvements - Route 20 to Hansen Road

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires the Thomas Jefferson Planning District Commission to submit an application for the following project located within Albemarle County on the County's behalf, to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

Route 29 Shared Use Path – Carrsbrook Drive to Riverside Center

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

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WHEREAS, the County of Albemarle desires the Thomas Jefferson Planning District Commission to submit an application for the following project located within Albemarle County on the County's behalf, to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

5th Street Bicycle and Pedestrian Hub and Trails

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

Mr. McDermott said the next group were projects that received a very high of feedback, as the Board had even heard about earlier that day, and as he knows the Supervisors have received many emails on.

Mr. McDermott said the first project he would talk about is the Rio Road/Belvedere Boulevard Intersections Improvements project. He said this would be an application submitted by Albemarle County. He said the Rio Road/Belvedere intersection is #17 on the County Priority List.

Mr. McDermott said the proposal is to reconstruct this as an R-cut intersection. He said the U-turn for vehicles wanting to make a left from Belvedere would be to go to Greenbrier Terrace to make the U-turn there. He said the project does include a pedestrian crossing of Rio Road, and the R-cut has a preliminary cost estimate of approximately \$4 million.

Mr. McDermott said the big question with this project is around combining it with a roundabout at Rio Road and John Warner Parkway to improve operations. He said staff originally asked VDOT to look at the Rio Road/Belvedere intersection and in doing that, VDOT realized it would work best for the R-cut if they also had a roundabout at John Warner Parkway. He said the John Warner Parkway intersection is #14 on the County Priority List, and a roundabout there would be a preliminary cost estimate of about \$8.2 million.

Mr. McDermott said staff submitted three applications separately from both of those projects. He said the County is allowed to submit five pre-applications, but only four final applications. He said a decision would have to be made that they would perhaps remove one of those and only go after one; or, the alternative would be that they can simply combine the roundabout with the Belvedere Boulevard intersection and do it all as one project that would be in the vicinity of \$12 million.

Mr. McDermott said staff currently recommends moving forward with the Belvedere R-cut only because of the fact that the roundabout adds a lot of cost for a smaller benefit, making it likely a difficult project to fund through Smart Scale.

Mr. McDermott said staff recommends an addition of \$1 million in local funding to the project.

Mr. McDermott presented a sketch of the proposal, indicating to Belvedere coming into Rio Road. He indicated to a new curb placed in the middle, explaining that vehicles coming out of there would make the right turn, go up to Greenbrier Terrace, which is immediately before Gasoline Alley, and make a U-turn. He said there is an additional bulbout with that R-cut, allowing for an up to 40-foot bus to be able to make that turn. He said they currently do not show any signals on this R-cut, which is something that could be added and would be evaluated on an as-needed basis. He said currently, it is not believed that the R-cut would need to be signalized.

Mr. McDermott said the other piece of the project is the roundabout. He said if they do not have the roundabout, vehicles that wanted to make a left out of the church across from Belvedere would need to come down and make a U-turn at the existing signal, which does have some problems and introduces additional issues with congestion and turning movements.

Mr. McDermott said this was the reason why it had been suggested to combine the projects. He indicated to the sketch of this proposal, to two lanes going in both ways. He indicated to an area, explaining that it is mostly occupying space that is currently in the large area between Dunlora and Rio Road and would not need much right of way. He said there are small amounts of right of way from CATEC and from the Wetzel property.

Mr. McDermott said the roundabout would also include all of the connections for pedestrians, and the bus stop would still be there. He said there are still landscaping opportunities within an indicated area and within the center of the roundabout, which he knows is of concern to locals because this is the wildflower meadow, which would be partially impacted.

Mr. McDermott said currently, staff recommends moving forward with the R-cut only, but it was a possibility to include the roundabout project, possibly even adding funding to the project.

Mr. Gallaway expressed that the Supervisors would like to deal with each one of these projects individually during discussion.

Ms. Price said this helps clarify some things for her from the last Board meeting. She said to her, it strikes her that the combination of the two projects together is of the greatest benefit in the impact on transportation infrastructure and safety in that section of the highway. She asked if they were to combine the two projects, if Mr. McDermott had a thought on how much additional funding the County contribution may or should be to enhance the ability to get both of those completed.

Mr. McDermott replied that he has not discussed that question with the Department of Transportation yet. He said they would have to at least likely up this to \$2 million. He said the problem is that they currently do not have major safety or congestion issues. He said while there are safety and congestion issues, they are not reflected in the data they see as they are not major. He said it is also not an area where they have a lot of nonresidential development. He said nearby nonresidential development is something that ups the score quite a bit. He said these projects by themselves will not get a high score.

Mr. McDermott said \$12 million is a fairly steep cost, and they are probably looking at having to put in \$3 million additional, but he would like to talk to the Department of Transportation more to get their opinion on it. He said he could have that discussion, then have a follow-up discussion, or send a resolution to the Board on that amount in the future.

Ms. Price asked if the projects are kept separate, and the Board moves forward that evening only on the R-cut at Belvedere, what Mr. McDermott would see a timeframe, if it were to be approved. She asked if they held off on the John Warner roundabout, what timeframe Mr. McDermott sees this as being appropriate to move forward with that application.

Mr. McDermott pointed out that there is a proposal currently to do a corridor study in this area. He said they could look more deeply at these projects if they wanted to do the corridor study, then make these future proposals. He said if they make an application with Smart Scale right now, the proposed timeline for Smart Scale is that they make the application on August 3. He said they would learn how that was scored late 2020 or early 2021. He said hopefully by January 2021, they would know if it was going to be funded. He said then, in July of 2021, that funding would come about in that new fiscal year.

Mr. McDermott said if there is local funding on that project, they could start moving the local funding right away and utilize that on design. He said if they did this, they could petition VDOT to try and move the next phases of this project forward somewhat more rapidly, although there is no guarantee that would happen. He said VDOT has up until the full six years to fully fund this project, so they could move to construction in as short as three years, or in as long as five years.

Ms. Price said her understanding is that the corridor study has not yet been funded. She asked if it were to be funded, how long Mr. McDermott estimates this would take.

Mr. McDermott replied that they were estimating approximately a year-long process for the corridor study. He said there is a lot of detail and public outreach involved with that. He said it has not yet been funded, but this is a discussion being had.

Ms. Palmer asked if the corridor study would be done by the County, which is where the money would come from.

Mr. McDermott replied yes. He said they would hire an outside consultant to perform the study.

Ms. Palmer asked what the approximate cost was for this.

Mr. McDermott replied the estimate is around \$100,000.

Ms. Palmer said Ms. Price asked most of her questions, and that she knew others would have a lot to say. She said if they put this in, she would go by Mr. McDermott's recommendation to only put in the R-cut application now if he really did not think the roundabout would be funded at this point.

Ms. Palmer asked if Mr. McDermott were to talk to VDOT about a few of these issues if the County would still be able to get this application in if the Board were to postpone things to allow Mr. McDermott to talk to VDOT. She asked about the timeline for getting this in.

Mr. McDermott replied that the application submittal is still August 3. He said the opening of the grant application window was delayed due to problems related with COVID-19. He said there is already a week delay on that, and that there may be some additional time after August 3, but August 3 is currently when this has to be submitted on. He said VDOT is giving the County some more time on the resolution, and that they could still approve the resolution in August, but he would have to know that it was coming when he submits the application.

Mr. McDermott said he could always go back to VDOT and then prepare a consent agenda item that explains this to see if the Board wants to move forward at that time.

Ms. McKeel said she is always concerned when she hears that they need to do one project to make another project work. She asked if Mr. McDermott could talk about this.

Mr. McDermott replied that they could continue to look at this but currently, with the church, the people there would not be able to come out and make a left to go on Rio Road towards 29. He said they would all have to make a right. He said staff has not identified a good location for them to make the U-turn to go back that way. He said the best place is at the John Warner Parkway intersection. He said they would come down and would have to make that turn with the light. He said this already does experience some backup, though perhaps not at the same time as the church would be letting out. He said staff may look at other options, and that the church could possibly even make a connection through an indicated property.

Mr. McDermott said another option would be allowing them to make the full left and go down Rio, then left onto Dunlora, and back onto Rio. He said there are options, but when VDOT evaluated this, they thought that those options are difficult, and there would have to be some reconfiguring of that turn to be able to allow them to make the U-turn movement there. He said that is when VDOT decided they thought this would be a good option to look at combining. He said it could also always be combined at a later point as well.

Ms. McKeel said she thinks the R-cut would be an improvement.

Ms. Mallek asked if this were a County project or an MPO project.

Mr. McDermott replied that this would be submitted by Albemarle County.

Ms. Mallek said in Mr. McDermott's answer to Ms. McKeel, in a way, he described the pathway of the old 2002 roundabout that was adopted in the Long-Range Plan back then. She said the committee, of which she was a member, worked on it for many months. She said it was a bean shape and took a lot of the existing back road to Dunlora and incorporated, European style, all the different entrances, and had a large interior so that it was much easier to design a road that had curves, slowed people down, and had many more solutions.

Ms. Mallek said during the 2010-2014 interval, the members of the MPO threw this out. She said she has asked about this five or six times in the past eight years about where the plan is and about trying to get it back into discussion, without success.

Ms. Mallek asked if these designs were prescribed in the application or is there a chance for new information to come along to get a better design after August 3.

Mr. McDermott replied that this is a very conceptual design that is intended to allow VDOT to make a cost estimate. He said the access points, and the idea that it is a roundabout that includes pedestrian facilities, have to be included in any design. He said as they move into the future design, the shape of the roundabout can change. He said it can move to the side. He said it can address connections in slightly different ways, but it cannot close off different connections.

Ms. Mallek said it sounded as if they were able to use a lot of existing street, bend and connect them, it seemed like it would be a much more sustainable answer than taking things down and putting up new things. She said this was not for the present discussion, however. She asked which property the bulbout that Mr. McDermott just described where the right of way would be taken, where the bus would turn.

Mr. McDermott replied that this is actually a City parcel and indicated on the map to the City's area. He said there is one parcel on the corner of Greenbrier Terrace and Rio, with a small amount of right of way.

Ms. Mallek asked if this were still east of the tracks.

Mr. McDermott replied no. He indicated to the tracks on the map.

Ms. Mallek said she understood.

Mr. McDermott said the bridge is too close to Belvedere to be able to make the turnabout anywhere in between, so it has to cross the bridge and then come back.

Mr. Gallaway said he understood what Ms. Mallek was reacting to, adding that there are people attempting U-turns there now in the same spot where they are proposing this. He said one could see what kind of trouble this would present if it is not a coordinated effort. He said since they cannot make the left out of Belvedere, they are going down and attempting U-turns in the first spot they can. He said this was not a good thing that was happening, currently.

Mr. Gallaway said his overall, general comment is that the corridor study is vital for so many reasons because it informs both of the projects and how they work with the entire corridor. He said he knows there are local residents who voiced concerns about R-cuts and if this were the right solution here. He said as he has said to them, about a year ago, these projects were not even on the Board's radar or priority list. He said the fact they can get these projects on the priority list and start putting them forward, if they do receive funding, there is ample time to still have input on the actual design.

Mr. Gallaway said the first time he saw the R-cut study, it talked about how it was signalized, and it seemed like signalized looked better in this area. He said as far as details like this, there is still plenty of time to work that out after a funding decision is made.

Mr. Gallaway said he personally thinks that in order for the roundabout and the R-cut to work, they will need to work in tandem. He said it is just not feasible for someone to turn right out of the church and make a U-turn at the John Warner Parkway. He said they are trying to add movements to an intersection that is currently problematic for multiple reasons, so adding any extra movements or pieces there is asking for dangers that are not what the County wants to have.

Mr. Gallaway said if they get to a point where it has to become an R-cut, he will hate to see it be another 20-30 years before something else happens. He said he hopes the corridor study will be the one that deems that this is the right design and approach for Belvedere, John Warner Parkway, and for other intersections that are going not just on this stretch, but on the other side of Rio Road heading east.

Mr. Gallaway said Mr. McDermott made a comment about how the nonresidential improvements do not score very well. He said this is because none of the nonresidential use is filled in, but now, Greenberry's and The Center have had modified openings, and the County should be able to see what

kind of activity this will create on Belvedere roadway. He said he didn't know if the Martha Jefferson component was open there yet. He said his guess was that with SOCA coming in eventually, there are still other areas within the Belvedere development where nonresidential can go in.

Mr. Gallaway said there was just a dentist office put in there, and that there are other parcels where small things could come up as part of that development. He said those things will probably become more viable as The Center, Greenberry's, Martha Jefferson, SOCA, and others come into play. He said the corridor study will have to work hard to take into account what that will mean traffic-wise, coming out of Belvedere, to help determine if the R-cut and/or the roundabout are the best solutions for that roadway.

Mr. Gallaway said he knows that this can be a crapshoot dealing with the applications, and it is a question of going with just one part of it, or with both. He said if there is a way for the County to continue monitoring up until the August 3 deadline so they can see what makes the most sense at that time, and if they need to include both projects in tandem or not, this is what he would hope for. He said he is of the mindset that he wants to see if they can at least get one of these, or both, funded, and then continue to work through the details.

Mr. McDermott said as he has mentioned and will say again about other projects, VDOT continues to look at the projects, and refining the design and cost estimates. He said he can continue to talk to them about what it would take for the County to fund it. He said the only issue is because they are on such a short deadline, being able to come back to the Board and explain these matters will likely constrain them timewise.

Mr. Gallaway said he understood. He said the other roundabout at Pen Park didn't go anywhere in the last Smart Scale cycle. He said they must get some solution at the Belvedere intersection because if the volume gets too high, it will warrant a traffic signal at some point. He said there are some who want that, but in many ways, it creates more problems in a high-traffic corridor. He said he wants to see something advance so that they can start getting some relief to what he believes is a larger issue.

Ms. Mallek said making the proposal that these projects be combined and that they somehow say that the Board is committed to getting the corridor study done, as long as significant changes are allowed to be made, this is really important to her. She said she did not want someone coming back and saying that the County cannot have the money if they do not build what is on the page. She said as long as someone could write this statement, she would very much support combining the projects because she fears that, as Mr. Gallaway mentioned, the County will get the cheap solution, and the other one will be infeasible. She urged the Board to hang on to both projects to see what they can get. She said they may get a better answer looking at a bigger area than they would looking at a smaller matter.

Ms. Mallek said she knows R-cuts are very popular. She said VDOT said they would never build a roundabout, but then roundabouts became very popular and VDOT put them in many places. She said now, it seems that the R-cut is the new thing, but it doesn't mean it is always the right thing. She said they need to hang onto the ability to get a bigger, better answer. She said if they can make an application that is cosmic enough to accomplish that, she would support it.

Mr. McDermott said with the idea that changes could happen, they could go ahead and move forward with the applications combined, then hopefully get started on the study and perhaps review some preliminary results on that before the funding decisions are finally made, or even after they are made, as they do probably have a few more years before the funding would become available from the State.

Mr. McDermott said that to Ms. Mallek's point, they cannot change the projects significantly. He said they cannot significantly change the way these would operate without having to go back and be rescored. He said if they change it in a way that increases the cost by more than 10%, then it also has to be rescored.

Ms. Mallek asked if rescoring did not mean starting over.

Mr. McDermott replied no.

Ms. Mallek said another thing that is important to her is that they get enough information together so that they have good community support with whatever they propose, so that they do not then have a big disaster after the monies come and then VDOT begins to think of the County again as unreliable to carry out what they are asking for.

Ms. Mallek said she was not quite sure what changing the projects "significantly" means. She said if it incorporates taking a smaller roundabout and making a big one, this is great, and if not, then she would be out of luck.

Mr. McDermott said on the Commonwealth Transportation Board agenda that day, they were looking at a project that was previously funded that had increased in costs significantly. He said the board decided at that time to continue to allow that project to move forward. He said this is a decision that the board can very easily make.

Ms. Mallek said the Board was having an upcoming special meeting that may be useful to be able to take this up again if this were to help Mr. McDermott with some other information. She asked if this would be sometime in the next few weeks.

Ms. McKeel asked Mr. McDermott if he needed more time to get information from VDOT.

Mr. McDermott replied that he was happy to continue to work if the Board wanted to put this on hold. He said he could send this back to the Board as a report on consent. He said his only concern is that there is a lot going on with the Board's agendas currently and trying to get scheduled for any time period during the next couple weeks before August 3 will be difficult.

Ms. Price said she appreciated Mr. McDermott's last comment. She said she had a sense that the Board, however, is very interested in his trying to work with VDOT to get more information. She said if she understood Mr. Gallaway, she concurs with the idea of trying to move forward with both projects, and at this point, she would offer to the Board that they defer on this, recognizing they have an August 3 deadline, but to try to get more information and feel better about what their decision will be.

Ms. McKeel added that she thinks the Board needs to finish its discussions that day because depending on what projects they go forward with that are coming up next in the presentation, there could be other things to consider. She said they may want to revisit this subject after their next discussion, or at the end.

Ms. Mallek agreed.

Mr. McDermott noted that the other projects he was about to discuss were being submitted either by the TJPDC or the MPO. He said they could not replace one of those projects with this project, as the pre-application was submitted for Albemarle County and not for those entities.

Ms. McKeel said she thought the MPO might have an open spot.

Mr. McDermott said no. He said it is too late.

Ms. McKeel said this was just a thought.

Ms. Palmer asked if the Board could agree to address this on the consent agenda by going with Mr. McDermott's recommendation after he finds out more information from VDOT.

Mr. Gallaway said this seems fine to do. He said as it would be on consent, the Board could always pull the item and address it.

Mr. McDermott said with regard to the additional information the Board would like him to continue to work on, he heard that the Board would like him to find out what amount of local funding would be feasible to contribute to make this a feasible project. He said he heard that the Board wants to make sure there is no signalization necessary, or what other options they have. He said he wanted to clarify what additional information the Board would like to see.

Ms. Price said her hope was that they could get both of the projects together, as this would work in conjunction as being a better resolution, rather than having just one project with a hope and promise down the road that they would get the second one. She said she would ask Mr. McDermott to work with VDOT to see what the potential is if the County moves forward with both projects, and what the local contribution has to be in order to make that a realistic, feasible opportunity.

Mr. McDermott said he could do that. He reminded the Board that they are making guesses on what the local contribution could be, as they are scored against other projects around the State, and that those projects are unknown. He said he can make his best guess and do his best to try to get it scored, but it was all guesswork.

Ms. Palmer asked Mr. McDermott what the Board needs to do and what the timeline is for the corridor study.

Mr. McDermott replied that Ms. Jodie Filardo, Director of Community Development, is working on how they can address the funding for the study, and that she is making plans to present that to the Board. He said he would have to get back to the Board about how to move that forward at this time.

Mr. Gallaway said he did not expect it would be long before the Board hears about the corridor study and the plans, after the fiscal year starts.

Mr. McDermott said he would put this application on hold, noting that the Board was not going to approve it, and that he would get additional information and come back to the Board with that resolution on consent before August 3.

Mr. McDermott said the next project is the Frays Mill Road/US-29 Intersection Improvement. He said this is ranked at #74 on the County Priority List. He said the application would be submitted by the TJPDC. He said the proposal is to reconstruct this intersection as an R-cut intersection. He said the U-turns and left turns on this would be signalized, as the evaluation has already been done and it is recognized that this will be necessary.

Mr. McDermott said VDOT is also working to include a bicycle crossing at US-29 at this location to address the comment that the County has heard from the public.

Mr. McDermott said as to why this is coming forward, even though it is #74 on the County Priority List, which was taking into account many factors, VDOT has been working on trying to address this problem because of the safety issues there.

Mr. McDermott said this is ranked as the twelfth worst intersection for safety in the Culpeper District by PSI, Potential for Safety Improvements, which looks at these projects to see the crash rates and what the potential is for fixing those. He said it was the sixth worst intersection in Albemarle County. He said there have been 35 crashes in the past 5 years, with 9 of them being injury crashes. He said this is an extremely high rate of crashes, and staff has noticed that this rate has been increasing, at least prior to the COVID-19 shutdown, on a yearly basis, which likely correlates to traffic increases there.

Mr. McDermott said this would also reduce congestion from the existing condition there. He said the R-cut would allow movements to be made much quicker through that interchange. He pointed out that there are numerous R-cut intersections already underway in this portion of the 29 Corridor. He said there are two approved through developments south of there, near the North Point development, and by Lewis & Clark as well. He said there are also two others that have already been approved north of the intersection, in Greene County. He said these are part of a corridor-wide improvement being made.

Mr. McDermott said the preliminary cost estimate for this is \$9.3 million.

Mr. McDermott said staff has heard a lot of feedback on this project, and that he wanted to point out a few other issues. He said those U-turn locations would be about 700 feet or so north and south of the existing interchange, meaning one would not have to go all the way up to Greene County. He said the turnaround would still be south of the Greene County line.

Mr. McDermott said staff also expects to see little or no change in the drive times for vehicles that want to come out of either Frays Mill or Burnley Station and make what would have been a left. He said the drive times will be similar to what are seen now because the drivers will be able to make the right turn much more quickly than they would if they were waiting in a line of traffic for the signal to change. He said they would be able to get up to the next turn to make the U-turn a little more quickly. He said this will not result in much additional delay from those minor approaches, and could even slightly reduce it.

Mr. McDermott said the 29 Corridor is a corridor of State-wide significance, identified by VDOT and the Commonwealth Transportation Board, and carries about 35,000 vehicles per day. He said staff does hear concerns that they are favoring other drivers that are on 29 over the local traffic. He said it is the way that they have to look at this, as there are 35,000 vehicles on 29 here, and about 2,400 vehicles each on Frays Mill. He said they do favor the 35,000 vehicles over the 2,400, but they are not trying to impede the movement of those 2,400. He said staff believes it will still operate very well for them.

Mr. McDermott presented a sketch of the project, indicating to 29, Burnley Station heading to the east, and Frays Mill to the west. He explained how they have closed the crossover with the curb. He said one will still be able to make left turns from 29 onto Burnley Station, and left turns onto Frays Mill. He said when coming out of Burnley Station, instead of making a left, one will have to go up 600 feet, get into a left turn lane, and make the U-turn.

Mr. McDermott said they have included bulbouts, which are expected to address the largest imagined vehicle being able to make that turn. He said he knows there is much concern that large vehicles may not be able to make that movement, but that the bulbouts are included and intended to address that. He added that this would be signalized, and they do not have to do that and time traffic heading southbound, but wait and get the free flow once the light changes.

Mr. McDermott said staff still believes that even with these movements signalized, it will still allow free flow, or better traffic and travel times, on all of these movements, as they can be separated with an R-cut as opposed to the 4-way intersection being signalized.

Mr. McDermott pointed out that the R-cut is intended to remove the worst of the crashes. He said it reduces the likelihood of rear-end crashes, which make up the highest amount of crashes there. He said it is supposed to remove the more serious crashes, which are T-bone crashes and which have been seen there. He said those would no longer be able to happen, so staff believes this is a safer option.

Ms. Price said the sixth bullet on the first slide was the only thing she needed to see. She said the safety issue there is sufficient and would warrant her support for this.

Ms. Palmer said she would support this.

Ms. McKeel said she is supportive of this. She said she is happy to know that VDOT will be using the R-cuts, noting that the public will start to get used to them as they will be utilized much more often, much like the roundabouts have been. She said she is pleased she is seeing the signalization, as she believes it is critical.

Ms. Mallek said the fact that there is encouragement of bicycling on 641 westbound is terrible. She said the road is only 15 feet wide, goes up and down, twists and turns, and is terribly dangerous in a car. She said the fact they are making an improvement that will encourage people to bicycle there even more than they do now is horrifying to her. She said this is a real problem and shows that people are not aware of what the side roads are really like if they are making those kinds of designs.

Ms. Mallek said lower Reas Ford corner has had 7 accidents in the last two years, and the County is still trying to get improvements there. She said she understands the fact that these are rear-end bumper-to-bumpers because people are on their phones instead of slowing down. She said she is very sensitive to comments from citizens who ask why the County cannot put in rumble strips and slow down the traffic on 29 so drivers will pay attention, rather than making all the improvements proposed. She said she did not have an answer to this but was passing the comment along.

Ms. Mallek said the idea of a truck and trailer carrying cattle, with 10 tons being the highest weight she pulls, is that they do not start off with any kind of speed, whether or not there are animals, and if there is a 50-ton load of lumber and going up north to the turnaround, it is at the bottom of a hill. She said one will pull out with a 50-ton load across this and be in the right lane going one mile an hour, up a hill, back toward Burnley Station. She said when the light turns green, the races will begin, and people will be coming over the hill from Greene County not knowing that this is happening, and there will be people jumping from the right lane to the left lane.

Ms. Mallek said she thinks this is a terrible safety problem that puts the 35,000 drivers on 29 into an untenable situation. She said no one has explained to her how any of those issues will be dealt with.

Ms. Mallek added that these large vehicles do not move fast. She said when she is carrying animals, she will not move fast and there is no such thing as a quick start because all the animals would be thrown down to the floor. She said this is the reality when there are rural intersections, especially on the east side of 29, with lots of timber and cattle property there. She said this is a use that is as prevalent as people coming and going to work at UVA who are driving cars, are much nimbler, and able to make those movements. She said she did not have any answers, but saw many problems.

Mr. McDermott said staff will continue to look at the acceleration of trucks there and what they can do to address that. He said the bike issue was something that was not originally in the design, but that staff received a lot of feedback about bicyclists who want to be able to access Preddy Creek, as they say it is used a lot. He said this was something VDOT was adding to this based on feedback.

Ms. Mallek said Preddy Creek is not anywhere near Frays Mill Road. She said her point is that people should not be encouraged to go west from 29 onto Frays Mill Road toward Advance Mills. She said Preddy Creek and Burnley Station to the east is completely different. She said with people bicycling and expecting they are going to somehow be safe, despite everyone's best effort, and going around the corner at 35 mph on a narrow road with someone coming in the other direction, there is nowhere to go if there is a bicyclist there. She said this is a terrifying prospect to her, as a rural driver, that she does not know how to solve.

Ms. LaPisto-Kirtley agreed with Ms. Mallek. She asked if the bicyclists were coming from Frays Mill or from Burnley Station, or if they are going from Frays Mill to Burnley Station what is the path there.

Mr. McDermott replied that the only comment staff heard was that people from the west side of 29 would like to be able to access the east side, and mainly with the destination being Preddy Creek Park, which is a popular bike park. He said people from the west side of 29 trying to get there is what they heard about.

Ms. LaPisto-Kirtley said perhaps this is something that needed to be looked at. She said perhaps this is something that would be nice for people to have versus something that is actually needed. She asked Mr. McDermott to go back to the picture of Route 29. She said what Ms. Mallek was saying was coming from Burnley Station, if there is a large lumber or cattle truck making a right turn, then going further making a left turn, noting the signal there was good, there is a large cutout to address any large vehicles. She asked if the signal will be long enough and if there is a way to put in sensors to make sure the vehicle can make the U-turn slowly and safely. She said if it is a 20 or 30-second signal, one could still be completing the turn when the light changes.

Mr. McDermott said these are great questions but unfortunately, at this level of design, they did not have those answers. He said if this were funded and if they moved into a detailed design, VDOT would take counts of truck movements at this intersection currently and figure out how many would have to make this movement, which is how they would address the signalization and make sure the timing is appropriate. He said signal timing is something that is done late in the process of the design. He said he would hope that it would all be put on sensors rather than on a regular time, as this is part of how the benefits would be realized for the increase in throughput that the County would get from this.

Ms. LaPisto-Kirtley said if this were something that could be done, it would address Ms. Mallek's issue, noting that she has the same issue. She said if one is going 1 mph, it will take some time to make that U-turn, just as if one is going on Burnley Station and turning left onto 29, this also takes some time. She said she wants to be sure vehicles can do that safely and that it does not hold up everything.

Ms. LaPisto-Kirtley asked if there were a signal on just one side of the road.

Mr. McDermott replied yes.

Ms. LaPisto-Kirtley asked if there were a signal at the other end and one in the middle.

Mr. McDermott replied yes. He said the signal on the southbound side would go red when people are on the northbound side making the left turn onto Frays Mill. He said that would stop that traffic and

allow the other traffic to continue. He said the point about the sensors is that throughput is trying to be increased on 29 and VDOT does not want to stop southbound traffic if there is no one sitting there waiting to make the turn. He said this is one of the major purposes of the project.

Ms. LaPisto-Kirtley asked if one could make a U-turn at Frays Mill.

Mr. McDermott replied that he did not know. He said he was not sure if this were evaluated, but it was very possible it could be included.

Ms. LaPisto-Kirtley said she is worried about the backup at the signal on 29 going south, and if there are large logging or cattle trucks making the slow turn, how far this is. She asked if it was far enough so that there would not be any traffic backup to help the large vehicle from moving forward.

Mr. McDermott asked Ms. LaPisto-Kirtley if she meant that if they made the U-turn, she would not want them to get stopped waiting for a certain light after.

Ms. LaPisto-Kirtley said this was correct.

Mr. McDermott said this was something that they would look at during the signal timing study to make sure it does not happen. He said they would be able to be separated, so the idea is that some vehicles would be stopped at one time, then be able to time that so that there wouldn't be a backup of vehicles.

Ms. LaPisto-Kirtley asked if with leaving the signal where it is, if there was any way to have rumble strips, or if there were other ideas that would help prevent rear-end and T-bone crashes.

Mr. McDermott replied that staff has looked into rumble strips in the past, and it is something that VDOT is hesitant to do, although it has been done in some places. He said they would have to figure out where to put the strips, as different places would make them either more effective or less effective. He said he has not had that conversation, but he was sure that VDOT did not want to spend \$7 million on this project and would love to be able to spend a few hundred thousand on rumble strips. He said he could confirm to make sure that they have looked at that solution, but that his understanding is VDOT believes the proposed solution is the most effective way to address the crashes.

Ms. LaPisto-Kirtley said she has seen where there are two sets of rumble strips separated by about 50 feet, just to warn cars about an upcoming intersection.

Ms. Mallek asked Mr. McDermott if this plan incorporates combining a projected southbound 29 to east, Burnley Station, with someone going to the north so that there would be nonconflicting things happening at the same time. She said one thing that has been requested for about 15 years at this intersection has been changing the signalization so that it doesn't flip for a single car on the side road. She said she thinks this is ridiculous. She said if she is coming up Frays Mill Road, she expects to wait 4-5 minutes, and the fact that it gives her a green light and stops everything on 29 almost immediately is counterproductive if there is worry about improvement.

Ms. Mallek said she wanted to make sure that someone has done these easy analyses that have been rebuffed in the past to make sure this proposed solution is actually needed, as it will be a real disruption to the way people function, and she wants to make sure that it is the only possible alternative.

Mr. McDermott said he could continue to follow up with VDOT. He said many of these things are things that can be done with newer signals but not older signals, so how they set the timing may require a replacement of the signal system out there, and he could ask that question.

Ms. LaPisto-Kirtley asked if this wouldn't be much less expensive to change the signals at some point so that they give people a chance to stop. She said she would be interested in that and has seen intersections where all the lights were red, giving the cars plenty of time to stop.

Ms. LaPisto-Kirtley suggested putting up cameras to discourage people from running red lights. She said this would hopefully be on the legislative agenda to be able to put those up.

Mr. McDermott said this was a bigger question with regard to cameras.

Mr. Gallaway asked if the Board were ready to proceed on this item. He said some of the concerns could be worked out afterwards as well.

Ms. Price **moved** to adopt the Frays Mill Road/US-29 Intersection Improvement. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires the Thomas Jefferson Planning District Commission to submit an application for the following project located within Albemarle County on the County's behalf, to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan:

Frays Mill Road/US 29 Intersection Improvement

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the above referenced project on behalf of Albemarle County.

Ms. Mallek said she would hope to be persuaded by a proposal in the future.

Mr. McDermott said the next application was for the Route 20 Shared Use Path, for which the Board had heard much interest in from the public earlier in the meeting that day. He said this would be an application submitted by Charlottesville-Albemarle MPO. He said it is recommended in multiple planning documents. He clarified that it was in the Southern Western Master Plan document, and that in the bike/ped improvements in that document, it said "on the west side" at the time that plan was written because the east side is actually in the Rural Area, and at the time, the County did not put those facilities in the Rural Area, which is why it was recommended on the west side.

Mr. McDermott said as a result of the improvement being in the Southern Western Master Plan, it was moved into evaluation in the Jefferson Area Bike and Ped Plan, where it was recommended as a Tier II project, and also called out in a special section on important projects. He said that was identified in that plan, which is why the County has been moving forward with this. He said it is in the MPO Long-Range Transportation Plan as well.

Mr. McDermott said following all the activity, and when the approval of the Jefferson Area Bike Ped Plan happened, the MPO formed a separate committee to try to look at how they could try to implement some of the projects in that plan. He said out of that, they were focusing on projects that crossed the City-County boundary, which is why this was a project identified by the committee as one that they would like to try to move forward.

Mr. McDermott said from there, VDOT offered to put some money into a feasibility study for this project, so they have moved forward with the study. He said in that study, it was identified in late 2019 and early 2020 that the best location for this was down the median, which is why it has gotten to that point. He said they did look at other alternatives, including the sides, and found that they could not get it safely on the sides because of the high-speed ramps entering I-64. He said this is why they moved forward with the center median strip.

Mr. McDermott said this is #44 on the County Priority List. He said it would include crosswalks at Quarry Road and College Drive. He said College Drive is a signalized intersection, and that this would add a pedestrian face to that signal. He said at Quarry Road, they are reducing Route 20 to one through lane in each direction so that to get to the median, one only has to cross one lane of traffic. He said to get across, they would cross half the road, or one lane, and then cross the other half, one lane.

Mr. McDermott said this corridor is part of Bike Route 76 and connects the major regional destinations of Monticello, PVCC, and from City facilities down to planned County facilities. He added that there is a lot of development going on there in terms of Spring Hill, Biscuit Run State Park, and others occurring.

Mr. McDermott said these are the reasons why the County has moved forward with this project. He said he wanted to make sure the Board understands that the project did not come out of nowhere, and there is a reason for moving it forward.

Mr. McDermott said the project would necessitate the relocation and/or replacement of numerous trees that are in the Monticello Gateway. He said these are memorial trees. He said staff has had these discussions with the Charlottesville Area Tree Stewards and understand their concerns. He said staff has continued to offer to bring them into the planning process, but that he wanted to emphasize that just like all these projects, they are very early in the process. He said it was pointed out that they have not looked at many of the elevations here and that these plans are not fully developed, which is true. He said there is a lot of work to do on this.

Mr. McDermott said there is funding included in this project to continue to look at those matters. He said there is \$1 million in the design fund for this. He said staff expects they would bring in professional arborists and landscape architects to address any issues with the trees, and there are funds in the construction to address the relocation and/or replacement of any of the trees.

Mr. McDermott said he understands the concerns. He said he does like the project, but that ultimately, what they would really like to do is improve the corridor not just for the bike and pedestrian users, but as the landscaping is a concern, the beauty of the corridor.

Mr. McDermott said the preliminary cost estimate is \$3.5 million. He said staff will continue to evaluate the project, and that the price could go up or down. He said they are looking at other options as far as possibly narrowing lanes and widening areas, but they do not see any other way to make this connection to Monticello, PVCC, and the Southern Development Area from the City. He said they have

looked at alternatives, and there are no options there. He said a lot of work has been done on this.

Mr. McDermott said they would include an arborist, and they do want to have a stakeholder committee, if it moves forward.

Mr. McDermott presented a sketch showing the general location. He said the City has bike lanes and pedestrian facilities leading up to this and through Druid Avenue. He indicated to Quarry Avenue, where there would be a crosswalk in the median. He said there is a proposal to connect a bridge to provide a separate space for the path to cross Moores Creek on. He indicated to where one has to cross one crossover, and then to another, noting that other than these, there are no other areas to cross over, which is why they went with the median as opposed to either side, which has multiple high-speed crossovers where the ramps are that pose a serious danger to bike/ped.

Mr. McDermott said they hope there will be some traffic calming involved in this by narrowing the road, giving it a more urban feel, and enhancing the landscaping.

Ms. Price thanked Mr. McDermott and everyone who has worked hard on this project. She said she has major issues, however, with the project. She said she recently walked from Druid Avenue down the median, all the way to the light at PVCC and back, which takes about 15 minutes each way. She said an average of 230 vehicles passed her. She said the only ones that were going anywhere near less than 45 mph were from Quarry Road up to Druid, and that not all the vehicles passing her in that section were going that slow.

Ms. Price said she cannot imagine walking her grandchildren down that path with vehicles traveling at that rate of speed. She said if they do traffic calming and slow it down to a single lane, then she sees a tremendous backup of traffic coming both north and south on Route 20/Scottsville Road.

Ms. Price pointed out that Ms. Leslie Green Bowman wrote a letter that day to the Board supporting the project. She said Ms. Bowman mentions in her letter that the connection will require sensitive and thoughtful design to ensure the protection of the memorial trees and the safety of pedestrians and bikers. She said as the project moves into the design phase, Ms. Bowman is optimistic that the designers of the path will find an elegant solution that honors the trees.

Ms. Price said there is an old phrase she is familiar with that says, "I wanted it in the worst way, and that's the way I got it." She said she is deeply concerned. She said as much as she wants to see a connection north of I-64 to south of I-64 to encourage access to PVCC and to the Saunders Monticello Trail, she struggles with how this can be done. She said she wants to hear from the other Supervisors, but that she is deeply concerned about the ability to safely navigate this kind of a path and feel safe while doing so. She said nine of the trees have been taken out by vehicles thus far. She said barricades would have to be up to make her feel safe walking her grandchildren.

Ms. Price asked to hear from the other Supervisors, but that she had serious concerns about the proposal, recognizing that it may be the most direct route.

Mr. McDermott clarified that when he said, "down to one lane," this was only on the northern end.

Ms. Price said this increases her anxiety.

Ms. Palmer asked if only north of I-64 was where the lanes would go down to one on either side.

Mr. McDermott replied yes. He said this improvement had been recently done at the I-64 offramp to get from westbound I-64 where they channelized and made a protected left turn to allow that movement to happen more easily. He said with that project, they actually went down to one lane all the way through the section he indicated to. He said this was already one lane, and it becomes two lanes with certain traffic merges in. He said up around an indicated curve is where one merges from two lanes into one lane. He said what they seek to do is to allow that merge to happen down at a different area so that the vehicles are not doing it in the curve, and so they can also shorten the crossing distance.

Ms. Palmer said she takes I-64 to Quarry Road a lot and is familiar with what has been done in that area. She said Mr. McDermott had said they looked at all other solutions, and so this means they looked at Avon coming into the back of PVCC through that property and connecting with the PVCC roads. She asked if this was correct.

Mr. McDermott replied yes. He pointed out that they are still looking to make all the improvements on Avon that were recommended in the Avon Corridor Study that would allow this connection to happen. He said the only issue there is that those projects are still expensive and in the planning stages, so there is still a lot of work to do to allow vehicles to safely move up and down Avon. He said once one gets across I-64, where they have talked about the bridge in the Avon Corridor Study, vehicles have to get through PVCC property all the way to an indicated point, which requires dropping down, going back up, and crossing all the property that they do not currently have access to.

Mr. McDermott said this was a possibility, but that it is a much longer-range possibility than the proposed project.

Ms. Palmer said she has walked the path from PVCC out to Avon before. She asked Mr. McDermott if this is something that he thinks will be more expensive.

Mr. McDermott replied that it is on PVCC property.

Ms. Palmer said one would think PVCC would want people to get to their college more easily.

Mr. McDermott said he was not saying it was not a possible connection, but that it is a long distance up and down. He said one has to go up to PVCC, drop down to the reservoir, then climb back up to Avon. He said it is a possible connection, but was not something that would happen quickly, and does not make the connection as well as the proposed project.

Ms. Palmer asked if the lanes are narrowed, they would still put the path in the middle of the median, requiring the trees to be taken down, or if there would be room to put it on the edge somehow, noting that this could be more dangerous.

Mr. McDermott replied that the trees are on those lines so no matter what, they will end up losing trees. He said they will continue to evaluate the potential for putting it to the side of one as they move into the design process. He said the narrowing of lanes would be minor, so not much room would be gained through that. He said they would still end up down the center of the median.

Ms. Palmer said she didn't want to take up too much time and that Ms. Mallek has done a lot of work on this, but that her current position is that this makes her very uncomfortable. She said she also walked it, as Ms. Price did. She said she knows there are bikers who will take the route, and bikers she sees in areas now where she cannot believe they bike, e.g. Garth Road. She said she cannot support this project at this time.

Ms. McKeel thanked Mr. McDermott for his leadoff on this, as she did not think that there was any intent to leave out a segment of the community. She said she was frustrated that they were hearing a lot of accusations from the community around that, and it is a shame when those types of statements are made.

Ms. McKeel said she appreciates what Ms. Palmer and Ms. Price are saying about walking in this particular location. She said she is also struggling, however, with saying that this has to be an absolute "no" vote, and then it is done. She said she would be very interested in seeing if there were a way to postpone this now and give the Board some breathing room to have the parties come together to see if there is not some sort of way to figure this out. She said expecting VDOT to allow those ramps to have any access will not happen, and she agrees with Mr. McDermott on that.

Ms. McKeel said over the next year or two, she would like to have the ability to bring the parties together, and perhaps TJPDC could help with this. She said perhaps they could end up with more trees somewhere, but she hated to give this an absolute "no." She said there is a way they should be able to get both a path and trees, recognizing the difficulty with where the trees are currently.

Mr. McDermott said he appreciated the comments. He said they are looking at other places along the corridor where they could do plantings that could be options for moving trees or planting additional ones. He said there is no desire to reduce the number of trees there, but he understands that the Charlottesville Area Tree Stewards are very attached to the trees. He said they put those trees in where they are, with a purpose, so this is part of the problem in that there is much reluctance to even move them.

Mr. McDermott said staff does work hard to try and move through the planning processes in short amounts of time with very limited budgets. He said VDOT allows them to put a little money towards this, but staff did not have a lot of money to do an extensive preliminary evaluation on this. He said this was a feasibility study to get a concept, which is all they had funding to do.

Mr. McDermott said he would love to take the time to put more effort into this if the Board would like to put a hold on this. He said they could continue to look at it and would have to identify funds to work through that planning process, noting this is very difficult. He said they could always come back and make a submission at another time for revenue sharing, transportation alternatives, or a Smart Scale project.

Ms. McKeel said the next Smart Scale application will be two years away, which would give the Board some breathing room. She said right now, both sides are dug in, and she understands why. She said she does not particularly want to walk down a path in the middle of the road with no shade, either, but she would like to have the opportunity to not just throw out the baby with the bath water. She said if they could get the parties together and spend some time thinking about the project, and how they could come up with more canopy in some areas, they could figure out a solution through talking. She said it may be something much better than this, but perhaps even in the same area. She said she would like the opportunity to do that.

Ms. Mallek said she appreciated all the things she has heard. She said there would have been, in hindsight, many ways to accomplish many of the things that Ms. McKeel is mentioning. She said if a more old-fashioned process had happened, with public input at the beginning, before the pre-application was made, everyone would have felt completely differently about this.

Ms. Mallek said her problem with this now is that the pre-application is done and last Thursday, June 11, it became very clear that there are no possible changes for any other route with this application. She said about 10 years ago, she walked this stretch to pull up old abandoned campaign signs, and did

the same thing between Hydraulic and Greenbrier on 29. She said both instances were equally terrifying, and she has never forgotten the feeling that she was going to be flattened at any possible moment. She said this location is something that she cannot imagine spending \$3.5 million on in order for no one to ever come back a second time.

Ms. Mallek said secondly, she tried to listen in and participate in several meetings, and even though it was not in her district, she was definitely interested from the MPO perspective, and had a very difficult time accessing things. She said there were no minutes from this committee to be able to catch up. She said all this has done is created tremendous suspicion and people feeling like the process didn't work for the community as a whole. She said they need to find a solution that will benefit a wide cross-section of people in the community.

Ms. Mallek said not wanting to give up on connections, they know there are at least two other connections that may not be as short but are certainly available. She said there are wonderful trail builders all around the community who can build rustic trails on property in a much easier way than this.

Ms. Mallek said when she found out that VDOT's design team had already told the consultants and committee that saving any of the trees was not a reasonable expectation, adding that they should not represent the project in that way, that information never appeared until a request was made from VDOT to share their history. She said at one of the earlier meetings, someone said this is a VDOT project, and the VDOT representative, John Lynch, was surprised by that.

Ms. Mallek said this needs to have a much better process. She said there is a long history in Albemarle of having good process where it doesn't take any longer and doesn't take money. She said the Chart Committee and CTAC Committee can be excellent ways to post public input. She said they do not have to hire an expensive consultant to do it. She said they need to have people of all different points of view be able to have access to the decision making.

Ms. Mallek said she did not see any way for this particular application to solve the problems. She said she believes the Board should deny this project and start again with a good process that the County has control over and is involved in from the very beginning in a public way.

Ms. LaPisto-Kirtley said although she loves trees, her concern is not so much for the trees as it is for safety. She said she cannot imagine having bikers, people walking, and people with baby strollers going down the median. She said she did not think this was a very good idea at all. She said the County should be looking at other ways to get from Charlottesville to PVCC and Monticello Saunders Trail, which she is very much in support of. She said with this proposal, however, she did not see any way to salvage it, and that walking down the median is not a good idea. She said she values safety above all else and cannot support the project.

Ms. LaPisto-Kirtley thanked Mr. McDermott, expressing that he does an exemplary job in describing the project. She said she appreciated his professionalism and honesty. She said she hoped they could find another path, as this was not the one, in her opinion.

Mr. Gallaway said he did not have many ideas beyond what has already been stated. He said he agreed with Ms. McKeel that he hated to say "no" to the whole thing without trying to find a way to proceed, but he did not think there was enough time for this application to be able to work out those issues, based on the different viewpoints that were expressed. He said if there is a way to come back in another form, this is the likely the best way to do it.

Ms. McKeel said she agreed with everyone, but that she was trying to figure out a way that they could have a process with the right people at the table to figure out how they can make a connection in this area. She said she would love for it to have lots of trees. She said she would hate to vote "no" on this and walk away.

Ms. Palmer said she is fine with letting Mr. McDermott continue to try to work this out in some way, but that it has to be significantly different than what has been brought to the Board. She said she was okay with keeping it up in the air, but it has to have a much better process and be different than it is now.

Ms. Mallek said she agrees completely that they need to work forward with solutions, and that a great suggestion would be that County staff and CDD need time to figure out how to have the very best process and make improvements so there is a good process to go forward. She said there are subject matter experts who need to be given some amount of time to determine how to fix this and make it better to make sure they are having all the different opportunities evaluated rather than only one put forward.

Ms. McKeel asked if there is a possibility that TJPDC could help, as she knows how busy County staff is.

Mr. McDermott replied that TJPDC has taken the lead on organizing this, and they expect this to continue. He said with regard to the committee that was formed following the Jefferson Area Bike Ped Plan approval, they did not know exactly how this would work initially, but they are working on how this can be better formulated. He said they are making those meetings open to the public and taking down at least summaries that are available to the public.

Mr. McDermott said when the committee was first started, there was no real decision, and the first

option they had was to bring together stakeholders from the local community. He said they will continue to meet and he knows that this project will continue to be a topic. He said they will do what they can with the funding they have available. He said the point with this was that they were hoping to get additional funding to further the study through the Smart Scale project. He said if they do not want to move forward in that way, they can easily do what they can without it and see where they come in a few years from now if there is another option for it.

Mr. Gallaway asked if a vote needed to be taken on this item.

Ms. Price asked if she could make another comment.

Mr. Gallaway said yes.

Ms. Price said she wanted to reiterate what everyone else has said. She told Mr. McDermott that the Board appreciates his professionalism and recognizes that this particular process may not have been as complete and thorough as they would normally expect. She said none of that is a personal comment towards Mr. McDermott, however, nor towards any of the people who have been involved in the project.

Ms. Price said the Board has received numerous communications from a number of groups and individuals. She said she believes they are all united in the desire to have a connection between north of I-64 and south of I-64. She said the question then becomes what the safest, best, and most utilized path will be. She said she does not want to do something just because they can do it, but have it be something that everyone can be appreciative of and will use. She said candidly, she simply cannot see walking down the center of the median of Route 20, almost regardless of what would be done.

Ms. Price **moved** that the Board not approve the Smart Scale application for the Route 20 Shared Use Path. Ms. Mallek seconded the **motion**. Rollo was called and the motion to deny carried on the following recorded vote:

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

NAYS: Ms. LaPisto-Kirtley and Ms. Mallek.

Mr. Gallaway asked Mr. McDermott if he knew where they were at on this matter.

Mr. McDermott replied yes. He said he had one more slide to present. He reminded the Board that for the last three projects, he would come back to the Board with more information on the Rio Road/Belvedere intersection. He said they are not moving forward with an application for the Route 20 Shared Use Path, but they are moving forward with the application for the Frays Mill/Burnley Station R-cut.

Mr. McDermott said the last slide he had to present was regarding the local funding. He said staff has recommended the Board approve inclusion of local funding in these applications. He said these would include the Old Lynchburg Road project for \$2 million, the US-250 Pantops Corridor for \$2 million, and the Route 20/Route 53 Intersection Improvements for \$1 million. He said they would hold off on the Rio Road project for now.

Mr. McDermott asked if the Board is comfortable moving forward with those amounts. He said they could discuss the timing of this in the future, and that these amounts are not required with the applications. He said they would not have to pay these until a future date. He said it would come out of the CIP, so they would have to develop the CIP and then work with VDOT to find out what the funding schedule would be if those projects are approved.

Mr. McDermott said he would like a vote from the Board to move forward with staff's recommendation to approve the inclusion of those stated amounts, minus the one from Belvedere, which they are still working on.

Ms. Mallek asked Mr. McDermott to provide the Board with any information that he does have about any of the scores already. She asked if there are some that will score well regardless and be funded regardless. She said she definitely supports the first two Mr. McDermott listed. She said she didn't know whether the Route 20/Route 53 intersection needs the extra \$1 million or not. She said this is \$6 million coming out of the \$5 million the Board had put aside in the Transportation Leveraging, and that she did not know if the \$5 million was even still there.

Mr. McDermott replied that it was not currently in there. He said this was something that was in the original budget prior to COVID-19 and will have to be something they reevaluate in the fall. He said they can always remove the applications for these if they decide that the funding is not available. He said if they remove it, they can always request that it gets rescored. He said he was not sure this was possible, but they could look at it.

Mr. McDermott said the Route 20/Route 53 project did not get funded in the last round, at approximately the same cost. He said he guessed that the \$1 million would be enough, based on his discussions with VDOT, to make it a more competitive project. He said he was not sure if that means it will get funded or not.

Ms. Mallek said this was a 5:1 ratio, with the Pantops project being 11:2 and Old Lynchburg Road

being 8:2, as far as the ratio is concerned. She said it was good to try to get the approval to bring down the extra money, but that she was worried about where it was coming from.

Ms. Price **moved** that the Board support the staff recommendation about the funding for the three projects. Ms. Palmer **seconded** the motion.

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

Recess. As the meeting was behind schedule, Mr. Gallaway noted that the closed meeting items that were scheduled were not urgent to be done that day. He said they will defer the closed meeting items to the July 1 meeting. He said this will still allow them to work in the Climate Action Plan work session.

The Board recessed its meeting at 5:30 p.m. and reconvened 5:42 p.m.

Agenda Item No. 11. **Work Session:** Draft Climate Action Plan.

The Executive Summary forwarded to the Board states that At its September 6, 2017 meeting, the Board of Supervisors adopted a resolution reaffirming the County's commitment to climate action and directed staff to develop a climate action plan. The following year, the Board identified climate action planning as one of its highest priorities during strategic planning work sessions and created the County's first full-time climate staff position. Staff - in collaboration with partners, stakeholders, and interested members of the public - have been earnestly engaged in planning work since late 2018. On October 16, 2019 the Board passed a resolution establishing community wide greenhouse gas (GHG) emissions reduction targets (Attachment A).

Successfully addressing climate change will require efforts by individuals and organizations at all levels of society. Local governments have a critical role in this endeavor - besides shifting their own operations to be more sustainable - by creating more sustainable choices for everyone who lives in, works in, and visits the County. Recent County efforts related to climate change should be considered the beginning of a permanent, adaptive program that will be critical to adequately address the threat of climate change.

The draft climate action plan presented here (Attachment B) is the culmination of the first phase of the County's climate action planning process. The purpose of this phase is to identify broad strategies and supporting actions that the County government may undertake to reduce the community's contribution to rising concentrations of atmospheric GHGs that cause global climate change. The strategies and actions in the plan are intended to reduce the amount of GHGs *generated* within the County - by increasing efficiencies, reducing the use of energy, and producing local sustainable energy, such as solar. In addition, some strategies and actions will contribute to mitigation by increasing the amount of GHGs *captured and stored* in the landscape - for instance, through adapted forestry and agricultural operations.

Since local government operations comprise only a small fraction of the community's total contribution to climate change, the proposed actions are not limited to changing how the County operates. The plan includes initiatives to engage, inform, motivate, and empower the greater community to take part in addressing this worldwide crisis. Because of the community-wide emphasis, the strategies and actions were developed collaboratively - with involvement by key County staff, local subject matter experts, stakeholder groups, and interested individuals and with extensive community participation.

The strategies and actions in the plan are organized into major sectors: 1) transportation and land use, 2) buildings, 3) renewable energy sources, 4) sustainable materials management, and 5) landscape, natural resources, and agriculture. For each sector, the plan includes overarching goals and a description of how actions in that sector can mitigate climate change, lead to additional community benefits (co-benefits), and contribute to equitable outcomes for the whole community. Within tables are listed broad strategies for achieving the goals and more specific actions supporting the strategies.

The potential timing of each action in the plan is identified as follows:

- immediately actionable - actions the County has begun already or will start now; having a relatively low cost and short timeline to completion
- initiate planning - actions the County will begin soon; having a high expected return-on-investment but requiring greater financial and staff resources and a longer timeline
- assess opportunities - most complex actions that will be further explored to identify a viable path forward

Following the completion of the draft plan and after the County began observing restrictions on public events due to the coronavirus, staff created an online community engagement hub <https://publicinput.com/7926/> to publicize the plan and receive community input. The site includes the draft plan, a video summarizing climate action planning and the contents of the plan, and two questionnaires - one to gather sentiment about the plan and one to understand what actions community members are taking (or want to take) and how the climate action plan might better support these

individual actions. A summary of questionnaire responses and listing of all comments is included as Attachment C.

Staff intends to incorporate pertinent Board and community feedback into the plan and present a finalized plan for Board adoption at an upcoming meeting.

Following adoption of the Phase 1 plan, the County will move into the next phase of climate action planning. This phase will include continuing or beginning implementation of selected actions, adding structure and specificity to those that aren't yet well-defined, and refining actions to maximize benefits and ensure equity. Working with key stakeholders and partners, staff will develop a methodology to prioritize actions to ensure that County resources are used to achieve the greatest community benefit. Staff will also complete a community wide GHG inventory by which the County can track progress towards meeting the emission reduction targets established by the Board.

There are no budget impacts associated with this presentation of information.

Staff welcomes Board questions and feedback regarding the draft Phase 1 climate action plan and the proposed course of action and timeline leading up to the Board adopting the plan later this year.

Mr. Greg Harper, Chief of Environmental Services, and Mr. Lance Stewart, Director of Facilities and Environmental Services, presented.

Mr. Stewart said he appreciated the opportunity to formally introduce the Board to the draft of Albemarle County's Climate Action Plan. He said the goal of the work session is to ensure that the final version of the Phase I action plan, which staff will be developing, and the community engagement process, which had to be revisited and reimagined as they move along, meet the Board's expectations.

Mr. Stewart said the agenda for the day was to cover some background, review the community engagement process, provide an overview of the structure of the Climate Action Plan, and provide a general introduction as to how to read the strategies and actions of the plans, as well as to cover next steps.

Mr. Stewart said they had planned on having questions and feedback peppered throughout the document, but in the interest of making up some time for the Board, they will be moving questions to the end.

Mr. Stewart said Mr. Harper would guide the Board through the first part of the work session, and that he himself would reengage later. He said Mr. Andy Lowe and Mr. Gabe Daly were also present.

Mr. Greg Harper said he would give the Board a sense of the progress for finalizing Phase I of the Climate Action planning process. He said the draft Climate Action Plan document was completed in early March, and that staff had intended to present the plan to the Board and public in mid-March but had to shift their strategy due to the consequences of the Coronavirus. He said therefore, they spent part of March and April developing materials through which to introduce the plan to the community virtually and receive their sentiments.

Mr. Harper said following the work session, he invites the Board members to continue sending staff their questions and thoughts about the plan through mid-July, July 15. He said in the meantime, they will be considering the input they have received from the Board and community, incorporating their suggestions that enhance the quality or clarity of the plan.

Mr. Harper said sometime in the near future, as early as mid-August, staff will return to the Board with the final version of the plan for the Board to consider for approval. He said if the feedback they receive from the Board requires more substantive changes to the Climate Action Plan, the process could be extended in time, and an additional work session may need to be scheduled before plan approval.

Mr. Harper reminded the Board that the climate action planning process was issued by the Board through the adoption of a resolution reaffirming commitment to climate action, followed by identifying climate action planning as a top priority of the FY 20-22 Strategic Plan. He said more recently, the Board adopted a resolution establishing community-wide greenhouse gas reduction targets, including a 45% reduction from the 2008 baseline year by 2030, and zero net emissions by 2050.

Mr. Harper said while they are half of the way in time to the first target date from the last inventory, they have not conducted a greenhouse gas emission inventory in the last decade, so they do not know how much progress, if any, they have made towards that target. He said they have recently begun the process of developing a current inventory, however, and expect to be complete with this inventory before the end of the calendar year.

Mr. Harper said the Climate Action Plan document is the culmination of an extensive effort by many people over a period of two years. He reiterated that since this is a community-wide plan, the process included substantial input from the community through participation on sector teams, developing the strategies and actions, and through providing feedback by attending public meetings, filling out online questionnaires, and sending letters and emails to Board members and County staff.

Mr. Harper said the main content of the plan consists of the strategies and actions the County will

take in the coming years to mitigate climate change.

Mr. Harper said they needed to adapt the public engagement plan to the constraints caused by the Coronavirus pandemic. He said through email and social media, they invited people to provide feedback via two questionnaires at the County's new community engagement hub, Public Input.

Mr. Harper said one of the questionnaires focused on the Climate Action Plan itself, and asked participants to rate the overall plan and the goals for each sector. He said the other questionnaire focused on climate actions participants wanted to take or are taking, such as conserving energy at home. He said one of the purposes of this questionnaire was to introduce ideas or resources to participants that they may not have been aware of. He said they also wanted to understand what community members needed from the County to make it easier for them to take action.

Mr. Harper noted that the responses and comments from the two questionnaires can still be accessed by anyone at the Public Input website.

Mr. Harper said staff is very pleased with the exposure the questionnaires seem to have received, and the amount of feedback provided by the community. He said nearly 1,700 people visited the site, and 381 of those people participated in making comments or clicking on sliders or radio buttons. He said they received 672 comments in all.

Mr. Harper said they also received more comprehensive reviews of the plan by organizations such as C3 and SELC. He said staff appreciates the effort these organizations put into providing the information for staff to consider.

Mr. Harper said he wanted to let the Board know how staff is using the comments. He said they have reviewed over 750 comments between the comments received through the questionnaires and the ideas conveyed through letters and emails. He said many were simple expressions of support, denial of climate change, concern about money, or general inquiries.

Mr. Harper said staff tagged those comments in which particular suggestions were made and ended up with about 350 concrete suggestions to consider. He said in the next few days, staff will be forwarding the suggestions to representatives of the sector teams for them to consider whether the suggestions could be incorporated into the Phase I plan, or more appropriately addressed during Phase II work because it is too detailed for Phase I, or whether it is not applicable, meaning the County may not have the authority to take action. He said next month, staff will be working with sector team representatives to incorporate some of the suggestions into the final version of the plan.

Mr. Harper said the online results report for the first questionnaire about the plan includes images depicting the range of slider bar responses. He said since they are difficult to see, staff converted one of the slider bars for transportation into a more traditional histogram. He said the range of responses for all sections is similar to the one he was showing for transportation.

Mr. Harper said the higher bars on both ends means a lot of people selected either 0 or 100 as their response for whether they felt something agreed with their sensibilities. He said in this case, the average response was about 63. He said the averages for the others ranged from 64 to 69. He said this indicates that many of the people motivated to participate in these have strong beliefs, either at one end of the spectrum or the other, about climate change and the role of governments in dealing with it.

Mr. Harper noted that the questionnaires were not scientific surveys. He said the responses reflect the opinions of the people who chose to participate and do not necessarily proportionately represent the sentiments of the entire community.

Mr. Harper said the plan itself includes introductory information as a prelude to the strategies and actions, which is the first half of the plan. He said this includes the purpose of the plan; the importance of climate action planning; the County's commitments to climate action, including the adoption of greenhouse gas emission reduction targets; how the process is being phased; a description of co-benefits; and how the process will take equity into consideration.

Mr. Harper said he would take a few minutes to describe some of the information that staff believes clarifies and strengthens the plan.

Mr. Harper said the plan begins with a purpose statement that through the planning process, the County intends to do its part to contribute towards mitigating global climate change by working with the community. He said the second part of the statement articulates that they can strive to meet this goal while reinforcing community values pertaining to community health, the environment, the economy, education, and equity.

Mr. Harper said the plan is the conclusion of the first phase of what will be an ongoing, iterative process. He said in this phase, they establish the basic framework of goals, strategies, and actions and identify some actions that they could begin to implement immediately. He said they recognize that many actions will require further evaluation and development, such as prioritizing actions by their impact on greenhouse gas emissions, cost effectiveness, and their ability to address inequities.

Mr. Harper said they will do this work in Phase II, along with completing a greenhouse gas inventory, which has already begun. He said the County's Climate Action program must adapt to

changing social and technological conditions and must be adjusted for how they are progressing towards meeting their targets.

Mr. Harper said that Mr. Gabe Daly has supported the team in a part-time capacity, beginning earlier that year. He said Mr. Daly refined and guided the documents focused on equity, co-wrote much of the draft plan, and is helping to organize and assess community feedback.

Mr. Daly said successful climate action should benefit the local community in multiple ways beyond just reducing greenhouse gas emissions. He said these are called "co-benefits," and are benefits that come along with the main targets. He said staff is thinking about these seriously in terms of their overall Climate Action Plan.

Mr. Daly said in the document, they identify three areas of co-benefits that Albemarle's Climate Action Plan will support, which are economic prosperity, community health, and the local natural environment. He said he would provide an example for each. He said they may see benefits in local jobs related to weatherization and solar panel installation on residents' homes. He said in terms of community health, an example of this might be reduced air pollution from reduced vehicle traffic and miles traveled. He said in terms of local natural environment, they could see benefits in terms of the local watershed and habitat health as they engage in actions that also support carbon sequestration, such as planting trees and reforestation areas.

Mr. Daly emphasized that the co-benefits are a key way in which the Climate Action Plan advances the County's vision of a thriving economy, health ecosystem, natural resources, and those elements that were included in the purpose statement of the Climate Action Plan.

Mr. Daly said equity is also important in working on the Climate Action Plan document, in which a commitment is stated to equitable planning and implementation, especially moving into Phase II, and wanting to start out the process building in equity from the start. He said this includes rigorous attention to who provides input, who has access to program benefits, and on whom the financial burden falls for programs.

Mr. Daly said it is important to consider equity in climate action planning for two main reasons. He said there is a risk of worsening disparities, either via poor planning or via the effects of climate change, which is already impacting vulnerable communities hardest. He said that at the same time, there is also an opportunity to advance equity through smart policies and programs, which creates a win-win for climate and people, which is the intent of the climate action planning.

Mr. Daly emphasized that research shows that advancing equity, making sure that underserved communities are involved and benefit, improves the quality of programs for everyone. He said this is something that is a guiding principle in this process.

Mr. Daly said in terms of next steps, as they move into Phase II and manifest the commitment to equity, they have talked about in the Phase I document, there are plans to form an Equity Advisory Group that can serve in a comparable capacity to the sector teams that Mr. Harper will talk about, e.g. people who work specifically on transportation, buildings, or materials management. He said forming an Equity Advisory Group can ensure there is attention to equity in planning and community input. He said there are also plans to create a process for community input, in particular from underrepresented groups who may not show up to standard events where there are opportunities for public input.

Mr. Daly said staff wants to go through a process of vetting the strategies and actions in the Climate Action Plan through an equity lens and revise those, as necessary. He said the intention is for these next steps to help address the feedback, in part for greater specificity and concrete details in terms of equity that was offered in some of the public comments earlier that afternoon.

Mr. Harper said he would shift towards talking about the strategies and actions, which are the core of the plan itself. He said the strategies and actions naturally fall within distinct sectors representing predominant areas of existing emission sources or, from a more positive perspective, areas in which emissions can be reduced, offset, or sequestered. He said these sectors are also consistent with those presented in the 2011 report of the community-wide Local Climate Action Planning Process (LCAP), and with those found in the majority of climate action plans staff reviewed from other organizations.

Mr. Harper said he would quickly go through the major goals of each of the sectors. He said transportation produces almost 50% of total greenhouse gas emissions within the County, according to the 2008 inventory. He said land use is included in this sector because it has a significant effect on people's options for getting around. He said the goals of this sector are reducing overall vehicle miles traveled and shifting towards more efficient modes of travel.

Mr. Harper said heating, cooling, and powering buildings is also a significant generator of greenhouse gas emissions locally, about 45% of the emissions, based on the 2008 inventory. He said the major goals of this sector include reducing overall energy use in buildings and increasing on-site renewable energy production. He said renewable energy sourcing means generating renewable energy locally to displace for the need for importing energy generated elsewhere that light the burning fossil fuels.

Mr. Harper said this sector is different from the renewable energy described in the building sector. He said this might get located on the building rooftop to serve that building. He said these are projects

that are intended to generate electricity to be sold to the electrical grid. He said to also think of the difference between the buildings and renewable energy sourcing in terms of whether the energy generation occurs on the building side of the meter, or on the grid side of the meter.

Mr. Harper said sustainable materials management goals are intended to reduce the greenhouse gas emissions associated with the decomposition of organic waste and the lifecycle of various products. He said these goals include increasing the amount of recyclable materials put to positive use and divert it from landfills, and composting organic materials instead of landfilling them.

Mr. Harper said that like renewable energy sourcing, the landscape, natural resources, and agricultural section is more about offsetting greenhouse gas emissions, in this case, primarily by capturing and trapping carbon in vegetation, the soil, and products like timber. He said the major goals of this sector include protecting and restoring natural carbon sinks throughout the County, promoting practices on managed land that trap carbon, and minimize emissions.

Mr. Harper said each sector section in the document opens with some introductory material. He said the major goals just covered were included at the top. He said there is then a brief overview of the sector, with a general description of the sector and how actions within the sector can lead to reductions in greenhouse gas levels. He said this is followed by a description of co-benefits, as was described by Mr. Daly. He said finally, there is a section on equity that is particular to each sector as well.

Mr. Harper said following this, there is a table of strategies and actions that have been identified by the sector-specific teams. He said some actions are relatively specific, while others are somewhat vague and will require further exploration or development in Phase II, as he previously mentioned. He said the last column of those tables indicates the timeframe in which staff believes the action could be implemented.

Mr. Harper said he would provide a few examples of the timeframes and would first describe what each of them are. He said "immediately actionable" items are those that could be implemented in relatively short periods of time with existing resources. He said some of these actions might be continuations or the expansion of existing County programs, such as, "improve the quality of bicycle and pedestrian infrastructure." He acknowledged the Board just spent two hours talking about transportation infrastructure, and so this was likely very much on their minds.

Mr. Harper said many of the items involve changing County policies or increasing public information.

Mr. Harper said "initiate planning" items are typically more complex, will take longer to bring to fruition than those in the first category, and will likely require more financial and staff resources to implement. He said nonetheless, staff expects to start working on some of these items very soon.

Mr. Harper said items identified as "assess opportunities" are the most complex and least fleshed out, generally. He said these might require staff resources to be identified or made available and may be funding-dependent. He said more importantly, these items might work only when paths reveal themselves, such as new technology, a new political or social circumstance, or a new authority made available to the County.

Mr. Harper said to better illustrate these categories, he would describe three example actions, all under the transportation and land use sector. He said an example of an "immediately actionable" item is "increase public information about bicycle and pedestrian safety." He said obviously, this action would not require a great amount of time from staff, nor would it cost very much money. He said therefore, it could be implemented relatively quickly.

Mr. Harper said an example of an item where they would "initiate planning" is "increase availability of electric vehicle infrastructure on government properties." He said the County could begin this process very quickly, but it would take longer to bring to fruition and would require funding.

Mr. Harper said finally, an example of an item in which staff would "assess opportunities" is "increase affordable housing options in areas served by a variety of transportation options." He said this is not something the County can simply do on its own. He said it would involve perhaps planners in Community Development working with developers or other stakeholders during Master Planning processes or during projects requiring Special Use Permits or rezonings to identify possibilities and to work towards making those a reality. He said this action would be implemented over the long term and might require that some additional data and/or processes first be developed to ensure opportunities are not missed.

Mr. Harper said staff intends to spend the next couple of months incorporating into the plan the feedback they have received from the Board and the community during the first month. He said they will return to the Board when a final version of the plan as early as August, and if significant changes to the plan are required, they will have to extend the timeline and push the date back. He said the Board may even find the need to have an additional work session at some point.

Mr. Harper said as they wrap up Phase I, they have already begun on some of the Phase II work. He said they have begun to update various County policies such as those dictating vehicle purchasing and use, and have begun the process to develop a current greenhouse gas inventory.

Mr. Harper said they will also begin to add detail to the strategies and actions that are not fully fleshed out in the Phase I plan. He said this includes assessing costs and benefits to the actions, exploring co-benefits, and more robustly incorporating equity into the plan. He said these factors will enable them to then prioritize actions and focus on the highest priorities.

Mr. Harper said they have noted that the number of comments from the community relate to making more measurable or S.M.A.R.T. goals. He said they made a deliberate choice in Phase I, in the interest of time, to keep the actions simpler until the next phase.

Mr. Harper noted they intend to have a separate work session with the Board in the near future regarding priorities for use of the funding the Board has already appropriated for Climate Action.

Mr. Harper said Mr. Stewart would facilitate questions and feedback.

Mr. Stewart said the questions before the Board, and a few others, were peppered in at key stopping points throughout the earlier draft of the PowerPoint. He said the questions are intended to spur discussion. He said he would read them for the benefit of the public and will answer any questions the Board has. He said if there are any specific things the Board has heard that day from staff or commenters, staff would like to hear those as well.

Mr. Stewart said the first question was, "Have any comments from the public engagement process identified unexpected concerns from you?"

Mr. Stewart said the next question was, "Does the draft front material reflect and support the Board's values?" He said when talking about co-benefits and equities, staff wants to know if these reflect the Board's values.

Mr. Stewart said the next questions were, "Should particular content have more or less emphasis," "Should additional strategies be considered," and, "Are there additional immediate actions you believe staff should prioritize?"

Mr. Stewart said he would turn the discussion over to Mr. Gallaway to work with the Board. He said he, Mr. Harper, Mr. Daly, and Mr. Lowe will be available to help, as necessary.

Ms. Price thanked Mr. Harper for the succinct, thorough, well-organized presentation. She thanked Mr. Stewart and everyone who has worked on this. She said the Board has received many comments from the public, overwhelmingly being positive. She said there have been a few areas they have mentioned, and that she would not identify them specifically right now, but she expects that staff will review those comments they have received and address any additional areas that the public thinks need some additional work. She said she was extremely impressed and appreciative for staff's work.

Ms. Palmer said she would not go through everything she wanted to say, in the interest of time. She thanked everyone who worked on this, noting she was very impressed and happy about it. She said there were a few things that were brought to her attention by the public, and a few things she also noted when she read the plan. She said she would quickly go over those.

Ms. Palmer said she was not sure where this would fall, under natural resources, or land use, but something that is actionable that the County is working on right now with the Water Supply Plan. She said this is for resiliency. She said they are having to build a pipe from South Fork to Ragged Mountain, and this has definite impacts for preparing themselves for a future drought. She said though it was hard to believe they may have a drought right now, they will, and it very well may be worse than the earlier one. She said she would love to find a place to mention that in the plan, as they want to keep the plan going and support it after the current Board is gone.

Ms. Palmer said the League of Women Voters talked a lot about the Comprehensive Plan and integrating this plan with the Climate Action Plan well. She said they mentioned that housing did not refer to the Climate Action Plan. She said she thought this was something that the County needs to look at in the future.

Ms. Palmer said one thing she did not see in the Climate Action Plan that she would like to see, which she received some emails about, was to emphasize the Growth Management Plan and the hard development lines that the County has. She said those are important for natural resource protection, and also important for transportation goals.

Ms. Palmer said there was one thing she would love the County to look at, at some point in time. She said there have been discussions about the Open Space classification for Ag-Forest Districts, and that they need to establish metrics or some way to evaluate those. She said she was pained by a 27-acre property that was all in natural grasses and native species in her district that was turned into a hay operation after they lost their tax break. She said at one point, the Board talked about getting some metrics around Open Space so that they can watch this more carefully and make sure that everyone who uses that is doing it properly.

Ms. Palmer said another thing she wanted to say was about solid waste. She said unfortunately, in the 2008 inventory, they were really unable to adequately quantify the greenhouse emissions due to solid waste, and although they will be able to do a better job in the next inventory, they are not going to be able to quantify it well because of the lack of data. She said they look at the impact of producing all the

goods they throw away, and cannot do that, which she understands.

Ms. Palmer said what solid waste gives them is an opening to the public. She said people have to hold the trash in their hand and have to get rid of it, so it is a visceral thing and a great educational tool, going forward. She said the Board received an email from Ms. Teddy Hamilton earlier that day about composting and how important this is as an education tool, and about reducing greenhouse gas emissions. She said she would like to emphasize that, in some way, although she knows it is in the plan.

Ms. Palmer said there is then the issue of plastics. She said there is a glut of natural gas on the market, and natural gas producers are looking to grow those markets with merging plastic products. She said the solid waste allows them an in-road into education and outreach to the public, so she would like to make sure they are recognizing the importance of that.

Ms. Palmer said with regard to the question, "Does the front material reflect and support the Board's values," the answer is yes. She said she went over some things she thinks need to be emphasized, and that staff would look at additional strategies, as they have received great emails from the public.

Ms. McKeel said the report was well done and appreciated. She said she is heartened to know that staff will be looking at all the great emails, as there were some good suggestions they received from the public. She said culling through those and getting ideas would be a great idea.

Ms. McKeel said she would take a different approach, however. She said her feedback would be somewhat different than the other Supervisors. She said in looking at this, going through and reading the report, what really jumped out at her was the absence of the School Division. She said they talk about one organization, and she always assumes that when they say, "one organization," this includes the schools. She said she knows how there is talk about working with the schools as best they can.

Ms. McKeel said she would like to reach out again to the School Division administration and School Board about their input and feedback. She said when they are talking about plastics, recycling, reducing vehicle miles, and greenhouse gases, she believes that the School Division has a stake in this, and they are not engaged in the work. She said she would assume that some of the policies that will come out of this would affect the schools.

Ms. McKeel said this was her main feedback, and that with regard to equity, this is currently one of the School Division's main priorities. She said she would love to see a chapter from the schools in the Climate Action Plan, for the schools to be asked to contribute their own chapter to the plan. She said she was not trying to give the schools more work, but that surely if this is one community, they are all in this together. She said the School Division has over 2,500 employees, and 14,000 children and their families. She said she did not want to insinuate that they were leaving the schools out completely, but that they need to be engaged at a higher level and perhaps even include some of their work in a chapter in the report from the School Division.

Ms. McKeel said with regard to the water pipeline Ms. Palmer commented about, part of the pipeline goes behind Lambs Lane campus. She said with talk of tree canopies, staff should be reaching out to the School Division to work with them to plant trees and increase the tree canopies.

Ms. McKeel said perhaps she is wrong, and that the other Supervisors may say that working with the School Division is beyond the scope, but that she feels the families in the community who have children in schools would have a great interest in helping with this, and that the School Division should have a part in this.

Ms. Mallek said what she was hearing from many citizens is that there are lots of nice words, but they want to see who is going to do it, some measurable goals, and how they know they have succeeded. She said she is excited to hear, and has been waiting years to hear, that the baseline should be done by December. She said then, they will have the first set of data since 2008, which will be great.

Ms. Mallek said work has been done in other places across the agriculture sector on sequestration and about different crops that are valuable for this. She said Ms. Anne Coates from the Soil and Water Conversation District just circulated an article sharing some information about Nuvate so that people will be prepared.

Ms. Mallek said the tree canopy issue is one that goes into climate change but also into the quality of life. She said there is an opportunity to change the County's zoning and site plan regulations to have less destruction of established forest which, when disrupted, is then replaced by spindly, small trees that take 15 years to do any good.

Ms. Mallek said those are things that citizens have been asking for for years, and if the climate change process is a way to leverage some of those going forward, it would be wonderful.

Ms. Mallek said she was all-in on the water supply issue because she remembered, very painfully, the 2002 dry record and how they were nine days away from closing the University and had ceased all building permit applications because they could not supply water to everyone. She said this is all coming back again, and it will come back faster when it does. She said she noticed on the farm this year the radical changes between wet and dry, and how quickly things turn to concrete within a few days of 95 degrees and wind. She said they are facing a whole new future, and all the discussion about

resiliency will help keep the County alive.

Ms. Mallek said the solid waste diversion is very important to her, and this will be something the County should take into consideration in their procurement going forward, on everything they are buying, to make sure they are choosing the best outcome and finding a way for the County to do it right and therefore, show other counties and jurisdictions how it can be done right. She said she was sure there would be a lot of discussion on those topics as they go through the rest of the year.

Ms. Mallek said she was glad to tap into input from 14,000 students, and all the help they can provide us.

Ms. LaPisto-Kirtley said she agreed with previous comments. She said she was also interested in focusing on convenience centers, as this helps the most disadvantaged populations or those who have to travel long distances in order to get rid of their trash and recycle. She said her understanding is that, as a County, they have the lowest amount of convenience centers out of surrounding counties, which she feels is embarrassing and is something they should implement quickly.

Ms. LaPisto-Kirtley said she agreed about the tree canopies, and that her understanding is that even younger trees eat up more CO2 than mature trees. She said getting trees planted and more of a canopy will help. She said those things do not cost a lot of money and can be done immediately.

Ms. LaPisto-Kirtley said staff did a great job with the presentation and thanked them for their work.

Mr. Gallaway said he did not believe any unexpected concerns have come up. He said he believes many suggestions have been put forward, especially as they relate to targets. He said he does think that the front material reflects and supports the Board's values. He said as they move through this, more or less emphasis or things that need to be prioritized will continue to grow, depending on opportunities as they move through the areas.

Mr. Gallaway said he agreed with Ms. Mallek about the baseline data, and that it will be very important to have that as they have to know where they are starting from before they start setting targets in place. He said as far as immediate action item T.5.1, "Continue to improve coordination between public transit providers." He said this is the strategy of, "Increase the use of public transit or other transportation demand management programs to provide alternatives to single-occupancy vehicles." He said then, the ID action is, "Vest a goal in the Regional Transit Partnership."

Mr. Gallaway encouraged staff not to complicate putting things into the action plan that are really the responsibility of another entity, and perhaps find a different ID action that is something that this Board can do to help with the fact that the Regional Transit Partnership is already working to improve coordination amongst transit partners. He said it sounded like a throwaway goal and something they plugged in because they had a transit item.

Mr. Gallaway said another item was employee work travel, but it sounded like it was focused on traveling away to conferences. He said this is an opportunity to glean from what they have learned over the last 6 weeks from the work-from-home strategy. He asked if they knew how many miles were saved because they had to have employees work from home. He said that has to have had an impact here, and as they move forward, not just for efficiencies but for other purposes, he was sure the County Executive would be looking at work-from-home and how this fits into the County's normal operations, and if there is a way this can enter into the Climate Action Plan, since they are trying to reduce vehicle traffic.

Mr. Gallaway said along those lines, "Increase the overall fuel efficiency of the County vehicle fleet, and "Modify vehicle replacement criteria to strongly weight vehicle efficiency," and "When possible, purchase electric or hybrid vehicles," "Update the process to justify the need for new vehicles in order to maintain the 'right-sized' fleet," he would say that the phrase "when possible" is always the wiggle room out. He said if they are going to update the fleet with efficient vehicle, they need to set it. He said they either do it, or don't do it. He encouraged to get the plan in place, if they are to justify the need that if they are going to be purchasing electric or hybrid vehicles and figure out how to do it.

Mr. Gallaway said even with the more immediate actions, there could be tighter areas that are more actionable and better defined that could help the County focus in. He said these were some of his immediate reactions when reading through the plan, and that he was happy to share more of those kinds of insights as they continue to work on this.

Mr. Gallaway asked if staff had some feedback or comments they would like to make after hearing what the Board had to say.

Mr. Stewart said there were some things he would respond to in terms of clarification. He said staff has realized that, as a part of many of the comments they have received, many things they think of as Phase II, because they are not in the plan specifically, people are frustrated by. He said what staff realized is that they have not articulated as well in the plan what Phase II is or what the timelines and intentions are.

Mr. Stewart said they are committing internally to developing a clear plan that clearly lays out things such as that in the first six months, they will complete the emissions baseline, and will set a frequency rate of every two years. He said they will initiate internal discussions about resource

requirements for a robust resiliency planning effort that is also anticipated in the Comprehensive Plan and would set S.M.A.R.T. goals for the immediately actionable and highly promising actions and strategies, identify what data needs they might need to have that would supplement the larger scale of work, dial in with the equity work group, and work through a prioritization methodology. He said most importantly, they will determine timelines and responsibilities.

Mr. Stewart said in many ways, this has been in staff's minds, and assumed this as later work. He said he wants to make sure they make this clear in this document, and that fleshing this out more and setting clear expectations in terms of what they will do and when they will do it by will help clarify many of the concerns. He said collectively, the Board has had some great input for staff.

Mr. Stewart said staff has already been thinking internally about the lessons they are learning during the pandemic about teleworking and the impact on facility needs. He said a few weeks ago, the County Executive's Office issued an employee survey about the Coronavirus and teleworking, and specifically asked how many times a week the employees come into the office or stay home, and how many miles the round trips are. He said this will help staff to think about, as they develop their own internal thinking about teleworking going forward, what the impact is that employees can have on greenhouse gas emissions by not commuting, as well as what cost savings they experience because they do not have to pay for gas.

Mr. Stewart said the Board could expect to see in the next draft a real focus on telework, as it is an eye-opening opportunity.

Mr. Gallaway asked if there were any other questions or comments to address.

Ms. Palmer said she is looking forward to the next work session and that hopefully, they will not be so far behind. She said she knew this had not been scheduled yet.

Mr. Gallaway noted that would be mindful of time as they move onto the next scheduled session so that neither staff nor Supervisors feel the need to rush through any comments.

Mr. Stewart thanked the Board for all their support and responses.

Mr. Gallaway said the Board appreciated all the work that has gone into this. He said the Board would appreciate having the presentation, as he knew they did not get to cover it all due to time.

Agenda Item No. 12. Closed Meeting.

The Closed Meeting was not held.

Agenda Item No. 13. Certify Closed Meeting.

No Certification of the Closed Meeting was needed since the Closed Meeting was not held.

Agenda Item No. 14. 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. Matthew Christiansen, Rio District, said he was glad to hear that the Board is delaying any action on removing the First Amendment area in front of the courthouse. He said any limiting of free speech in that area would be a huge mistake, as it is a public building and area that is part of the community.

Mr. Christiansen said he would also like to encourage the Board to swiftly act after July 1, at their next meeting, to remove the Confederate monument statue in front of the courthouse. He said this is an issue of fairness as well as racism. He said the statue there has long stood as a signal to non-whites that they are not welcome in the community, which is not one of the values that Albemarle County professes. He said it sends a signal that the courthouse is not fair and equal, does not treat people equally under the law, and treats people of color as less than people are white, which is unacceptable in the community.

Mr. Christiansen said he wanted to address the issue of policing in the community. He said it made him very concerned, when he tuned into the last Board meeting, that the Chief of Police stated that all of his officers do all of their policing 100% without bias. He said to him, this shows someone who is completely out of touch with reality and is either grossly lacking in self-awareness or lying through his teeth. He said neither of those are things the County should be looking for in the Chief of Police.

Mr. Christiansen said the idea that anyone can perform their duties as a police officer 100% without bias is naïve, at best. He said the long history of racism in policing and disproportionate contact with people of color and non-whites is clear in the data. He said they have seen countless videos of police officers and their negative, violent behavior towards people of color. He said they see protests now, and murders that have happened. He said while those are not in Albemarle County, there is still history there that is not as far back as one would like to think. He said these are issues that the County needs to address and being completely unwilling to acknowledge their existence in the first place says that there is not much willingness there to move forward.

Mr. Christiansen asked the Board to look at how policing is being done in the community.

Mr. Rory Stolzenberg, City resident, said he works at a local renewable energy technology company that hires a number of County employees. He said he was pleased to see that the Board is putting its Climate Action Plan together, actually ahead of his company doing their own plan. He said he was also very pleased that both localities have adopted these aggressive, much-needed carbon reduction goals of 45% by 2030 and full neutrality by 2050.

Mr. Stolzenberg asked the Board that as they put the Climate Action Plan together, to think about what each of these potential actions will do in terms of reaching that goal, to actually quantify how much of the carbon footprint will be reduced by each individual item. He said in particular, he would ask the Board not to neglect the extremely important role of land use. He said if they are trying to reduce vehicle miles traveled and trying to reduce the carbon footprint of home heating, then they absolutely must allow people, who so choose, to live in places and types of homes that, by their nature, have these smaller footprints.

Mr. Stolzenberg said this entire winter, he never turned his heat on once. He said he lives in a 20-unit apartment building that is not large. He said he has not driven his car in months. He said these are possible because he lives in a neighborhood and in a building where it is possible to get to his job and buy groceries without using his car. He said this sort of lifestyle isn't for everyone, but many more people would like to have this lifestyle. He said people talk about how they would love to live in a walkable neighborhood, but they are unable to because of land use restrictions imposed by the County Board of Supervisors, City Council, and every municipality across the country.

Mr. Stolzenberg asked the Board to reevaluate whether those land use restrictions are in accord with the goals they have set.

Mr. Gallaway closed Matters from the Public.

Agenda Item No. 15. **Public Hearing: SP202000003 – HH Car Care.**

PROJECT: SP202000003 – H&H Car Care

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 090000000035X0

LOCATION: 1833 Avon St. Extended, Charlottesville, VA 22902

PROPOSAL: Special Use Permit application to authorize a commercial use in the Light Industry Zoning District, specifically an auto detailing use within an existing 1,800 sq. ft. building and using a portion of the existing parking area on 5.78 acres.

PETITION: "Commercial use" in LI, Light Industry District per Section 18.26.2(a) of the Zoning Ordinance.

ZONING: LI – Light Industrial – industrial, office, and limited commercial uses (no residential use)

ENTRANCE CORRIDOR (EC): Yes

OVERLAY DISTRICT(S): Steep Slopes – Managed

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use. In Neighborhood 4 of the Southern and Western Urban Neighborhoods.

(Advertised in the Daily Progress on June 1 and June 8, 2020.)

The Executive Summary forwarded to the Board states that, at its meeting on May 5, 2020, the Planning Commission voted to recommend approval of SP202000003 with conditions. The Planning Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

The Planning Commission voted 7:0 to recommend approval of SP202000003 with the conditions set forth in the staff report. The Planning Commission did not request any changes. There have been no substantive revisions to the application or the condition.

Staff recommends that the Board adopt the attached Resolution to approve SP202000003 (Attachment D).

Ms. Tori Kanellopoulos, Senior Planner, presented. She said this is a public hearing for a Special Use Permit request for an auto detailing use within an existing 1,800-square-foot building in the Industrial Zoning District.

Ms. Kanellopoulos said the request is to use an existing metal building on a site with five other buildings, totaling 5.78 acres. She said the parcel is located on Avon Street Extended, across Avon Street to the east of the Lake Reynovia and Mill Creek neighborhoods. She said it is located south of Mountainview Elementary School and the Avinity neighborhood.

Ms. Kanellopoulos said the metal building is located at the rear of the site at 1833 Avon Street Extended. She said the other uses on the property are existing commercial and industrial uses. She said only the roof of the existing building is visible from Avon Street, as indicated on the presented image.

Ms. Kanellopoulos presented additional pictures of the site. She said the image on the left shows the existing building and customer parking area in the front, and the image on the right shows the existing parking area to the rear of the building.

Ms. Kanellopoulos said the property is zoned Light Industrial, as shown on the presented map, which allows certain commercial uses, including auto detailing, by a Special Use Permit. She said nearby and adjacent parcels are zoned Light Industrial, and one parcel to the east is zoned R1 Residential. She said the existing required 30-foot buffer with the residential property is not changed with this proposal.

Ms. Kanellopoulos said the property is also designated Office, Research & Development, Flex, and Light Industrial in the Southern and Western Neighborhoods Master Plan, as shown on the presented map. She said this designation allows commercial uses as secondary uses and therefore, the proposal is consistent with the Comprehensive Plan designation.

Ms. Kanellopoulos said the proposed auto detailing business would use the existing 1,800-square-foot building, including the existing parking areas and garage. She said approximately 5-6 cars per day would be served. She said the use does not involve auto repair or mechanical repair. She said most of the detailing and washing would occur within the existing garage, and larger vehicles would need to be detailed and washed in the existing parking areas to the side or rear of the building. She said these parking areas are gated and would be locked overnight. She said the existing parking area in the front of the building would be used for customer parking, and there would be four employees.

Ms. Kanellopoulos said staff is recommending approval of the Special Use Permit application, with the following conditions, presented on the screen. She said as the Board has already seen these conditions in the staff report, she could return to them for questions or comments as need.

Ms. Kanellopoulos said on May 5, 2020, the Planning Commission recommended approval of the Special Use Permit with a 7:0 vote, with the conditions as outlined in the staff report. She said since the Planning Commission meeting, there have been no changes to the application or the conditions.

As the Board had no questions, Mr. Gallaway invited the applicant to speak. As the applicant was no longer in the virtual meeting room, and the Board wanted to give an opportunity for her to come back and speak, the Board took a short break.

Recess. The Board recessed its meeting at 6:51 p.m. and reconvened at 7:01 p.m.

Ms. Lisa Scherer said that everything the applicant had to present was included in the paperwork they submitted for the application.

There being no public comment, Mr. Gallaway closed the public hearing and invited further discussion or a motion.

Ms. Priced **moved** the Board approve SP202000003 H&H Car Care with the conditions outlined in the staff report. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE
SP 202000003 H&H CAR CARE**

BE IT RESOLVED that, upon consideration of the staff report prepared for SP 202000003 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-26.2, 18-27.2, and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 202000003, subject to the condition attached hereto.

* * *

**SP-202000003 H&H Car Care
Special Use Permit Condition**

1. Development of the use shall be in general accord with the Conceptual Plan titled "H&H Car Care Concept Plan," prepared by Lisa Scherer, with the latest revision date of March 6, 2020, and project narrative titled "1833 Avon Street Extended: Project Narrative," with the latest revision date of January 21, 2020, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development and as described in the Narrative and the Conceptual Plan:
 - a. Location of the vehicle parking and waiting areas.
 - b. Location of the auto detailing and washing areas.

Agenda Item No. 16. **Public Hearing: SP201900006 Boyd Tavern.**

PROJECT: SP201900006 Boyd Tavern Market

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 09400-00-00-03900

LOCATION: Parcel located approximately 200 feet southwest from the intersection of State Route 616 (Black Cat Road) and Mechunk Road. Parcel has frontage along State Route 616. The northern portion of the parcel is adjacent to the I-64 interchange at Exit 129.

PROPOSAL: Proposal for new 4,000 square foot gross-floor-area-maximum auto service station with five fuel pumps under two canopies, convenience store and restaurant on the approx. 3.28-acre portion of the site that is zoned C-1 Commercial and fronts on State Route 616 (Black Cat Road).

PETITION: Automobile service station, convenience store, and restaurant per Zoning Ordinance 18-22.2.2(16)(a)(b)(c) on an approx. 3.28 acre portion of a parcel totaling 12.486 acres. No dwelling units are proposed.

ZONING: This parcel is zoned both: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); and C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre).

OVERLAY DISTRICT(S): Entrance Corridor; Steep Slopes – Critical

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

POTENTIALLY IN MONTICELLO VIEWSHED: Yes.

(Advertised in the Daily Progress on June 1 and June 8, 2020.)

The Executive Summary forwarded to the Board states that At its meeting on May 20, 2020, the Board of Supervisors held a public hearing for this application, but did not take an action.

At its meeting on February 4, 2020, the Planning Commission voted 5:0 to recommend denial of SP201900006.

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

At its meeting on May 20, 2020, the Board of Supervisors held a public hearing for this application, but did not take an action. This is the second Board of Supervisors public hearing for this application. No changes to the application have been made since the May 20 public hearing. During the May 20 public hearing, the applicant expressed agreement with all proposed conditions, including staff-recommended Condition #4 (hours of operation): "The hours of operation must be within the range of 5 AM to 10 PM."

The Planning Commission voted 5:0 to recommend denial of SP201900006 for the following reasons as discussed at the meeting: the proposed development is not consistent with the Comprehensive Plan; fuel sales do not appear to be an ancillary use; and there are potential negative impacts to adjacent and nearby properties.

Since the Planning Commission public hearing, the applicant has made the following change to their application:

- Expanded the designated 'no parking' area on the concept plan

The applicant has since submitted additional data, which is included as Attachment D.

Additionally, Attachment A8 has been updated to include public comment received since the staff report was completed.

If the Board chooses to approve the special use permit request, the Board should adopt the resolution for approval with conditions (Attachment F).

If the Board chooses to deny the special use permit request, the Board should adopt the resolution for denial (Attachment G).

Ms. Tori Kanellopoulos, Lead Planner for the project, presented. She said this is a public hearing for a Special Use Permit request for an auto service station, convenience store, and eating establishment not served by public water or a central water supply.

Ms. Kanellopoulos said the proposed development is located on State Route 616, Black Cat Road, between Route 250 East and I-64. She said the site is approximately 3 miles driving distance from the nearest Development Area, which is the Village of Rivanna. She said Keswick Hall is less than one mile across the interstate.

Ms. Kanellopoulos said the site is across the street and slightly south of the Mechunk Acres subdivision. She said there is an adjacent property to the west that has residential and agricultural uses. She said the adjacent properties to the north and south are undeveloped, and the interchange with I-64 at Exit 129 is just north of the property.

Ms. Kanellopoulos presented a picture showing the view of State Route 616 from the approximate proposed entrance of the development. She presented another picture showing the view of the Exit 129 interstate interchange with Route 616 and I-64.

Ms. Kanellopoulos said the property is currently undeveloped. She said there is a wooded area along the front of the property, with the rear of the property consisting of a field.

Ms. Kanellopoulos said the property is split-zoned C1 Commercial and RA Rural Area. She said approximately 3.28 acres is zoned C1, and the remaining 9.21 acres is zoned RA. She said the C1 Commercial Zoning District allows auto service stations, convenience stores, and eating establishments, which are referred to as "restaurants" in the Zoning Ordinance, not served by public water or a central water system by Special Use Permit.

Ms. Kanellopoulos said the property was rezoned in 1970 from A1 Agricultural to B1 Business. She said these zoning districts no longer exist in the County. She said at the time of this rezoning, the proposed use was auto service station. She said an additional portion of the property was rezoned to B1 in the same year.

Ms. Kanellopoulos said in 1979, an additional portion of the property was rezoned to B1. She said two Special Use Permits were also approved. She said these actions allowed for an auction house on the property.

Ms. Kanellopoulos said the following year, in 1980, a portion of the property, being the same portion previously rezoned to B1, and the adjacent property were rezoned to C1 Commercial by the County as part of a comprehensive rezoning. She said both properties and others in the immediate area are within the Rural Area, as designated by the Comprehensive Plan.

Ms. Kanellopoulos said the County has not initiated a rezoning since 1980 to rezone any properties that are outside of the Development Areas but are zoned with Urban zoning designations. She said the appropriateness of the C1 Commercial zoning designation on the property is not under consideration. She said the property was comprehensively rezoned by the County in 1980, and no action has been taken to amend or modify the zoning of the property.

Ms. Kanellopoulos said the proposal is for a gas station with a convenience store and eating establishment. She said the required community meeting was held on May 22, 2019 as a special meeting with the Village of Rivanna Community Advisory Committee (CAC). She said the major concerns heard were groundwater availability, traffic and related noise, visual impacts, including lighting, and effects to the character of the area.

Ms. Kanellopoulos said the site is reliant on well and septic system, as public utilities are not available to the site. She said the applicant submitted a Tier 3 groundwater study with this application. She said the key findings of the study state that groundwater availability is favorable, and that hydrogeological conditions are favorable to the proposed use. She said that both County staff and the Virginia Department of Health (VDH) reviewed the groundwater study, and both entities rely on the expertise of licensed professionals for these studies.

Ms. Kanellopoulos said there is also a proposed condition to limit this proposal to a maximum water usage of 700 gallons per day by using a water restriction device. She said this device has been used for other gas stations in the County. She said the device only allows a certain amount of water to flow through each day, in this case, limited to 700 gallons per day. She said both Zoning and Building staff would conduct an on-site inspection to ensure the device was installed properly prior to issuance of any zoning clearance or building permit.

Ms. Kanellopoulos said VDH approval is required for any site plan on a new property not served by public water and sewer. She said VDH would need to approve permits for the well and septic systems, and no site plan would be approved prior to VDH approval.

Ms. Kanellopoulos said there are several conditions related to visual impacts of the proposal. She said these include limiting hours of operation, with all lights turned off outside of hours of operation; requiring the building and gas canopies to conform to the proposed architectural guidelines submitted by the applicant, which have been reviewed by staff and found to be consistent with the architecture and form of country stores; a limit of 5 total fuel pumps, with 2 of those pumps being relegated behind the building; and a three-board fence and screening landscaping along the frontage of the site.

Ms. Kanellopoulos said the annual average daily traffic (AADT) of Route 616 is 8,300 vehicle trips per day. She said Transportation Planning staff estimates that the majority of the trips would be existing pass-by traffic on Route 616. She said the applicant would need to construct turn lanes compliant with VDOT requirements at the site planning stage, which would reduce potential delays.

Ms. Kanellopoulos said the zoning of this property, C1 Commercial, is inconsistent with the Comprehensive Plan land use recommendation, which directs development into the Development Areas. She said as has been previously stated, however, the decision to zone this property C1 Commercial has been made, and the County has initiated no action since 1980 to change the zoning designation.

Ms. Kanellopoulos said Strategy 1A of Chapter 3, "Growth Management", in the Comprehensive

Plan reads, in part, "Only approved new development proposals in the Rural Area that are supported by Rural Area goals, objectives, and strategies." She said the scale and design of this proposal has been analyzed for consistency with the Rural Area chapter of the Comprehensive Plan, and with the scale and design of similar rural uses, including Class B country stores.

Ms. Kanellopoulos said the preferred land uses in the Rural Area are agricultural and forestry uses. She said other uses should be supportive either of agricultural and forestry uses, or of existing residents in the Rural Area. She said new structures and uses in the Rural Area, when permitted, should be of appropriate scale and character for the Rural Area.

Ms. Kanellopoulos said the Rural Area chapter of the Comprehensive Plan includes guidance on interstate interchanges, stating in part that interstate interchanges in the Rural Area should not be used as tourist destinations or tourist stops along I-64. She said the Rural Area chapter also includes guidance that supportive uses in the Rural Area are intended to provide services for existing residents in the immediate area.

Ms. Kanellopoulos said if this property were zoned Rural Area, the applicant could have applied for a Special Use Permit for a country store with fuel sales. She said since the property is in the Rural Area of the Comprehensive Plan, but is zoned Commercial, staff used the regulations of country stores in the Zoning Ordinance as guidance for evaluating the scale and impact of the proposed use.

Ms. Kanellopoulos said additionally, the 2019 Zoning Text Amendment change resulted in all auto service stations, convenience stores, and restaurants not served by public water or a central water system to need a Special Use Permit, regardless of water usage. She said these uses were determined to have potential impacts that are inconsistent with the Rural Area designation, including traffic, extended hours of operation, lighting, building design, and water usage. She said therefore, the Special Use Permit analysis of these uses in the Rural Area may include analysis of these potential impacts, and a recommendation may include reasonable conditions to address any of these impacts.

Ms. Kanellopoulos presented the proposed conditions for the development, should the Board choose to approve the Special Use Permit. She said she has discussed most of them in previous slides, such as conditions on lighting, building architecture, and the flow restriction device. She said she could return to any of those conditions if the Board wished to discuss them further.

Ms. Kanellopoulos said staff is carrying forward the Planning Commission recommendation, as follows. She said at the February 4, 2020 Planning Commission public hearing, the Planning Commission voted 5:0 to recommend denial of the Special Use Permit application for the following reasons: the proposed development is not consistent with the Comprehensive Plan, fuel sales do not appear to be an ancillary use, and there are potential negative impacts to adjacent and nearby properties. She said the main concerns heard at the Planning Commission public hearing were traffic, water usage, lighting, and noise.

Ms. Kanellopoulos said this application was presented during the May 20, 2020 Board of Supervisors meeting. She said at the meeting, no action on this application was taken by the Board. She said this is the second Board of Supervisors public hearing for this application. She said no changes to the application have been made since the May 20 public hearing, at which the applicant expressed agreement with all proposed conditions, including hours of operation and lighting.

Mr. Gallaway invited questions from the Board.

Ms. Price said as Ms. Kanellopoulos indicated, this is a continuation of the previous meeting. She said she had no further questions at that time, but that she may later.

Ms. Mallek said the site plan map showed what looked to be about 2 acres of the 3 acres being pink. She asked if this was correct.

Ms. Kanellopoulos replied that she has not exactly estimated this area out, but this was a fair analysis. She said she would let the applicant answer that.

Mr. Gallaway said with having had a previous public hearing, all of the items from that prior public hearing are part of this record as well. He said this is staff commentary, Board questions, public input, and emails received. He said everything previously heard is a matter of record for that evening as well. He invited the applicant to speak.

Mr. Gordon Sutton, the applicant and President of Tiger Fuel, thanked the Board members for their service to the community. He said he has heard them loud and clear on the topic of whether or not Tiger is a good company and good community partner. He said it seems they have adequately addressed that topic, and he promised not to belabor the point.

Mr. Sutton said he has heard from several Board members that the scale of the project was a point of concern, and so he has worked hard to put together some slides that have addressed that topic. He presented a slide, indicating to the store in the top left corner, with the proposed convenience stores by Wawa and Sheetz below it. He said these invaders from Pennsylvania both have footprints in excess of 6,000 square feet.

Mr. Sutton said he was sorry to keep picking on Dollar General, but that Dollar General plans to open 1,000 stores in 2020, with the standard store being 10,000 square feet, which is more than twice what he has proposed.

Mr. Sutton said Tiger Fuel's footprint is comparable to many of the homes in the neighboring subdivisions of Mechunk Acres and Keswick Farms. He said the store also has a smaller footprint than both the Shadwell Store and the Cismont Store.

Mr. Sutton said he worked hard with County staff to design a project that is of the appropriate scale for the area, and to be consistent with the Comprehensive Plan while being both safe and economically viable. He said if they were to scale back any further, it would cause significant safety concerns. He said fewer pumps does not lead to less traffic, but to less efficient handling of that traffic. He said they have designed the store the way they have so that they can provide a safe environment for the customers. He said in this day and age, with Plexiglass shields protecting cashiers and markers on the floor forcing customers to stay 6 feet apart, they need every square inch to be able to serve them safely.

Mr. Sutton said the kitchen is also a critical component of their square footage and enables them to provide close to half of the available job positions. He said these also happen to be the highest paying jobs in their facilities. He said with the kitchen, they can provide all of the wonderful, freshly prepared healthy food options with local ingredients that this area desperately needs. He said without it, they would be relegated to only selling packaged and processed goods that are wrapped in plastic.

Mr. Sutton said while the site does not meet the technical criteria of a food desert because of its affluence, providing healthy food options is something that is desperately needed not only here, but throughout the County, and the country for that matter.

Mr. Sutton said in an effort to help see the differences in scale, among other things, between their project and some of the by-right uses, he put a rendering together so that the Board can see the difference. He said the rendering not only shows the dramatic difference in the scale of a store twice their size, but the extra landscape buffering and features, such as the three-board fence, that help the store blend into the landscape and stay consistent with the Rural Area.

Mr. Sutton said he knows a big dilemma for the Board is whether or not this project is, in fact, consistent with the Comprehensive Plan. He said he grew up on Woodbound Road, right across the street from the proposed store, and has been a lifelong resident of the community who cares deeply about seeing it protected and seeing it keep its rural character. He said he could think of nothing worse than seeing their beautiful County transformed into the Strip Mall U.S.A. one might find in Northern Virginia. He said not only does he not want to see that happen, but he would never participate in making that happen. He said he was not proposing a Sheetz station that one could see from outer space. He said he is proposing a tasteful store that is in keeping with the rural landscape.

Mr. Sutton said it is also critical to point out that convenience stores are a critical component of the rural landscape. He said rural communities need a place where they can fuel up and get a dozen eggs or a gallon of milk. He said the agricultural community needs fuel for their equipment, and healthy food options for their employees. He said they have designed their canopy to look like a pole barn. He said they have designed their building with columns and a covered porch, consistent with rural architecture. He said they have added three-board fencing.

Mr. Sutton said as Board members, it is part of their job description to use the Comprehensive Plan as a guide. He said as he just described, he feels the store is very much in sync with the Comprehensive Plan with regard to how it describes protecting Rural Areas. He said it is critical, however, to not let certain people cherry-pick components of the Comprehensive Plan that they feel best serves their desires to railroad any and all development.

Mr. Sutton presented a slide showing many components of the Comprehensive Plan that speak to the need for appropriate and smart development of underutilized areas in the County. He said this commercially zoned piece of property is most certainly underutilized. He said it also shows that the Board should acknowledge and support the work of companies that help achieve sustainability goals. He said they are most certainly doing that here with their solar panels, EV chargers, biofilters, and reforestation efforts at the pumps. He said they are also a leader in the community on climate action, as they have worked closely with the Charlottesville Climate Collaborative on their Green Business initiative, among others.

Mr. Sutton said he also wants to be sure that the Board understands that while Tiger Fuel is headquartered in the area locally, they export products and services throughout the entire State of Virginia and into North Carolina, Maryland, and West Virginia as well. He said they know that supporting manufacturing jobs and companies is a priority for the Board and wants to make sure they understand that Tiger Fuel's operations generate the same economic multipliers and associated benefits as those companies.

Mr. Sutton said he has heard from some Board members that there is a concern that approving this project sets a precedent for more growth in the area and others. He reminded the Board that this is the only commercially zoned piece of property in the area, and that the process has taken him more than three years, costing the company well over \$100,000. He said this is not a scenario that any other sane business owner is going to subject themselves to.

Mr. Sutton said he would also argue that the Special Use Permit process gives the Board the opportunity to assess each development individually, on its merits. He said if other people can meet this high standard, he wondered if this would be such a bad thing.

Mr. Sutton said using the slippery slope fear tactic is the same strategy that is used too often in today's political landscape and should be avoided. He asked the Board to evaluate this project on its merits. He asked if they are afraid of creating 24 high-paying jobs.

Mr. Sutton said he has met with most of the Board members in person and knows that for some, traffic remains a concern. He said in addressing Ms. Palmer's concerns from the previous meeting, he was happy to say that in this day and age, they can track the number of people who search for the stores on their smartphones, and that he had that data with him. He said most of the deli stores only generate between 2-5 direction requests or phone calls per day.

Mr. Sutton said one neighbor speculated that their site would pull 13,000 cars off the interstate per day, and that everyone could agree that this simply was not based on fact.

Mr. Sutton said they also have the ability now, with technology, to understand where customers are coming from and where they go when they leave the stores. He presented a slide with a graphic showing trips to and from the Mill Creek Market, which clearly supports the assertion that they are a pass-by use and serves local traffic already using those roads.

Mr. Sutton said the turning lanes they are implementing are also proven to dampen speeds and promote safety.

Mr. Sutton said they also received a very helpful suggestion from the Board to examine a protected left-hand turn coming out of the site. He said this is a great idea that will only further promote safety, and they are working with VDOT to see if it can be implemented.

Mr. Sutton said in conclusion, he would like to ask the Board to pause for a moment, take a step back, and look at this project on its merits. He said he would like to share that they have never done anything in the County where there was not a very loud and significant opposition. He said when they built the store at Belair, it was the same thing seen here. He said the neighbors thought they were going to ruin their lives, contaminate their wells, and destroy their property values. He said he was proud to say that those same neighbors are their biggest fans and that some of them were present that evening to tell the Board their stories.

Mr. Sutton said this is a commercially zoned piece of property right off the interstate, and what he is proposing is something that they created with staff's help, which thoughtfully addresses all reasonable concerns. He said he grew up across the street and genuinely cares about the community just as much as the Board does. He asked what message a "no" vote would send to the Board's unemployed constituents, and what message it would send to the local business community, "Give up," "Go home," "Not in my backyard". He said this is a beautiful project they worked on together with County staff, and that they can all be proud of.

Mr. Sutton reminded the Board that all the features like the biofilter, reduced hours of operation, enhanced landscape buffers, restrictions to lighting, and the three-board fence will vanish with the by-right use. He said the Special Use Permit process remains the County's, Board's, and neighbors' best opportunities to shape what goes on this property in perpetuity. He asked the Board to do the right thing for the community and vote "yes."

Ms. Price said she appreciated the presentation. She said because the Board previously had an opportunity to speak with him, she would defer asking any questions. She said she would take the opportunity to ask any questions later.

Ms. Palmer said she also appreciated the presentation. She said the Special Use Permit goes with the property, and it is her understanding that Mr. Sutton does not own the property. She asked what assurance the Board has that this is the project that will actually go on this property.

Mr. Sutton replied there is the assurance that the company has a 40-year ground lease and agreement that if they get site plan approval, they will proceed with the project, along with his word.

Ms. McKeel and Ms. LaPisto-Kirtley also expressed appreciation for the presentation.

Mr. Gallaway opened the public comment portion of the hearing.

Mr. Donnie Foster, Rio District, said he has owned Foster Well Company for 35 years. He said he drilled a well on the adjoining property that is zoned Rural Area that Tiger Fuel was trying to develop. He said that well produces 13 gallons per minute, with a capability of 780 gallons of water per hour. He said over a period of 24 hours, that well is capable of producing 18,720 gallons of water per day.

Mr. Foster said the wells he has drilled in the immediate Boyd Tavern area, in close proximity to the discussed area, are all good wells. He said they are drilled in limestone. He said this limestone formation produces good water. He said most of the wells he has drilled there produce anywhere from 3 to 30 gallons per minute.

Mr. Foster said in his opinion, and as he would be classified as an expert in the well drilling industry, he does not think water would ever be an issue for the Boyd Tavern Market, considering they would only be able to use 700 gallons of water per day. He said he feels as though this is a situation where water would not be an issue to turn this project down.

Mr. Foster said he has been using Tiger Fuel for 35 years in his business. He said they have been a great company, supports many organizations, and benefits the County and surrounding area. He said he thinks that this is a family-run and family-owned company in the County, and he supports it, as he thinks it would be a great thing to have them as a neighbor in that area and a great company to work with. He reiterated that water will not be an issue for this project.

Ms. Karen Johnson, Scottsville District, said her property borders the area where the Boyd Tavern Market is proposed, and that she is grateful for the opportunity to share her thoughts with the Board about the project.

Ms. Johnson said she has owned her property since the mid-1980s, and it has been in her extended family for over 100 years. She said the property has been a place of refuge for her family for many years until it became her permanent home in 2008. She said her immediate family has always referred to it as their "own little piece of heaven."

Ms. Johnson said it has been a priority for her to maintain the rural character of the community of which her property is a part. She said for that reason, she and her husband placed it in a conservation easement with the Virginia Outdoors Foundation in 2007. She said in 2014, she purchased a 13-acre tract, which is bordered by her property to the north, Black Cat Road to the south, and the Virginia Oil property to the east. She said she did this to restrict further impact from development of the surrounding properties.

Ms. Johnson said she has major concerns about the impact of the Boyd Tavern Market on her community and obviously, on herself in particular. She said she must disagree with Mr. Foster. She said water is limited in this area, and that this business will impact the water supply significantly. She said when her well pump was replaced in 2009, she was unable to achieve her desired production.

Ms. Johnson said one of the major advantages of living where she does is the nighttime sky. She said she loves to be outside at night, exploring the beauty of this resource. She said light pollution from the market will significantly diminish this.

Ms. Johnson said public safety is a huge concern for her neighborhood. She said Black Cat Road is a winding road throughout, but if those curves start at the I-64 intersection, there will be very poor visibility coming out of the site to enter the roadway. She said at peak traffic times, it will be extremely difficult to make left turns at the site.

Ms. Johnson said that perhaps unlikely, but still within the realm of possibility, is the concern for spillage of petroleum products. She said she would be most impacted by such an occurrence, such as her property was by a runoff from Black Industries, which was across Route 250 from her property, in the last century. She said she has five horses that she cherishes, and that they would be greatly impacted by soil and water pollution.

Ms. Johnson said she has also recently begun farming her property with commodity crops, and that endeavor would also suffer.

Ms. Johnson said she wanted to be clear that she has no quarrel with Tiger Fuel and that, in fact, they have been her propane provider for over 10 years. She said she has appreciated all the employees who have served her. She said she does not want their market, however, in her backyard. She said there is no need for this kind of business in this rural community.

Mr. Frayser White, President of South Creek Investments, formerly Virginia Oil Company, and owner of the property of Boyd Tavern Market, asked the Board to vote to approve the Special Use Permit. He said this is a very small parcel of land comprising just over 3 acres and is the only commercially-zoned property in the area. He said there is zero chance that any commercial activity will be allowed to expand beyond these 3 acres. He said this land has been zoned Commercial for decades, before 1980. He said he knew of no one in Albemarle County government that has suggested that this land is not zoned Commercial.

Mr. White said as far as he could tell, there are no nearby neighbors who have lived in the vicinity prior to 1980. He said of the 25 nearby neighbors, 9 came into possession of their property between 2010 and 2020, 6 between 2000 and 2010, 7 between 1990 and 2000, and only 3 in the 1980s, all after this land was rezoned Commercial.

Mr. White said any prospective purchasers should have inquired about the status of nearby properties if commercial development was one of their concerns.

Mr. White said the proposed project is consistent with the Comprehensive Plan and meets the zoning requirements. He said if the Board denies the proposed use, the Board would be refusing to allow

the property to be used as it is zoned.

Mr. White said when he purchased this property over 15 years ago, he paid a premium price as the property was, and continues to be, zoned Commercial. He said he has paid taxes for decades based on the high commercial value that the County places on this property.

Mr. White said Tiger Fuel is well-known throughout the Albemarle and Charlottesville area. He said they operate quality stores with friendly service. He said they are community-oriented and always stay involved in civic activities. He said he believes they will be a good neighbor.

Mr. White said the Special Use Permit process has allowed the County Zoning Department and neighbors a good opportunity to participate in and shape these final plans. He said Tiger Fuel has made significant concessions and has worked with staff to develop a plan that has staff approval. He said it is critical for the Board to understand that they are now in the unique position to achieve a solution that is a product of immense collaboration between County staff and the proposed building.

Mr. White said if Tiger Fuel's application is denied that evening, he will immediately reopen discussions with national and regional chain retailers, including Dollar General, who have by-right uses and will not need a Special Use Permit, in which case, the County and neighbors will not have any significant opportunity to participate in their plans. He said he hoped sincerely that the Board will make the right and reasonable decision to approve this project.

Mr. Stuart Lowery said he has lived and worked in Albemarle County for almost 26 years. He said he wanted to voice his strong support for Tiger Fuel Company's proposed store at Boyd Tavern. He said he was not blind to the fact that growth can come with growing pains, and fully understands this. He said this is simply putting good, smart growth undertaken by a local company, which seems to him has been more than cooperative in addressing concerns of local residents, as well as the County.

Mr. Lowery said Tiger Fuel has made strides to ensure, for example, that the store will actually use less water than two residential households. He said they have also committed to installing solar panels and EV, electrical charging stations at the store. He said the company has, over the course of these discussions, made numerous concessions to the County, concessions which have already satisfied many concerns. He said to him, these are signs of a company who wants to be an asset to the community it serves, and not a liability.

Mr. Lowery said he knows traffic is a concern for the neighbors, and he understands this completely, but the science is clear. He said VDOT's engineers and the County staff have assessed this project and are confident that the store will not have an adverse effect on Route 616. He said this is supported by an abundance of facts provided by the applicant and years of traffic studies on this type of use.

Mr. Lowery said to him, the question becomes if they would rather deal with a company that has proven time and again to be a responsible corporate citizen committed to responsible growth, versus what will inevitably happen at that location, which will be a national chain store building on that land. He said it will have zero local ties and subsequently, very few concerns as to responsible growth. He said the answer is that they want the local guys.

Mr. Lowery vocalized his strong support for Albemarle County voting "yes" for the Boyd Tavern store.

Mr. Rick Wampler (Rivanna District) said he lives about 5 miles from the proposed site. He said he first found out about this issue 4-6 months ago through the Nextdoor app, and it was something that caught his eye, as he and his wife has known the Belair Market in Ivy since they met at UVA and have always loved it. He said they do use Exit 129 a few times a week, so it is something they would certainly use as they pass by there.

Mr. Wampler said he was not qualified to comment on much of the back and forth he saw on the Nextdoor app. He said he was glad to hear many issues addressed that had talked about that evening such as groundwater, the environment, traffic, and the Comprehensive Plan (noting he has never read it). He said it makes him think that some of the things that were posted, such as the market turning into the next Zion Crossroads, it doesn't seem like there would be many commercial lots to be concerned about after this.

Mr. Wampler said there may be many issues from the Nextdoor discussions that he might be uniquely qualified to comment on, which was the reason why he decided to email the Board and join the evening that meeting. He said one of the posts was about not letting in a big, global business into the neighborhood. He said he supposed that was because if one drives past, they will see an Exxon sign, but that Tiger Fuel does have a great reputation.

Mr. Wampler said a few years ago, he served as treasurer for a local nonprofit and could attest that Tiger Fuel was their single biggest corporation donor. He said this was not an organization that does this because they think they will get a lot of name recognition and goodwill, but because they believe in the local nonprofit community.

Mr. Wampler said other issues he saw posted were about how the market would affect the neighbors, noise pollution, crime, loitering in the parking lot, and littering nearby. He said this struck a chord because he lives very close to (about 1,200 feet away from) a gas station market, so he does feel like he can comment on these things. He said he has never had a problem with them. He said noise pollution is very questionable to talk about when one lives that close to a road. He said he never hears anything but trucks, motorcycles, and loud cars, and that nothing from the gas station could cause noise pollution, in his opinion, especially since they are talking about I-64, and where he lives is just a 45-mph zone.

Mr. Wampler said he has never seen any crime or loitering in the parking lot of the gas station he lives next to. He said these are things that Tiger Fuel would want to prevent, and he was sure they would do their part to keep those things away.

Mr. Matthew Bassignani, Scottsville District, said he is a physician who lives and works in Albemarle, and feels that it is important to mention that he is neither an employee of Tiger Fuel, nor is he their business partner. He said it is likely they would hear from plenty of Tiger Fuel's associates that evening. He said unlike them, he lives in the Scottsville District, and his home is less than 1 mile from Tiger Fuel's proposed mini truck stop.

Mr. Bassignani said this project will directly affect his family and neighbors, and he wanted to express to the Board his complete opposition to this proposal. He said they live in a beautiful neck of the County that is quite close to Pantops in Charlottesville, which is 7 miles to their west, and to Zion Crossroads, which is 7 miles to their east. He said there, they have all the conveniences such as gas stations, fast food, and other amenities that this proposal is supposed to be touting as things that need to be placed at Exit 129 at Boyd Tavern.

Mr. Bassignani said currently, the area is often congested with traffic for those making their way to and from Charlottesville or other directions on I-64. He said overall, they have a lovely, bucolic environment and neighborhood that is precisely his reason for living there. He said it is away from the hustle and bustle of Charlottesville, Zion, and other developed areas in Albemarle. He said they are insulated from the traffic jams, the noise, the refuse pollution, the light pollution, the car accidents, and gasoline fumes there in Troy.

Mr. Bassignani said the proposal by Tiger Fuel will upend all of that, and for no desirable reason. He said they do not need a gas station, nor a fast-food restaurant, less than 7 miles from Charlottesville, or 7 miles from Zion. He said they certainly do not need the added traffic, pollution, and drain on their water table.

Mr. Bassignani said this proposal serves no practical purpose to the community in Troy, given their proximity to Pantops and Zion. He said as far as he could tell, it only serves the needs of Tiger Fuel. He said what it will do is increase all the negatives that come with this proposed project, including noise, traffic, pollution, environmental impact, water wastage, etc.

Mr. Bassignani said his family opposes this project and is counting on their County and its elected officials to uphold the tenants of the Comprehensive Plan for Rural Areas and preserve his community as-is. He asked the Board to place themselves firmly on the side of the constituents living in the potentially affected area who oppose the Special Use Permit, as the Planning Commission wisely did.

Ms. Pat Young, Scottsville District, said she lives on Mechunk Road, directly across from the store proposed to be built. She said she opposes this stringently, as she has stated to the Board before. She said they have trouble with tractor trailers already on the on and off ramps. She said there are people who pull into Mechunk Road at all times of the night and leave their trash, and it is unknown what they are doing. She said there are potential water problems she sees happening. She said this is a totally inappropriate place for a service station to be. She said she hoped the Board would vote against it.

Mr. Thomas Nelson, Rio District, said he is a licensed professional geologist in Virginia. He said he works in the Charlottesville area as a senior hydrogeologist for ECS Mid-Atlantic. He said he was present that evening because his company was contracted to evaluate the planned fueling station development from a hydrogeologic perspective. He said their full report was submitted to the Board, and his intention that evening is to provide a summary of their findings and discuss three main concerns.

Mr. Nelson said their primary concern with the planned fueling station is related to the site storage and use of petroleum in proximity to residential properties that rely on groundwater for potable water. He said underground petroleum releases are a common occurrence at fueling stations, and such releases can impact groundwater quality. He said the potential for a petroleum release exists, despite the use of leak protection measures and upgraded system technologies, as evidenced by an EPA study showing that releases occur from all types of single and double-wall underground tanks, and that leak detection systems fail 50% of the time.

Mr. Nelson said although the likely groundwater flow direction at the site is away from the nearest residential properties, ECS considers it realistic that such contamination can still impact proximal wells. He said the reason for this is because the operation of crystalline bedrock wells, such as those at neighboring properties, cause groundwater to flow toward the pumping well from all directions via

interconnected fractures within the rock. He said this pumping-induced capture zone could extend beneath the planned fueling station and could draw contaminants toward a resident's wall, despite the natural groundwater flow direction being in the opposite direction.

Mr. Nelson said such contaminant migration can be exacerbated by the relatively shallow depth of bedrock and relatively shallow nature of the nearest residential wells. He said while contamination may be less impactful in areas with access to public water utilities, impacts can be significantly greater when contaminants migrate to residential wells that are relied upon as a sole source of potable water. He said depending on the magnitude of contamination, it may or may not be possible to treat contaminated drinking water to potable standards, and that contaminated concentrations in groundwater can remain in excess of potable standards for many years.

Mr. Nelson said a secondary concern pertains to classification and construction of the site's existing supply well. He said Health Department records show that the well is permitted as a private well. He said this classification appears to be inadequate, since a well that serves at least 25 people daily for at least 60 days out of the year would need to be permitted as a transient, noncommunity public well. He said in comparison to private wells, public supply wells require a more protected well construction and more stringent permitting, testing, recordkeeping, and regulation from a separate division within the Health Department.

Mr. Nelson said a final concern relates to the Tier 3 groundwater assessment report that was completed for the site, which meets only half of the reporting requirements, as further detailed in his report.

Ms. Ann Harrod, Scottsville District, said she speaks in favor of Tiger Fuel's market. She said the site for the market gained commercial status as early as 1980. She said Albemarle County has been collecting regular, not agriculture, real estate tax on this plot since that time. She said this small plot of 3.2 acres is the only commercially allocated site in the vicinity, so there is no danger of expansion for commercial activity along this road anywhere nearby.

Ms. Harrod said as the current owner has been paying above-average real estate tax since 2006, the commercial status of the land should allow him to use it commercially. She said no one in the County government has suggested that the County would renege on this commercial status and rescind it.

Ms. Harrod said if the Board should deny the proposed usage, the Board would be refusing to allow the property to be used as it is ordained. She said Albemarle County would gain extra tax revenue from operation of the market to the tune of \$100,000 annually. She said this amount could go a long way to finance improvements for woefully needy Stone Robinson Elementary School, which serves the same neighborhood. She said Tiger Fuel will pay for construction of right turn and left turn holding lanes into the property.

Ms. Harrod said she and the Board have heard several nearby residents complain that this establishment of Tiger Fuel would interrupt their lifestyle. She said she scrutinized the Albemarle County Real Estate Tax webpage and found no nearby neighbor who has lived in that vicinity since 1980, when the plot became Commercial. She said she found a date as long ago as 1986, and as recently as a few months ago, in 2020.

Ms. Harrod said one spokesman at the previous hearing complained that the entry of Tiger Fuel would bring competition to the current rehabbing of the very small, two-pump gasoline and food business on the north side of US-250, about a mile east of Black Cat Road. She said she drove into this property and found it to be tight and worse than that, the property's entrance, an egress, is very dangerous. She said there are no pull-offs or holding lanes for turning, and the sight line is directly upon the lined crest in the road. She said this location is not compatible with the Tiger Fuel proposal and would never get the customers who would patronize The Market at Boyd Tavern. She said the go-home traffic to Lake Monticello will not make two left turns into a two-lane road in order to go to that small establishment.

Mr. Richard Jones, Rivanna District, said he had the opportunity of addressing the Board a month ago, and was speaking again that evening in support of The Market at Boyd Tavern. He said he would not waste time presenting the many benefits that Mr. Sutton presented to the Board and concessions he has made that no other commercial user will make. He said he will speak as a local resident in this rural area and was there to say, "yes in his backyard."

Mr. Jones said he has lived in the Boyd Tavern area for 46 years. He said his first home is at the corner of Route 616 and Route 250. He said he could almost see the Tiger Fuel land from his front yard. He said he now lives just 1.5 miles from where Tiger Fuel wants to locate their store. He said he goes by there every day to and from work. He said he used to get his mail at the Boyd Tavern Market when it was owned by Charlie Boyd, Bob and Marilyn Boyd's son. He said Bob was a well-known attorney and ran a horse farm on the other side of the interstate. He said the market was a place to meet people, chat, and buy gas. He said he used to buy the most delicious pies right down the road from there, at White's Store. He said all of that is gone now.

Mr. Jones said Shadwell has the Shadwell Market, Veritas Wine Shop, and the American Legion Post. He asked to let the Boyd Tavern area have a locally owned market and gas station. He said it will never be the old Boyd Tavern Market or White's, but it is the next best thing.

Mr. Jones said this property is zoned Commercial. He said it is right off the interstate, which is exactly where a gas station and market should be located. He said the Planning staff has approved the project, and he urged the Board to do so as well.

Mr. Jones said there is a point where so many restrictions on a business kills them. He said he thinks there have been before 4-5 different ventures at the old Boyd Tavern Market since Charlie Boyd sold it, and he wants to see the new Market at Boyd Tavern be a huge success and thrive.

Ms. Elizabeth Matthews, Samuel Miller District, encouraged the Board to vote "yes" for this project. She said she is a lifelong resident of a subdivision next door to a Tiger Fuel business, Belair Market. She said she completely agrees with and understands Mr. Jones' story, growing up in the same type of community. She said but for Belair, they would still be the same way. She said they did not want, nor encourage, the idea of change to their neighborhood or the road outside their neighborhood. She said they loved it just the way it was. She said it was where she walked with her dad to buy a quarter candy. She said forever, she wanted it to stay the same.

Ms. Matthews said they were lucky to have a local company like Tiger Fuel next door. She said she knows this because she still lives in the neighborhood. She said the employees, services, and standards of the Belair Market have made it a benchmark for their small community. She urged everyone on the call to give an opportunity to an awesome local company. She said she is thankful that they are her neighbors. She asked the Board to please vote "yes" and thanked them for their work on behalf of their community.

Ms. Stephanie Rhoades said she is a local resident less than half a mile from the proposed location, fronting Richmond Road in the Scottsville District. She said she has lived in the Charlottesville area her entire life and has seen it grow and change over many years. She said she thinks it is very important that they are open to growth and change with the expansion of the community. She said she does not feel that having one gas station off this exit will bring a lot of extra traffic off of I-64, but that it will be a huge benefit to those who live in the area.

Ms. Rhoades said they are located in a dead zone between Shadwell Store, which is always extremely busy and will only get worse as the new Rivanna Ridge is finished, and Beaver Dam, which has no fuel and is limited on products. She said she likes to support local, family-owned businesses and thinks that Tiger Fuel would be a huge asset to her neighborhood. She asked the Board to vote "yes" to Tiger Fuel at Boyd Tavern.

Mr. Greg Wells, Scottsville District, said he lives about half a mile from the proposed new Tiger Fuel location, fronting US-250. He said he is a local business owner and a lifelong resident of Albemarle County. He said as a local business owner and resident, he would like to speak on behalf of and in support of Tiger Fuel.

Mr. Wells said he has both a business and a personal relationship with Tiger Fuel. He said he has had dealings with both the ownership and the employees of Tiger Fuel for many years, and it is his understanding that now, or sometime in the near future, there will be some type of commercial business in the location in question. He said being a local business owner who is very familiar with Tiger Fuel, he cannot imagine a better group of people than the Tiger Fuel group running a business in their area.

Mr. Wells said some people have pointed out different problems that might occur if the location is approved, but as a true neighbor in the community, if any such problems would actually come to fruition, he could not think of a better group of people to deal with than the Tiger Fuel group. He said if there were some type of complaint with what is going on at that location, he would personally much rather deal with someone local like Tiger Fuel and be able to make a phone call to reach a person in the community who might actually care about his community, rather than try to make a phone call to someone in Philadelphia who is involved with a chain or national group.

Mr. Aaron Hark, Rio District resident, said he is a business owner in the White Hall District and has lived in the area for 15 years. He said he was not there to talk about the water issues or traffic, or the quality of the market. He said his experience with Tiger Fuel is directly tied to his role as a current board member and former chair of Big Brothers Big Sisters of the Central Blue Ridge.

Mr. Hark said his agency helps provide more than 200 Charlottesville-Albemarle youth with the one-to-one mentoring relationships that they would otherwise lack and seek to help make their world better tomorrow than it is today. He said fostering those relationships requires skilled staffing, countless hours of interpersonal effort, money, and volunteers. He said Tiger Fuel has been a constant and reliable partner for them for many years. He said unequivocally, he could not do the work they do without the continual and deep support they have received from Tiger Fuel and its employees.

Mr. Hark said this County has historically struggled to strike a balance between supporting its local businesses and the concerns of its residents. He said the current pandemic threatens to take a disproportionate toll on small local businesses, and that he knows this very personally. He said if they are to keep the quality of life what it is at present in Albemarle, it is incumbent upon the Board to look at every

means it has available to help them. He said if they are replaced by more strongly positioned national companies out of this, they will see less local support where the community needs it most.

Mr. Hark said here, they have a locally owned, locally engaged business seeking to expand its operations in a manner that is wholly respectful of and consistent with the County's aesthetic and way of life. He said they are not asking to give a cigarette company a pass because they donated money to a healthcare cause. He said no one is asking to give a pulp mill a pass because they helped fund a playground. He said he read Tiger's application, and that it goes to great lengths to comport with the Rural Area and be consistent with the Comprehensive Plan. He said their operations throughout the region are a textbook example of how to be a good-neighbor business while simultaneously reinvesting profits in the people and community.

Mr. Hark said Big Brothers Big Sisters can attest to the positive impact of the company and how it goes well beyond gas pumps and sandwiches. He urged the Board to consider the downstream effects as they weight the totality of the request.

Ms. Dawn Cromer, White Hall District, said she has lived in the area for 22 years, and that she has been a Realtor in Charlottesville for 13 years. She said she was coming to the Board as her perspective as a Realtor in this. She said she has helped clients find property in the Keswick area for 13 years, and her clients are always cognizant of their property values while looking for a home and while owning a home in that area.

Ms. Cromer said there have been many commercial establishments added to Albemarle County while she has lived in Charlottesville, and many of them are used to highlight the conveniences of owning a home and owning a home close to those commercial establishments. She said she advises her clients that the residential value for a home can increase when a commercial establishment adds value to a community.

Ms. Cromer said she strongly believes that this Tiger Fuel establishment in Boyd Tavern would add value to the community around it and add value to the residential home values around it. She said when she has met with clients and shown property on the west side of town, they often stop at the Belair Market to grab a bite to eat. She said her out-of-town clients are shocked by the great tasting sandwiches at a gas station, but they get an immediate sense of community from the people inside of it, both customers and employees. She said without a doubt, she sees someone she knows every time she stops in, on a weekly basis.

Ms. Cromer said the west side of town wouldn't feel the same without the Belair Market. She said undoubtedly, this establishment would bring a sense of community to the Keswick and Boyd Tavern area. She said she believes that with this establishment in place, the Boyd Tavern area will create that same feeling of community among its residents and visitors and that soon enough, the Boyd Tavern area wouldn't feel the same without it.

Ms. Punkie Feil, Samuel Miller District, said she has lived in the Belair subdivision since 1986, just five houses down the street from The Market at Belair, owned and operated by Tiger Fuel.

Ms. Feil said when Tiger Fuel first announced they wanted to build The Market at Belair years ago, many in the neighborhood expressed the same concerns about the plan that had been expressed by some of the neighbors near the proposed site of The Market at Boyd Tavern. He said Tiger Fuel talked to the neighbors and outlined a plan to be a good neighbor, with the same benefits they propose for The Market at Boyd Tavern.

Ms. Feil said they have proven to be an excellent neighbor. She said not only is it architecturally attractive, they are respectful of resources, and lights and noise have not increased because of the Belair Market, and neither has traffic increased because of the market. She said they are just off of Exit 118B of I-64, and she has never seen an 18-wheeler pull into the Belair Market to get gas or a sandwich.

Ms. Feil said one of the great benefits of being within walking distance of the market is when it snows. She said whenever it snows, she is always out of bread, milk, and eggs, and she and many others in the neighborhood walk to the market when it snows. She said when her children were in high school and she was the team mom for their sports, the market provided lunches for away games, packed in coolers, at a 10% discount for the school. She said they were a great neighbor. She said when her children, who no longer live in Charlottesville, come for a visit, they always want their favorite Belair Market sandwich. She said now, when her grandchildren visit, they walk to the market to buy an ice cream sandwich during the summer, which they think is great.

Ms. Feil said the market provides a sense of community that they did not have before the market arrived, and one that is not often found today. She said it is a locally owned business serving the local community. She said when she was a child in the 1950s, there were many of these businesses, and they gave a sense of community and something familiar. She said it is great to have something like this so near her home.

Ms. Feil said it provides an added value to the neighborhood, and that she had to echo Ms. Cromer's comments. She said she, too, is a real estate agent and has been for 40 years. She said when people are moving to the area, they want information about local amenities. She said the Belair Market is

at the top of the list.

Ms. Feil said just like Belair, Tiger Fuel's proposal will protect the Black Cat area. She said they, too, could have had a big box business where the current Belair Market is located. She said the Belair Market will keep a big box store from coming to the area. She asked the Board to help continue building a sense of community and vote "yes" for The Market at Boyd Tavern.

Mr. Tom Parker, Rivanna District, said he is in support of the Tiger Fuel project. He said he is also very respectful of the "nays" and acknowledges those concerns.

Mr. Parker said he is the Vice President of Blue Ridge Beverage Company, which employs over 100 employees that all live within several miles of the proposed location. He said they are a local company selling to a local company, Tiger Fuel, that will benefit from this project because the economic stimulus, in the wake of the pandemic and beyond, will fuel growth for Tiger Fuel, which will also fuel growth for his company. He said that type of growth will allow them not only to maintain headcount, but hire more, qualified people in Albemarle County, which will boost the local economy.

Mr. Parker said the quality of convenience stores like Tiger Fuel, especially in rural areas, is essential to business. He said he would also like to second Mr. White's comments. He said he was a long-time great partner with Virginia Oil Company, who also did a lot of charitable work, just like Tiger Fuel, to the local economy and the Charlottesville-Albemarle area. He said he is proud to be a citizen.

Mr. Wayne Sprouse, Scottsville District, said he lives about 150 yards from the proposed store. He said with regard to the water situation, back in 1998, there was a drought. He said his home is on the corner, and that he could not use his well for weeks. He said from that point, after 35 years of living there, he is very concerned about the traffic and the safety of the families there. He said there are so many accolades for Tiger Fuel, but that they are not Ivy Road, they are Route 616 in a rural area. He said 8,000 cars a morning come through the area, although now, with the virus, there are not as many.

Mr. Sprouse urged the Board to vote against this because there are many families there. He said he went across the road they purged 12 holes. He said he was told there was not enough water. He said at that time, they were looking at putting in an apartment complex. He said since then, he has learned that the complex decided to do something else, and there was no reason stated as to why.

Mr. Sprouse said he lives in the area and that he can understand all the wonderful things, but that residents are concerned about traffic and water usage. He said he just heard two Realtors state that property values will increase. He said he will be talking to them if it does, but he does not believe so. He said he would ask the Board to vote "no."

Mr. Todd Eagle, 4610 Longhorn Drive, Keswick, said he wanted to express his support for the proposed development at Boyd Tavern. He said it would be a huge benefit to the community to have a nice, convenient food market and C-store in that location. He said it would bring jobs to the local community, and would be aesthetically pleasing, in alignment with the rural setting in that area.

Mr. Eagle said information has been shared that the studies undertaken by Tiger share that concerns related to water usage and traffic would not have the negative impact, as feared. He said he especially thinks that compared to the other alternative developments in this location, for all the reasons people have expressed previously with Tiger's ownership of that location, they would have strong community support from them, and that they would hear if they have issues or concerns with what is going on there. He said he hoped the development could move forward.

Mr. Leon Hubbard, Scottsville District, said he has lived on Mechunk Road since 1979, despite others stating that no one has lived in the area before 1980. He said he objects to the proposed gas station on Black Cat Road because he still thinks there would be water problems and too much traffic. He said people throw their trash on the roads, which Mr. Sprouse has suffered from. He said he thinks property values would go down, but that if it goes up, perhaps he will sell his house soon. He said the proposal would generate crime because when the store closes, people will be looking for a place to go.

Mr. Jack McCormick, 1523 Black Cat Road, Scottsville District, said he lives across the street from the proposed gas station. He said he objects to the proposed gas station being built on Black Cat Road because it is right in his front yard.

Mr. Bill Abbott said he has lived on Mechunk Road since August 16, 1979. He said back in the old days, he worked for Tiger Fuel for a few years and everything was fine, but now, they are talking about his backyard. He said he is not in favor of having a station close to where he lives for many reasons, including that he thinks his property value would go down. He said if it will go up, he would like to sell his property. He said meanwhile, he can walk into his backyard on a 2-acre lot and be able to look at a gas station. He said he has been living in the woods there for 41 years since August and has enjoyed living in the woods. He said when he gets to Black Cat Road, he sees the woods again. He said he would like it to keep it that way for as long as he can.

Mr. Bill Johnson said his family, wife and three daughters, have lived in Keswick since they bought a farm there in 1971. He said they have been involved locally, both in the City and the County, and have enjoyed it. He said he was on the historical restoration committee in town for a number of years. He said he personally thinks it is important that the Board of Supervisors and the residents of Boyd Tavern and Keswick realize it is a totally local issue. He said there were people speaking who were coming from all over, but that the residents have to live with this. He said it is not a Charlottesville, Esmont, or Crozet problem. He said it is a local issue to have a large commercial venture try to come into their rural area.

Mr. Johnson said the question is to whether it is a necessity, and if it is necessary for Tiger Fuel to sell more gasoline when they already have the Shadwell Market, Cismont Market and, approximately 8 miles from town, five gas stations on Pantops Mountain. He said the resounding answer to the question would be that they do not need more.

Mr. Johnson said the second question is what effect a large commercial operation will have on the Boyd Tavern and Keswick rural area and lives. He said no one person has this answer. He said there will be many different opinions, but surely, there will be other individuals with ideas, companies, and commercial plans for the entire area, along with the obvious congestion, noise, lights, traffic at all hours, and bottles and cans thrown along the road. He said he has been picking up trash on his road since 1971 and does it all the time.

Mr. Johnson said there will be a depletion of groundwater. He said there will be different opinions and research there as well. He said he happened to have dug his latest well and there were only 2.5 gallons per minute. He said the business about there being plenty of water is a farce.

Mr. Johnson thanked the Board for hearing the community. He said there are diverse opinions and that there always will be, but that this allowed him to talk about his feelings on the project. He asked for common sense to weigh the day.

Ms. Michelle Ritter, Mechunk Road, Scottsville District, said she lives across the street from the proposed gas station. She said she objects the proposed gas station being built on Black Cat Road. She said Black Cat Road is a rural, two-lane road and cannot handle the additional traffic from eastbound I-64 and westbound I-64, from people vacationing and stopping to fill up on gas, get food, and sit in the parking lot while they eat. She said the road is simply not made for the traffic that will pull into this gas station.

Ms. Ritter said they already have an issue with the tractor trailers parking on the ramps, both eastbound and westbound, on I-64. She said the drivers of those trucks will end up knowing the gas station is there, park on the side of the road, walk to the gas station, then walk back to their rigs and hang out there to eat before they leave. She said residents are already seeing them park there overnight. She said they will continue to do that, and it will get worse if this project is approved. She said she hoped the Board would vote "no."

Mr. Scott Knight, White Hall District, said at the first Board of Supervisors meeting related to this project, on May 20, there was something that stuck out to him. He said one of the major themes of the comments, which was true for the present meeting as well, was whether one was for or against this project, was that Tiger Fuel is a great company and the Suttons are great members of the community, who are a benefit to the County.

Mr. Knight said he could be wrong, but during the Board's last discussion, it seemed that the opinion was congealing around the sentiment that Tiger Fuel is indeed a great company, but that this is not about appreciation or nonappreciation of a great member of the community and rather, about the Comprehensive Plan. He said if that logic held, which he was not sure it does because of Mr. Sutton's comments regarding the Comprehensive Plan that evening, it would allow the Board to turn down this request and still feel decent about treating Tiger Fuel fairly. He said he did not think that was an option for the Board that evening, however.

Mr. Knight said the reason is that this is not just a question about the Comprehensive Plan but is about changing the rules in the middle of a game for a company they say brings tremendous value to the community. He said it is important to recognize that the only reason this project is there before the Board asking for a Special Use Permit is because of the ZTA that was passed in 2019, ZTA201800002. He said before that ZTA was even proposed, Tiger Fuel had submitted plans for the County for this project and had invested significant money into it. He said this is because before the ZTA was passed, they could put fuel stations on that property by right.

Mr. Knight said they are now about one year out from that ZTA being passed, and several of the property owners who are negatively affected have already received Special Use Permits for their projects. He said if Tiger Fuel does not get the Special Use Permit for their project, it would make it look like they are being targeted by the ZTA. He said as one property owner who was negatively affected by that ZTA, it would make him unsettled to see that happen.

Mr. Knight said given all this context, the Board can vote "no" to the Special Use Permit that

evening, but he thinks it would be a miscalculation to think that they could just deny this with a “no hard feelings/it’s not you, it’s me” kind of an attitude towards this valued member of the community. He said what the Board would be doing is validating moving the goalposts in the middle of the game, and he assumed that this is not what the Board does to valued members of the community.

Mr. Knight said he would love to be proved wrong that night by the Board voting to approve the project. He said they have bent over backwards to accommodate concerns, and that given the nature of Tiger Fuel’s markets, he thinks they would be a benefit to the community.

Mr. Jeff Turner, Rivanna District, said he is the Retail District Manager for Tiger Fuel. He said he has the joy and pleasure for working for a wonderful local company that not only cares about their employees but is also committed to great customer service within their nine neighborhood stores. He said he says “neighborhood” because that is their focus, vision, and strength. He said their stores are built off loyal customers that they have truly earned over the years by simply being kind, committed, helpful and most importantly, honest.

Mr. Turner said this will be a neighborhood store that the people of Boyd Tavern will not only come to love for their gas and goodies, but also trust as a neighbor. He said he grew up in the Charlottesville area and has lived there all his life. He said he attended City and County public schools, raised three amazing boys, and even owned a small local ice cream shop for seven years.

Mr. Turner said he remembered as a kid, he would take Sunday drives in the country with his grandfather, where they would always stop at a country store for a snack, a memory he will always hold dear to his heart. He said convenience and country stores are a critical component of the rural landscape, not only for fuel, good food, or a gallon of milk, but to make good friends and build lasting memories throughout their lives, ones like he shared with his grandfather.

Mr. Turner said this new market location, which is consistent with the County’s Comprehensive Plan, has what it takes to be an important part of the Boyd Tavern neighborhood. He said it will give the neighbors of Boyd Tavern not only the convenience of everyday needs, but will do so in a warm, comfortable, and safe atmosphere, a country store that young kids of today will remember and build memories of their own.

Mr. Turner said the leaders of Tiger Fuel have put in a lot of time, effort, and thought to make this new market location a true success that will not only generate \$100,000 in tax revenue, but also bring 24 new high-paying jobs with great benefits to the County. He said as the District Manager, he would be very honored of having the opportunity to interview and offer those new job positions at Boyd Tavern.

Mr. Turner said it was important to note that Tiger Fuel did not lay off, nor furlough, any of its 250+ employees throughout the COVID-19 pandemic. He said this goes back to what he said earlier, Tiger Fuel deeply cares about their employees. He said they would take that same great care and approach with their Boyd Tavern customers as well.

Mr. Turner asked the Board to please vote “yes” for The Market at Boyd Tavern, and give them the opportunity to make new friends and help them with their everyday needs and wants. He asked the Board to let them be the special country store where neighbors can fuel up, meet for a cup of coffee, grab some lunch together, or maybe even have an ice cream treat. He said these are the simple pleasures of life, and Tiger Fuel is the local company that can make it happen with a well-planned neighborhood country store.

Ms. Jennifer Wagoner, Scottsville District, said she lives on Mechunk Road, and opposes this planned Tiger Fuel Market at Boyd Tavern not because she dislikes Tiger Fuel or their markets. She said she actually enjoys them. She said she thinks this is the wrong place for such a business.

Ms. Wagoner said she was hearing that evening that this market is needed for many reasons, and that she appreciates the input from people around the County who can tell her what she needs on her small road. She said she will state her concerns. She said some have disagreed with the concerns already, but they are true concerns for she and her family.

Ms. Wagoner said the water runs very slowly, at about 2.5 gallons per minute. She said she is afraid that the new market would impact her ability to get good water. She said traffic has always been a concern, even without a business on Route 616. She said the school bus stops are right there, and it has always been a dangerous place for children to wait for the school bus and cross the road to get on the bus. She said she did not see that being something that will go away with additional traffic. She said there will be additional traffic, and that this business would not be limited to drive-by traffic.

Ms. Wagoner said she did not know that the residents need the market. She said she opposes it in every way, but that she would continue to frequent the market at the other locations.

Mr. Billy Baldwin, Rivanna District, said he has lived in the County for 40 years in Keswick, and lives on a large farm off of Route 231, in close proximity to the proposed site. He said as someone who is making a living in farming and land management, he thinks this location would help to support his day-to-day farm activities. He said he currently has 6 employees that work with him to manage the farm, and

they all need a convenient place that they can stop at to get fuel and a healthy meal in an efficient manner on the way to work, during work, and on the way home from work.

Mr. Baldwin said the current food options at the other sites are mostly fried or come off a roller grill, and the layout and parking at these locations are less than ideal. He said also, many times they need to get items such as fuel, diesel exhaust fluid, motor oil, tools, or a gallon of milk or eggs, and this location would save them from having to go all the way to Charlottesville or Gordonsville. He said the current mom-and-pop shops don't offer the level of service, quality of food, or extra essentials they need.

Mr. Baldwin said this project will give a much needed shot in the arm to the local economy, as Tiger Fuel is a great local company and prides themselves on working with local vendors, the community, and local philanthropic organizations.

Mr. Baldwin said Tiger Fuel's stores are of the appropriate scale and character to be consistent with the Comprehensive Plan, and if the Board denies the Special Use Permit that night, all the by-right uses that will replace them will not be giving the same considerations to scale, character, and landscape that Tiger has for this location.

Mr. Baldwin said he knows many local residents have discussed concerns over traffic, water, and lighting. He said he understands there are fears and emotions surrounding things like water and traffic, but Tiger has done everything that has been asked of them, and more. He said the science from the professionals is very clear: they will not have a negative impact in these arenas.

Mr. Baldwin said the Board had a tough decision that night, but he believes each Supervisor knows that Tiger Fuel is, without question, the one that should sit on this site over any other commercial entity. He said he knows that each Supervisor could sleep well that night knowing they made the correct decision for their districts and for the community. He said he hoped the Board would vote "yes" to the Special Use Permit.

Mr. Paul Risberg, President of Altenergy, Inc., said his company is based in Charlottesville and is a renewable solar energy company. He said he knows firsthand the quality of the people at Tiger Fuel. He said he would make three quick points about his views on Tiger.

Mr. Risberg said the Boyd Tavern Market project that is under consideration that night is very typical of the work they have been doing with Tiger on other markets over the past several years. He said the project's directives were simple: that they were to find the most aesthetically sensitive way to produce renewable energy on site and reduce the impacts of the market on the local environment.

Mr. Risberg said Altenergy is now partnered with Tiger Fuel and noted that they are focused exclusively on sustainable energy and employment opportunities for their people. He said they are actually very much aligned with Tiger Fuel in that way, and that it says a lot that Tiger Fuel has decided to partner with a renewable energy company, as they are thinking about the future of what their stores and projects need to be about.

Mr. Risberg said this project actually strengthens Albemarle County's stated goal of promoting a sustainable environment and sustainable economic growth.

Mr. Michael Hulbert said he is a current employee of Tiger Fuel and acknowledged that although he was biased, he was there to share his support for the company he works for. He said he is a City of Charlottesville resident and has lived in Virginia for 14 years, coming from the state of New York before that. He said he also lived in the County at some point.

Mr. Hulbert said gas stations in New York State don't quite compare to what Tiger Fuel has done with their stations over its 35 to 38-year history. He said as a concerned person for the environment and local communities, he has worked for a company that shows integrity in everything that they do. He said the Board has heard many people speak that evening, and he has had the pleasure of listening to all of the different viewpoints, but he would be remiss to not point out the way in which the Suttons have carried themselves.

Mr. Hulbert said it starts with Suttons' father, David Sutton, and now Gordon and Taylor Sutton are carrying the torch. He said they show empathetic attention to concerns addressed to them. He said they are not the kind of company that will come in and disregard one's opinions. He said Mr. Gordon Sutton is active in the community, as a leader and second-generation owner, as well as Mr. Taylor Sutton. He said they both participate with employees from various demographics, backgrounds, socioeconomic levels, and education, and treat everyone equally.

Mr. Hulbert said perhaps this is not as important to the Board that evening as it is to listen to the concerns of those individuals living in the district. He said in listening to them, it has been challenging for him to hear some of their concerns because he can understand. He said if he did not want something in his backyard, he would definitely fight to oppose it and keep it out.

Mr. Hulbert said the Board knows all the information that has been presented, and that he was sure there have been countless conversations, but he wanted to point out that as far anyone who has followed this matter closely and is listening to the other side, those who support this proposal, he hoped

they could see the sincerity with which the Suttons are listening. He said if anyone wanted to speak to the Suttons one-on-one, he was sure they would, although he knows they are busy.

Mr. Hulbert said this is something he knows will carry forward, having been in the area for 14 years. He said he has learned that large corporations and those who are in the oil business, which has a history of problems, care about integrity and doing the right thing, and that Tiger will do this if the Board votes "yes."

Mr. Morgan Butler, Southern Environmental Law Center, Charlottesville, said SELC agrees with the applicant and several speakers that night that Tiger Fuel is a company that contributes in many positive ways to the community. He said on a personal note, he recently had the opportunity to meet with Mr. Gordon Sutton to discuss the project, at his invitation, and that he certainly came across as a person who genuinely cares about the County.

Mr. Butler said none of those considerations, however, are among the factors the County Code instructs the Board to use to make this decision. He said indeed, part of the reason that the code lays out specific factors for the Board to consider is to help steer them clear of tempting a dangerous trap of basing decisions like this on what they think of the applicant, especially because the applicants don't always own or manage their projects in perpetuity.

Mr. Butler said instead, SELC urges the Board to look for guidance in the document that the County and its residents have developed specifically for this purpose: The Comprehensive Plan. He said quoting from the County's website, "The Comprehensive Plan is Albemarle County's most important document regarding growth, development, and change." He said as noted in Chapter 1 of the plan itself, it establishes the blueprint for future decisions regarding land use and development.

Mr. Butler said the Planning Commission is made up of the planning experts of stakeholders the Board appoints to help them interpret and apply the Comprehensive Plan, and to make recommendations to the Board on land use decisions like this one. He said notably, every Planning Commissioner present at their reading on this proposal voted against it, finding that it is not consistent with the Comprehensive Plan, among other reasons.

Mr. Butler said as SELC explained at the Board's hearing last month, they share the Commission's view, and have a special concern for the damage that will be done to the Rural Interstate Interchange Policy and the County's broader Growth Management Policy if the Board were to find the project consistent with them.

Mr. Butler said finally, SELC realized the parcel at issue can be developed with other commercial uses by right if this request is not granted, and that those uses can have their own negative impacts. He said they realize the lawsuit the applicant has filed challenging one of the underlying zoning provisions also clouds the picture. He said rather than get too caught up in predicting how they hypotheticals can play out, however, SELC urges the Board to simply use the Comprehensive Plan as their guide. He said this is what it is for, and SELC believes it charts a clear path here.

Mr. Kevin Blair, 4796 Richmond Road, said he did not have a formal statement prepared. He said he is within a half mile of the proposed site. He said this seems to him as if it is sensible development. He said things will be developed, and this property has been zoned for commercial use for some time. He said if it is going to be developed, he would rather have sensible development. He said Tiger Fuel has been a good corporate neighbor, as everyone has experienced.

Mr. Blair said he has owned and operated a business for about 13 years as an entrepreneur, and appreciates Tiger Fuel's marketing, products, and the fact that they market local products. He said some products may even come from some local vineyards and farms, and that Tiger Fuel is conscious of that.

Mr. Blair said there is a small issue on Moriah Way, which is a road that runs off of Black Cat Road, not far from the site, as well as on Mechunk Road, where there are families that meet up to exchange children, sometimes in the dark, on unlit streets and in inclement weather. He said it would be nice if those meetings took place in a lighted, public parking lot for the safety of all that are involved.

Mr. Blair said many people have focused on the negative aspects of this, but that everyone could find positive earmarks for this proposal. He said he supports it and is thankful for the work at Tiger Fuel. He said his favorite sandwich there is the Farmington, expressing that it was perfect. He said he hoped the Board would favor Tiger Fuel to go in place on the site instead of another corporate venture that will not be as conscience to the community's needs.

Mr. Jerry Miller said he has lived in the Charlottesville area for about 20 years and is proud to call it his home. He said he has created a business called "I Love Cville." He said he is a proud homeowner in the Scottsville District and lives a couple of minutes away from the Boyd Tavern property they are talking about. He said he has zero ties or connections to Tiger Fuel or to the Sutton family. He said he does care about the community and strategic growth and encouraged the Board to vote in favor of the Special Use Permit.

Mr. Miller said they have a community that gets to contribute to the design and footprint of this

project. He said they are seeing this already in how Tiger Fuel is agreeing to turn off the lights when they leave, and how they are agreeing to limit their water usage and tractor trailers going in and out of the property. He said the community is already contributing to this project.

Mr. Miller said he is also in favor of the project because of 24 new jobs, and because of \$100,000 in taxable revenue each year. He asked people to consider the jobs that will be created on the supply chain when one has to construct a project like this. He said they are at a time when the FY 2021 budget is in shambles. He said as a Board of Supervisors, they should be looking for incremental revenue to keep teachers in the classroom at students learning at the right pace they should be. He said right now, the budget is in shambles. He asked why they would turn their backs on \$100,000 a year in taxable revenue.

Mr. Miller said earlier, they heard from Mr. Frayser White, the owner of the property. He said Mr. White has literally said to the Board of Supervisors on multiple occasions that if they do not approve the Special Use Permit, he will immediately target a big box brand for this land. He said Mr. White will get what he wants, as he has the by-right leverage to get a big box brand for this piece of property. He said for all the people on Black Cat Road and in this area that are opposing the property, people make plans to visit big box stores and drive out of their way to patronize them. He said they do not do that for gas stations. He said a big box brand will cause much more traffic than a gas station.

Mr. Miller said he had a kind and respectful message for the homeowners on Black Cat Road. He said they purchased property next to a piece of land that can be developed for commercial usage. He said now, they are complaining that the piece of property next to their land is being developed for commercial usage. He said they saw this all along when they bought their properties, and they can't complain now.

Mr. Miller said if the residents on Black Cat Road are concerned about their property values going down, a big box brand will tank their property values much more than Tiger Fuel.

Mr. Miller told the Board that voting "yes" to a project like this is why the community elected them in the first place. He said they have to make tough decisions. He said they either have a project the community can manage and help influence, or a potential big box brand that can come in by right.

Mr. Sean Tubbs, Piedmont Environmental Council, PEC, said the Board heard him speak on May 20, so he would be brief. He said PEC would like to repeat their comments from May 20 in which they recommend the Board follows the Comprehensive Plan guidelines pertaining to the Rural Area Interchanges. He said to quote from the Rural Area chapter, "Interstate interchanges in the Rural Area should not be used as tourist destinations or tourist stops along Interstate 64."

Mr. Tubbs said this is an expectation that many neighbors, and residents elsewhere in the Keswick area, have expressed that evening and in the past. He said PEC feels the Board must take their expectations into consideration. He said this will change the expected character of the area and would be out of sync with the expectations that are so far represented in the Comprehensive Plan. He said while many people may not have read the Comprehensive Plan, others have, and PEC remains committed to explaining why this County's respect for its citizen-led Comprehensive Plan has made Albemarle such a desirable place to be.

Mr. Tubbs said decisions like this have ramifications, as his colleague Mr. Butler explained. He said the Rural Area Interchange Policy has been the expectation for many people, for many years. He said there is zoning there, but the Comprehensive Plan is a factor that the Board must take into consideration. He said many people are relying on the Board to make the right decision.

Mr. Tubbs said that, as a small policy note, some speakers have mentioned that staff has approved this project. He said it is important for the public to remember that the decision is before the Board; that they are the ones who approve this. He said as such, PEC asks that the Board keep the Comprehensive Plan in mind as they take their vote that evening and recommend against the Special Use Permit.

Mr. Carlton Brooks, Scottsville District, said he lives about half a mile from the proposed site. He said he is a lifelong resident of Charlottesville and Albemarle, and for the past 21 years, he has traveled Black Cat Road multiple times daily.

Mr. Brooks said his opposition to the Special Use Permit is not in opposition to Tiger Fuel. He said he believes them to be good corporate citizens, doing many good and charitable deeds in the community. He said he would oppose the project in this location, no matter who the petitioner may be.

Mr. Brooks said for those Supervisors who have yet to make up their minds on this matter, he would ask that they consider the following. He said Albemarle has only two interstate exits served by secondary State Routes. He said they are Keswick/Boyd Tavern and Ivy. He said neither has traffic signals, nor commercial activity located nearby. He said these exits are located in the Rural Areas of Albemarle.

Mr. Brooks said the Rural Areas are important to Albemarle and the citizens. He said it is what lured he and his wife away from Downtown Charlottesville years ago. He said the Rural Areas are important enough to the owners of Limestone Farm, Poor House Farm, and Limestone Spring Farm to

put nearly 500 acres of their land in the conservation easements to protect it. He said all these farms are within 1 mile of this site, with Limestone Springs Farm being contiguous to it.

Mr. Brooks said the Rural Areas of Albemarle do have many examples of service stations serving them. He said the Rivanna District has Cismont Store, Rio has Earlysville General Store, White Hall has Piedmont Store, Samuel Miller has the Trading Post, Jack Jouett has Hunt Country Store, and Scottsville has Vintage Market. He said all these stores have several things in common. He said they all are small in scale and footprint, they all operate with relatively few gas and diesel pumps, and none have interstate highway signage.

Mr. Brooks asked each Supervisor to think about the station he mentioned in their district, and compare it to the Market at Pantops, which is similar in size to that which is being considered for Boyd Tavern. He said he believes the scale of the proposed station would better serve the designated growth areas than it would this neighborhood.

Mr. Brooks said he would like to look back to February 4, before the need of social distancing and Zoom meetings, when they had what they now realize was the great fortune to stand and speak in person before the Planning Commission. He said on that evening, there was but a single person in that audience to speak in favor of this project. He said the final tally of the Planning Commissioners was a unanimous vote for recommendation of denial. He said he hoped that the Board of Supervisors will agree with them and vote to deny.

Ms. Dana Tarrent, Scottsville District, said she lives directly across from the proposed site, on Mechunk Road. She said she is not an employee of Tiger Fuel. She said she has lived in her home for 35 years, since 1985.

Ms. Tarrent thanked the Board for the time and consideration they were giving to this matter. She said she wanted to let everyone know that those speaking against this gas station do not have a lot of money to advertise by putting out a glossy flyer, nor do they have free food to offer anyone calling in to support a "yes" vote.

Ms. Tarrent said what they do have is a heart for Albemarle County and their neighborhood. She said this is where they live. She said they are a mixture of old and young, some raising families, and some empty nesters; married, single, widowed; some long-term residents, and some new arrivals to this country and new citizens. She said they are nurses, teachers, lawyers, doctors, and other professionals. She said they are, in essence, fighting to maintain the good quality of life they have enjoyed for many years.

Ms. Tarrent said for some of the residents, the decision reached there that evening will determine whether they remain in the County or are forced to move. She said she, for one, will not stand by and watch her property value go down if this Special Use Permit is granted.

Ms. Tarrent said her primary concern is the water contamination which will occur from the proposed gas station. She said the runoff from permanent pavement surrounding a 4,000-square-foot building will return to the aquifer from which wells are supplied, taking with it all the contaminants that are present. She said it just takes one spill to create a major problem for residents in the area. She said this is an unnecessary risk due to the gas stations at the next exit east, and the next exit west, many of which the Board has already heard about.

Ms. Tarrent said the community wells cannot withstand the stress of 700 gallons per day, every day, drained from their aquifers, as Mr. Sutton proposes. She said they also think it will be much more than 700 gallons per day. She said this is highly underestimated.

Ms. Tarrent said for those who argue they need a place to buy a gallon of milk or a loaf of bread, they will have that at the Boyd Tavern Market on 250 East, less than a mile from Mr. Sutton's proposed gas station and market. She said much time and effort has gone into the refurbishing of this country store, with two gas pumps. She said it is the perfect location as it is already on a major road, not adjacent to homes, and unlike the traffic that will be generated by a gas station advertised on I-64, it would mainly service the local community, thus killing two birds with one stone, providing a needed service while not drawing increased traffic to the area. She said the community would support a small business of this size.

Ms. Tarrent said if Tiger Fuel is allowed to build their hypermart, however, the small Boyd Tavern Market may as well close its doors before they ever open. She said when she asked Mr. Sutton about this on Monday at his free food giveaway at Glenmore, he told her that was just business.

Ms. Tarrent asked the Board to vote "no" to the Special Use Permit.

Ms. Linda Sprouse, 4714 Mechunk Road, said she lives directly across from the commercial property where the gas station is proposed. She said as far as how this got to be commercial, she had no idea who changed it or how it got changed, but if this is the case and if the station gets their permit to build across from her, she would certainly like her property rezoned, as she would like it to be commercial as well.

Ms. Sprouse said as far as Mr. Frayser White threatening to put a Dollar Store across from her,

he should go at it. She said at least they would not be open all night long, and she would not think there would be a sign on I-64 advertising a dollar store.

Ms. Sprouse said as far as Mr. Jack McCormick, who lives directly across from her, Mr. Jim Morris restored the house he is in. She said where her well is in the front yard, they had to drill three wells. She said they did two in different areas, thinking they would get water. She said the third one had to come directly across from where her well is on her front yard, which evidently is where the line of water is, and likely everyone has the same line. She asked the Board to vote no for the Special Use Permit.

Mr. Greg Duncan, Mechunk Road, Scottsville District, said this matter comes before the Board with the unanimous recommendation of denial from their Planning Commission, and for very good reasons. He said the criteria they are required to consider militates strongly against this application.

Mr. Duncan said the applicant has taken the extraordinary measures to influence the Board on this matter, so he would spend a minute talking about what this meeting is not about. He said it is not about how many ads the applicant can put on the radio, asking listeners to call or write the Board, or about how many talk shows the applicant can do asking for the same. He said it was not about lawsuits. He said land use decisions should not be driven by speculation about lawsuits. He said if it were, then everyone should probably sue the County to get the land use decision they want. He said this is probably not the message the Board wants to send.

Mr. Duncan said it was not about how many free lunches the applicant can give away to induce people to support it, or about how many employees or customers it can get to weigh in. He said it is not even about claims that a Dollar General store may attempt to establish a by-right use on the subject parcel. He said he was sure the Board was tired of hearing that type of argument. He said here, this works against the applicant, since a Dollar General store is vastly preferable and is more appropriate for this area than a gas station.

Mr. Duncan said this is not a popularity contest. He said instead, it is about making a good land use decision, and the way the Board can do that is to apply the four well-known criteria they have to consider as a matter of law. He said they discussed these in detail on May 20, and they are the same criteria the Planning Commission faithfully considered in unanimously recommending denial. He said when the Board applies those same criteria, the inescapable conclusion is that this application should be denied.

Mr. Duncan said if, for some reason, this application is granted, a clear violation of the Comprehensive Plan and the criteria the Board has to consider, the precedent the Board would set would rumble through Albemarle County like a bad earthquake, affecting each district for many years to come.

Mr. Duncan said at the end of the day, this is simply the wrong place for a 4,000-square-foot gas station. He said they do not need it, especially with Boyd Tavern Market on 250 reopening. He said he wishes Tiger Fuel well, but this is not the right place for its station. He asked the Board to deny the application.

Mr. Kevin Skyler said for him, this was about a matter of fairness. He said this is a property that is zoned Commercial, where Mr. White paid value for those commercial property rights. He said not allowing commercial activity is taking his property rights, and essentially is the equivalent of eminent domain without a fair price. He said Tiger Fuel has been, in his mind, very accommodating along the way. He said they have shown flexibility and concern for the various comments. He said they have been willing to participate in the process and have been responsive. He said what he sees is much preferable to a Dollar General, big box store, Sheetz, Wawa, or any other commercial activity that can take place on that site.

Mr. Skyler said it seemed that there have been a number of changes to zoning over the last couple of years that have impacted many property owners, including himself. He said it has led to longer process fees and higher expenses. He said it seems that many of these have been driven by this particular project, and that Tiger Fuel has done a good job of trying to be responsive to the concerns that have been raised, worked within the changes that have been proposed and adopted, and create a project that preserves the value of the commercial property owner while being responsive to scale and other concerns that have been raised along the way.

Mr. Skyler said he supports the project and appreciated all the great comments that evening. He asked the Board to vote "yes."

Mr. Rory Stolzenberg, City resident, said he was not speaking in favor, nor in opposition, of this project. He said he does not really use gas stations and doesn't care about them but wanted to talk about the process. He said he has often asked the Board, when talking about housing, to consider the future people who will live in those homes and don't have a voice. He said this doesn't quite apply to a gas station or store, but the idea that potential future customers, like the ones the gas station was apparently soliciting to speak, shouldn't have a voice doesn't make any sense, especially when they then say they don't need it, as the people speaking about wanting it there is the same as there being a need for a store.

Mr. Stolzenberg said in terms of whether supporters have been paid or if they are getting free food to speak, this was interesting, and he wondered if perhaps they should consider giving everyone free

food to give their opinion, and they may get many more people to express their support or opposition for any project.

Mr. Stolzenberg said he heard multiple speakers that evening that he also has heard speak before in front of the City Planning Commission who he knows for a fact are getting paid salaries to oppose the project. He said it seemed like an odd thing that should be pointed out when they are suggesting that the other side is doing that.

Mr. Stolzenberg said he didn't care if the Board passed the Special Use Permit or not.

Mr. Gallaway asked if the applicant would like to respond to public comment.

Mr. Sutton replied yes. He said there was a lot to unpack and would do his best to do so efficiently.

Mr. Sutton said he wanted to start by letting Ms. Mallek know that it is only 1.2 acres of impervious asphalt on his project, of the total 3 acres. He said he also wanted to point out that they need to make clear to Ms. Palmer that the Special Use Permit conditions that go along with this application would stick with the property in perpetuity, beyond him. He said all of the many concessions he has made would stick with the property. He said he hoped to have his grandkids running that store.

Mr. Sutton pointed out that the store will not be seen from I-64, which is very clear and was mentioned as part of the Interchange Policy.

Mr. Sutton said Ms. Johnson spoke to the night sky. He said he feels that they have adequately addressed this already with the full cutoff lighting fixtures. He said they will not be polluting the night sky.

Mr. Sutton said with regard to contamination, he addressed this last time. He said they will have the biofilter there, set up to catch any contamination in the event that it happens. He said if there is any sort of spill, the medium there will prevent that contamination from affecting the water resources. He said they also have trained people on staff to avoid those spills, and in their 38 years, they have never had an environmental contamination of that sort.

Mr. Sutton pointed out to Dr. Bassignani that this is not a truck stop. He said he thought he established that on May 20. He said they are making it virtually impossible for those people to use their property.

Mr. Sutton said the point was made bluntly earlier that the site was zoned Commercial, is on the interstate, and has been zoned Commercial. He said it was not as if they are talking about paving paradise there, as this is a commercially zoned property off the interstate and has been this way ever since the neighbors bought their properties. He said the saying, "Let the buyer beware," remains.

Mr. Sutton said his company had submitted their studies from their hydrogeologist, which had months and years to be studied, assessed, and approved. He said the one mentioned that evening got lobbed at him out of nowhere, without any chance to assess it or its validity. He said lobbying this at the Board at the last minute with lots of "maybes" and "might be's" is just establishing doubt and not facts. He reminded the Board that if they have questions about that study, his hydrogeologist, Vincent Day, or one of them is available to answer any questions.

Mr. Sutton said as an operator who has been doing this for 38 years, the double wall containment tanks they have nowadays, in combination with the leak detection systems, make a contamination issue less likely. He said though anything is possible, one would be better off being worried about getting struck by lightning. He said they have never had contamination happen.

Mr. Sutton said Mr. Sprouse spoke about trying to put an apartment complex there and drilling 12 holes across the street. He said this was not true.

Mr. Sutton said trash has come up repeatedly that evening, and that he has established clearly that they do not allow this to happen at any of their existing nine stores, and they generously offered to adopt the entire section of road between the interstate and 250 and take care of the trash for everyone. He said he could promise that the trash situation would only improve.

Mr. Sutton said he resents the notion that Tiger Fuel is attempting to bribe anyone for their opinion. He said this was simply a neighborhood meeting, like the one they had months ago, that is a requirement as part of the Special Use Permit process. He said they were simply getting out in the community to meet people where they are and answer questions they had about the project. He said no one was bribed.

Mr. Sutton said there has also been speculation that many of the people who have spoken in favor of this project that evening do not live in the area, or that they work for Tiger Fuel. He said he counted, and there are eight people who live within less than a mile of the site that are fully in support of it. He said this is a County issue where many people from the County should have the opportunity to express their opinion. He said he rejects the notion that everyone who spoke in favor that night was somehow on their payroll, were bribed, or were endorsed by Tiger Fuel. He said this was neither fair, nor accurate.

Mr. Sutton said he totally understands and respects the traffic concerns, much like the water concerns that had been discussed throughout the process. He reiterated that a team of professionals and engineers at VDOT have assessed this, and the County's own Transportation Planner has assessed this. He said they have provided fact after fact and mountains of data in support of the number of trips that they will generate, where their trips come from, how they are generated, and all of this is based in fact. He said much of what was thrown out that evening is emotion and is not based in fact and should be discounted on those terms.

Mr. Sutton said that he has great deal of respect for Mr. Butler and enjoyed his meeting with him. He said the Comprehensive Plan is a guide, and there are ordinances and zonings that are law. He pointed out that there was one component of the Comprehensive Plan that was spoken to in an effort to railroad any and all development. He said there are many other segments of the Comprehensive Plan that speak to why projects like these are so critical and should be supported. He reiterated his point from his presentation that they are, in fact, consistent with the rural nature, as spelled out in the Comprehensive Plan.

Mr. Sutton said it was important to reiterate that they are not, in fact, a destination but are a pass-by use. He said they are not like a vineyard, brewery, amusement park, or anything that brings people out of their way.

Mr. Sutton said Ms. Tarrent's account of what happened earlier that week is totally inaccurate. He said he has spent a lot of time trying to assist previous owners at the existing Boyd Tavern Market and would be more than happy to continue to try to help this one. He said he thinks they could co-exist happily, and that he has some creative ideas in which he thinks he can actually help that business source product more cost effectively because of their co-location. He said he was more than happy to try to cross-promote.

Mr. Sutton said when the facts are on one's side, one argues the facts. He said when the law is on one's side, one argues the law. He said when neither are on one's side, one argues the emotions. He said much of what they have heard that evening from people speaking against the project have no law or facts on their side, and they are arguing with emotion.

Mr. Sutton said at every turn, over the last three years, Tiger Fuel has done everything and more that was asked of them. He said their application is based in fact, law, and data points, and not emotion. He asked the Board to vote "yes."

Mr. Gallaway closed the public hearing and brought the matter back to the Board.

Ms. Price said she had no questions at that time. She said she had comments she would like to make but would prefer to wait until any other Board members have those, as those questions and any answers might affect the comment she would make.

Ms. Palmer said she had a question for Mr. Sutton and a question for staff. She admitted this was a tough issue and that she could see both sides. She said she had some comments to make after questions were done.

Ms. Palmer said when the Planning Commission looked at this application, her understanding was that Mr. Sutton was not willing, at that point, to go along with staff's recommendations on the hours of operation to close between 10:00 p.m. and 5:00 a.m. She said at the last Board meeting, Mr. Sutton agreed verbally to do that, along with the lighting that the planner suggested, which was motion-sensor lighting. She said this did not actually get into writing for the present application. She asked Mr. Sutton if he was saying this was something he was now willing to put into writing for the Board to consider.

Mr. Sutton replied yes. He said they would most certainly put this in writing.

Ms. Palmer said her next question was for staff, and that she wasn't sure if anyone there could answer the question. She said it has been pointed out to her that with a facility or business of this kind, the Police Department would really want more lighting than just motion detector lighting, as they would consider this to be possibly unsafe or hard to monitor at night. She asked if it were even a possibility that the applicant could use only motion detector lighting there.

Mr. David Benish, Chief of Planning, said he knows there are standards for public safety that, in some ways, contradict some of the County's effort for dark sky lighting, as the police do prefer a larger amount of illumination. He said it makes surveillance of sites better. He said he did not know whether the police feel like this site in this location and character is problematic if the lights were cut off. He said they would have to get a definitive answer to that, although he wasn't sure if this was a definitive yes or no either way, but there is a tendency for the police to want more lighting.

Ms. Palmer asked Ms. Kanelopolous if she had anything to add to that.

Ms. Kanelopolous replied that she did not. She said the condition, as it is written now, does go in combination with Condition #4, so the hours of operation must be between 5:00 a.m. to 10:00 p.m. and restrictions to lighting must apply, which include outdoor lighting being turned off outside of hours of operation. She said as it is written now, all lighting on the site would have to be turned off between 10:00 p.m. and 5:00 a.m.

Ms. Palmer asked if there would be some kind of lighting left on inside the building.

Ms. Kanelopolous replied that there could be if the applicant chose to do so, such as for safety reasons, but that all the outdoor lighting would need to be turned off the way the condition is written now.

Ms. Palmer said perhaps Mr. Sutton could comment on what the police have requested of him at his other sites.

Mr. Sutton said they had not had any requirements brought upon them from the Police Department with regard to keeping overnight lighting. He said his understanding, based on the May 20 hearing, was that at 10:00 p.m., the lights would be off. He said they may leave some very minimal lighting on inside the store, but that they have a robust security system and cameras that address his security concerns. He said if it helps the Board, he has no desire, nor does he think there is a requirement, for the site to have any sort of lighting on around the perimeter of the property or outside the property. He said he could speak to the fact that motion detectors are possible and that he has used them in the past.

Ms. Palmer asked if Mr. Sutton would be putting the Adopt a Highway offer into the written statements.

Mr. Sutton replied yes.

Ms. Palmer said there were many comments about tractor trailers and that she couldn't remember if Mr. Sutton went over those in his comments. She asked if Mr. Sutton would not be servicing tractor trailers and would be designing the entrance to make that very clear to any tractor trailer driver.

Mr. Sutton replied this was correct. He said it would be very difficult, if not impossible, for tractor trailer drivers to access the property. He said they are doing multiple things to dissuade them. He said at their nine other locations, they do not have issues with tractor trailers pulling onto the lot overnight.

Mr. Sutton said the technology does exist, if it gives the Board comfort, where he can have motion-sensitive cameras that would alert him and his staff in the event that that were happening, and then they could react immediately and prevent it. He said they are more incentivized than any neighbor or anyone on the Board to deter that in the event that it was happening. He said in his 38 years of running stores, they have not had that be an issue on their properties.

Ms. McKeel said her understanding is that the gas pumps would not even be friendly for 18-wheelers, as they are not the type of pumps that they could even use for their vehicles.

Mr. Sutton said this was absolutely right unless the driver wanted to sit there all night waiting for the tank to fill up.

Mr. Gallaway asked Mr. Sutton if he could speak more to the protected left-hand turn and the conversation he had with VDOT about it.

Mr. Sutton replied that this was shared with VDOT and with Mr. Kevin McDermott, and they are both receptive to the idea. He said he got some feedback that there was concern about safety leaving the site with the left-hand turn, so he offered to put in a protected left-hand turn whereas one makes that movement, there is a long merge lane that allows one to get up to speed and merge with traffic coming from the south or from Route 250. He said he thinks this makes good practical sense and is happy to accommodate that request.

Mr. Sutton said the comments from Mr. McDermott and Mr. Adam Moore, with VDOT, are that they thought it made sense, though they did not think it was necessary based on the data and science, that it was a practical idea that would promote safety, and that it would require a more thorough review that could be handled at the site plan process.

Mr. Gallaway asked if one of the visuals that showed how homes across from the property are turning out onto the road would work in tandem with the protected left turn so that left-hand and righthand turns are not getting confused with one another.

Mr. Sutton replied that there was some concern that Mr. McDermott had, and that he would rather let him speak to that. He said there was not a concern that it would be a major issue.

Mr. Gallaway said he heard Mr. Sutton talk about the tanks that they use and that leaks are possible. He asked Mr. Sutton if he could talk about general spillage. He said he was sure running these types of stores and in dealing with fuel transfers from trucks to underground tanks, there must have been times where spillage has occurred. He asked what process or procedures Tiger Fuel has in place to mitigate when things like that happen.

Mr. Sutton replied that everyone on site is trained on how to manage and handle those spills, as required by the State. He said they have very robust spill kits on the property that are there to handle those spills in the event that they happen, including things such as absorbent booms that prevent the spill from getting into the water resource. He said their mid-level management has a higher level of training, and their upper-level management has a whole other level of training. He said it is something they take

very seriously and are well-prepared to handle in the event that they happen.

Mr. Sutton said the most common spill is typically a very small, at less than a fraction of a gallon, and it typically evaporates before it has an opportunity to get into any sort of water resource. He said they are very well trained in handling those spills and have never had a spill that has required any sort of environmental remediation.

Mr. Sutton said the local fire department is also very well-equipped at handling spills. He said Tiger Fuel has had some spills where the fire department had to come in and help them and that in those instances, they never had any sort of environmental contamination and it was always contained. He said while anything is possible, it is something that they take very seriously and have effectively managed for a very long time.

Ms. Palmer said this was for a Special Use Permit, and that she is supposed to be able to ask most any question she wants to ask. She asked under what circumstances would Mr. Sutton see himself coming back to ask this Board, or a future Board, to change the lighting, hours of operation, or the stores.

Mr. Sutton replied that his understanding is that the conditions stick with the property in perpetuity. He said he would certainly like to be running longer hours, which would help Tiger Fuel maintain economic viability, but that he has never honestly considered coming back to the Board and making that request. He said he was willing to grant that concession because he thinks they can and will operate successfully within those parameters.

Ms. McKeel commented that in terms of the fuel pumps on the property, she wanted to remind all the Supervisors that they certainly feel comfortable having gas tanks on the Lambs Lane school campus, which is also surrounded by a neighborhood with wells. She said this situation is happening right now, and that it has happened for many years with no one questioning the gas tanks there buried into the ground. She said they are used for all the police and fire rescue vehicles as well as school buses, so they get a lot of use.

Ms. Price thanked Mr. Sutton for the presentation and the work he and his company have done. She thanked County staff again for the great job they have done. She said over the course of the last many months, this has been a topic of frequent conversation. She said she would like to think that, over that time, she and Mr. Sutton have formed a very amicable and appropriate professional relationship. She said similarly, over the last many months, she has had the opportunity to engage in communications with dozens of residents and constituents and that she hoped that similarly, she has been able to form a good professional relationship with them. She said it is a nice thing to have, though not relevant to the decision that has to be made that day.

Ms. Price said for the residents, it is important to recognize that this is not a zoning issue, but a Special Use Permit, and that there are some substantial differences and distinctions between them. She said as it has come before the Board for a Special Use Permit, they have both the responsibility and the right to review all aspects of this application.

Ms. Price said there are several issues that have been raised, and that she wanted to address her thoughts on each of them. She said the first was with regard to the water issue, of which she sees two aspects. She said there is a water consumption issue, and a risk of water contamination issue.

Ms. Price said with regard to the water use issue, her background is that she lives in the County in the middle of nowhere, and her well only has a refill rate of half a gallon a minute. She said the ideal is no less than 2-3 gallons per minute. She said the average American uses about 75 gallons of water per day. She said even her half-gallon-per-minute refill rate would provide 720 gallons a day, and that nine adults would use about 700 gallons per day. She said she believes that with the 700-gallon-per-day limit, and with the restrictor that has been offered as part of the proffer, that the water consumption issue has largely been mitigated.

Ms. Price said she does believe that there will always be some water contamination concerns, and that this is a much more difficult thing to be able to have complete confidence that there could not be an issue. She said she appreciated Mr. Sutton describing the safety features built into his properties to mitigate that. She said she did not know that anyone in the surrounding area would ever be completely satisfied with that, but that she does recognize and appreciate what he has done.

Ms. Price said the Planning Commission voted against this application based on three issues: conflict consistency with the Comprehensive Plan, whether fuel sales are an ancillary use, and potential negative impact on the adjacent nearby properties. She said she would come back to that at the conclusion of her general comments.

Ms. Price said she had four questions that come to mind: why, who, what, and where. She said as far as why, the proponents, Mr. Sutton, and those who support the application, cite convenience and provision of goods not otherwise reasonably available, unless one goes to Zion Crossroads, 7 miles to the east, or Shadwell/Pantops, about 5 miles to the west. She said the opponents state the only reason the applicant wants to do this is to make money. She said this is what businesses do, however.

Ms. Price said in terms of "who," over the course of her few years in the area, she has lived very close to the Mill Creek Market and found it to be a very convenient, well-run business. She said she thinks Tiger Fuel and Mr. Sutton are collectively well-respected. She said local businesses like this one

are the kind that the County wants to support. She said Tiger Fuel has made a number of concessions and proffers, especially from the original application. She said she did not believe that the County could reasonably expect, nor that Tiger Fuel could reasonably offer, much more in terms of concessions and have it be an economically-viable business, based upon their model.

Ms. Price said the application goes with the land, not the applicant, and as pointed out at the Planning Commission and by several of the speakers that day, what the Board has to look at is zoning Comprehensive Plan Special Use Permit process, and not just the "who."

Ms. Price said additionally, with the numerous communications regarding this application over the last number of months, at her last count, she personally had well over 700 emails that she has received, sent, or exchanged with regard to this specific application which, in her six months on the Board, is far and away the largest number.

Ms. Price said it is very clear that many people in the County or the surrounding area, not just her district, have been able to express their opinions to her, and that she has tried to respond personally to every constituent within her district. She said if she has missed someone, she apologizes, and that she did the best she could. She said sometimes the Board receives emails and does not know where the person lives or works and that therefore, she does not know if they are within her district.

Ms. Price said what she has noticed among these communications is that businesses, in her opinion, universally support Tiger Fuel. She said this is a great testament to Mr. Sutton, his company and employees, and what they have done in the community.

Ms. Price said those individuals who do not identify their residence location overwhelmingly support the application.

Ms. Price said one of the factors the Planning Commission looked at is the negative impacts to adjacent nearby properties. She said as residence locations become closer to the property, the communications become much more mixed. She said the majority of individuals, who have at least communicated with her, that live in very close proximity to this particular proposal do not support it. She said this is basically where she has seen the three broad types of communications she has received.

Ms. Price said what they have is the application for a Special Use Permit on a parcel of land that is zoned Commercial. She said the land has been zoned Commercial or a comparable zoning property for 50 years and yet, it has not been developed.

Ms. Price said what they have is a first-time development of this property. She said they could expect it to be developed at some point, whether it is now, in the near future, or in the long-term future. She said this is one area where she believes that both supporters and opponents of this application have, on occasion, used the politics of fear. She said she tries to discount that, as what they have to deal with is what they have in front of them, and not necessarily what they might see as a possibility that is speculative in the future.

Ms. Price said she has spent a good deal of time over the last number of weeks examining every sort of comparable or noncomparable type of related business, everything from the 6,400-square-foot six-pump, twelve-nozzle Sheetz at Zion Crossroads to the smaller markets with country stores, some of which do not even have gas pumps. She said one commenter that evening, Mr. Brooks, actually mentioned in each district some of the comparable, small country stores, most of which are smaller footprints and have fewer pumps.

Ms. Price said mixed messages have been given on whether interstate traffic is the target audience, or if it is local pass-through. She said she suspects it is a little bit of both, as it is a business after all, and being located at an interstate interchange would increase the flow of traffic coming through there. She said this goes back somewhat to one of the other considerations in Strategy 1A of the Comprehensive Plan, that these projects should support the Rural Area goals, objectives, and strategies for those existing residents.

Ms. Price said many of the 700 emails she has received or responded to have been from individuals who do not reside in the local area and have indicated that they look forward to having an opportunity to pass through and utilize the business. She said this was not exactly providing support to the existing residents.

Ms. Price said another thing that was mentioned by some of the callers that evening was that by having a business like this, it would increase the property values. She said her concern there becomes the "if you build it, they will come" aspect that, by increasing the development in the Rural Area, they are simply encouraging other development in the Rural Area.

Ms. Price said she will want to hear from some of the other Supervisors in terms of the whole question of planning, control, and how to achieve their objectives. She said she has heard arguments on both sides that if the Supervisors grant this Special Use Permit, then they are actually controlling development; and on the other token, she has heard from the other side that if the Supervisors grant this Special Use Permit, they are expanding development creep into the Rural Areas. She said she was interested to hear from the other Supervisors.

Ms. Price said the final area is "where." She said Black Cat Road is a rural two-lane road. She

said there are only two rural interstate exchanges in the County, with Black Cat Road being one of them. She said the others are larger and much more subject to development. She said there is constant pressure to expand development into the Rural Areas.

Ms. Price thanked Tiger Fuel for everything that have done to try to work towards getting their project approved, but that she is concerned about a couple things. She asked if they were basically shoehorning in an application that does not really fit within the description of a country market. She said there are five pumps, not three, and she was not completely convinced by staff's explanation that by having three visible and two hidden behind the building, that this complies with the country store expectation of the number of fuel pumps. She said it raises the question of whether the fuel sales are ancillary or primary.

Ms. Price said there is Glenmore, which is a large development, as well as the Village of Rivanna, and some of the facilities within the Village of Rivanna would be available to provide food service, which is one of the things this particular market is proposing. She said there is also the proposed development at Breezy Hill. She said part of the concern she has is that what they may be doing is just hitching the Development Area concepts and pulling them into the Rural Area, which would not be in compliance with the Comprehensive Plan.

Ms. Price said this is a very difficult choice, and a very difficult question. She said candidly, she has been able to find herself arguing equally well, both in favor and opposition. She said ultimately, at this point, noting that she wanted to hear from the other Supervisors, the comments that were most significant that she wanted to address included the mention from Mr. Knight about the Zoning Text Amendment change. She said ZTAs do happen. She said the issue can be decided in the courts and that it was not for the Board to make a decision on. She said the Board has what is in front of them, and that this is what they should operate under.

Ms. Price said there were individuals whose comments really strike to the heart of where she is on this. She said Mr. Johnson talked about essential services, so she has looked at the maps to see what is available. She said she had to question whether what Tiger Fuel is offering here is really essential as opposed to what people would simply like to have for the convenience. She said she thinks the convenience is more towards a development rather than a rural area.

Ms. Price said the comments from Mr. Butler and Mr. Tubbs about the proper factors the Board should review and analyze in making a decision, the Rural Interstate Interchange Policy, really go to the heart of the issue. She said for her, the issue is not the "why" or the "who." She said it is a bit of a "what," but it principally is the "where" and whether this is, in fact, the right location for this type of a development. She said she would like to hear from the other Supervisors.

Ms. Palmer said she was narrower in her evaluation of this. She said she tries very hard in these situations to never look at the "who." She said she is always looking at what is happening on that particular property. She said this is very difficult because this is old, stale zoning and is a commercially zoned property. She said she could not imagine a Dollar General going there, but to be frank, she is concerned about the lawsuit that is out there and what they might have in the future.

Ms. Palmer said putting that aside, she has two issues, and one is with regard to the Growth Management Plan. She said she looks at the Growth Management Plan and says that they have to stick to those commercial uses that are allowed in the area without a Special Use Permit. She said this is more consistent with the Comprehensive Plan and the Interchange Policy.

Ms. Palmer said the other side of the coin is that Tiger Fuel has worked hard to conform to a modern-day definition of a country store. She said it is never going to be the tiny store that is seen around the County now but will be more modern. She said it is scaled down, however. She said she would be much more comfortable if she could be assured that the hours of operation would close and that the lights would be off from 10:00 p.m. to 5:00 a.m.

Ms. Palmer said the two issues were if this really meets the modern definition of a country store, or if they should just be looking at the Growth Management Plan to say that this does not do it.

Ms. Palmer said she has gone back and forth over and over again on this application. She said at the end of the day, she is still very concerned about the fact that the Board could approve something right now that is closed from 10:00 p.m. to 5:00 a.m. and that a year from now, it is not. She said this is her biggest concern. She said if she could be assured that it would meet more of her definition of a country store, she would be more comfortable.

Ms. Palmer said she has Crossroads in the Samuel Miller District, and anyone who has ever driven down 29 at night and passed Crossroads, the lights are very bright, and it is quite invasive in that particular location, which is a rural country store.

Ms. Palmer said she was also interested in finding out what the rest of the Board would have to say.

Mr. Kamptner said Condition #4, recommended by staff, restricts the hours to between 5:00 a.m. and 10:00 p.m.

Ms. Palmer said her question is if the applicant will come back and continue to push and ask for

changes in that application, which has been pointed out to her would be something that would probably happen in the future. She said this is why she asked Mr. Sutton under what circumstances he would see himself coming back and asking for that.

Ms. McKeel said Ms. Palmer said she believes Mr. Sutton is going to come back in the future, or that it has been suggested. She asked if the applicant could answer that question, and if it was possible.

Mr. Sutton said he was sorry if he wasn't clear earlier. He said he has no intention of doing this. He said until that evening, he did not even think it would be a possibility. He said perhaps Mr. Kamptner could speak to that. He said with the conditions of the permit, he would have to come back before the Board, and they would have to approve it. He said he was happy to do whatever he could to alleviate that concern, but that it didn't seem that it should be a concern.

Mr. Kamptner said the Board periodically gets applications to amend zoning or Special Use Permits and is a decision that is ultimately up to the Board.

Mr. Sutton said if he were to appeal, the Board would have the opportunity to say no, but that he had no intention of appealing.

Ms. McKeel asked Ms. Palmer if she were concerned that it would be something that staff could approve.

Ms. Palmer replied no. She said they could not bind a future Board to anything.

Ms. McKeel said Ms. Palmer's concern, then, was a future Board.

Ms. Palmer said she could see a situation where someone could come back and say that this is not a viable business in this particular area unless they have longer hours of operation. She said this is what she was responding to.

Ms. Palmer said she was trying to make it as much of a country store to fit that, which staff has actually tried hard to do. She said staff put a lot of stipulations on this piece of property, which she agrees with. She said she thinks staff did a good job and that Tiger Fuel did a good job in agreeing to all these things and trying to mitigate to make this as much of a country store as it can be, which she appreciates.

Ms. McKeel said they have already discussed the fact that they have country stores right now that don't follow anywhere near this restriction of lighting and operational hours that this applicant promises to do. She said she feels very comfortable with this application because she thinks that they need to look at the definition of a country store differently now, just as she looks at the Constitution. She said they have to look at things as living documents, and perhaps their country stores need to change somewhat with the times as well.

Ms. McKeel said to her, this is a model of a modern-day country store. She said it provides jobs for people, and she thinks the applicant is actually promising to do things in writing that many of the other country stores are not having to do. She said it is a commercial area. She said she is looking very favorably right now at the application.

Ms. McKeel said for her, the water situation was not a problem and had been figured out. She said it has been explained to the Board numerous times.

Ms. McKeel said at the end of the day, this country store application is appropriate for the area. She said she believes it would be a benefit for the people who live there. She said the County wants to encourage their local businesses to grow. She said this was not surrounded by more Commercial areas where it will spread and create all kinds of other businesses going in. She said the "slippery slope" idea really worries her, as she cannot approve or disapprove applications based on slippery slopes. She said the Board hears this thrown out a lot and that she does not buy that.

Ms. Mallek said she wanted to start by telling Ms. McKeel that she is horrified by the gas station at Lambs Lane and would very much support getting it out of there ASAP.

Ms. Mallek said the inconsistency with the Rural Areas and the Interstate Interchange Policy are both showstoppers for her on this. She said the expectation for the Intersection Policy was revisited as part of the Crozet Master Plan in 2010. She said it was strengthened during the Comprehensive Plan revision and the Master Plan update, and for very good reason and with lots of public input for the Boyd Tavern people as well as the Crozet Exit 107 people.

Ms. Mallek said she was very taken by Mr. Carlton Brooks' comments about rural services having no interstate signage advertising services there. She said there are no stop lights, and just dark skies, which is all that people want. She said her rural residents often say that "police and fire is all we get and leave us alone." She said it just happens to be that there is an interstate going by, and that many of the residents were actually there before the interstate got there. She said she thinks it is unfair to say that they knew what they were getting.

Ms. Mallek said with regard to a comment about the Commercial zoning, it has been zoned Commercial, but in 1975 to 1980, the zoning was picked by the landowner. She said in order to get zoning passed at all, people were asking, "What would you like to have your zoning be?" She said it was

not a planning effort, but a choice effort, which is how they got these 87 owners in commercial-zoned parcels that were chosen that way. She said this is the reason why the special permit is so important, so that they have some balance about the way these impacts will be going forward.

Ms. Mallek said there is an undeniable impact on the character of the neighborhood and the lives of the people who surround it. She said for her, this is a core value of the special permit process, and with the history of other similar operations they have dealt with for the last 12 years, several applicants have been back multiple times for new hours, new lights, and expansion of square footages, with three times in 10 years for one in the White Hall District. She said this means the neighbors have to go around every time, every year or so, and go through this misery that disrupts their lives.

Ms. Mallek said once the station is there, unless there is a gate to close the entrance, it will be impossible to control people stopping there, parking overnight, and sleeping in their cars, which creates a burden on the neighbors.

Ms. Mallek said the Country Crossroads effort raised her hackles when staff first said that that was something they had used as a way to evaluate this. She said the reason is really based upon the size and scale of the operations that were considered.

Ms. Mallek said somewhere in the earliest hearing, someone said that these small country stores can't survive, and that we have to be big in order to live. She said in the White Hall District, there are several that have been surviving, with one for 110 years that is the oldest continually operating country store in the country, which she is very proud of. She said it is 1,100 square feet and has two gas pumps.

Ms. Mallek said she has a different view about what country stores are, and that before the County changes its evaluation of country stores, they need to change the regulations and not use a permit application as a way to change the rules. She said the proposed 4,000-square-foot store is much closer in size to Sheetz at 6,000 square feet than it is to the 800 to 1,200-square-foot stores that exist in the White Hall District.

Ms. Mallek said the Country Crossroads that people mentioned have different attributes that do not exist on this country road in Boyd Tavern. She said Earlsville has a medical office building, a church, and two auto businesses. She said one auto business is a successor of one that started in 1910, which had a long-time gas station where everyone stopped for donuts in the morning. She said that closed 20 years ago and is now a thriving thrift exchange with a community gathering place and coffee pot.

Ms. Mallek said in Free Union, the country store closes at 5:00 p.m. and if one doesn't get there by then, they're out of luck. She said it has two pumps. She said there is an elementary school, doctor's office, and two churches. She said a former auto repair is reviving into some other use.

Ms. Mallek said in White Hall, Wyant's Store has 1,200 square feet and two pumps. She said up the street is the Piedmont Store, which hosts the post office. She said the historic community building maintained by the Ruritans is across the street. She said this is what these little country villages are. She said Greenwood has a post office, antique stores, and a community center. She said Ms. Palmer now has Batesville, which has a post office, the historic Page's Store, and three churches all in their crossroads. She said all these places with the markets have cheese wheels, delicious sandwiches, and soups and are offering far more than just bags of Cheetos and Pepsis.

Ms. Mallek said she thinks that the size and scale is incredibly important for her particular decision. She said this also creates the impact on the neighborhood and changes the character of the Rural Area.

Ms. Mallek said the night sky is something the County cannot ignore. She said she has sat at the street without her car lights on and read the newspaper 50 yards away from a modern gas station similar to this one. She said the LED lights are very damaging. She said the accumulation of people who come after hours will be difficult for everyone, including for public safety workers to manage.

Ms. Mallek said she has grave concerns about this application being able to meet the special permit criteria that they should be looking at very seriously.

Ms. LaPisto-Kirtley thanked Mr. Sutton for being out in the community and being a good steward of business. She said she wanted him to continue that communication with the community. She said she thinks Tiger Fuel is a good example of how businesses should be.

Ms. LaPisto-Kirtley said she goes to this corner several times a day. She said she is probably the only Supervisor that hits that corner each day. She said Black Cat Road is a rural road. She said the proposed gas station is on a blind curve. She said with people speeding around there, and now adding a business where people are making left and right turns, this is a real problem for her. She said she could see additional accidents happening there. She said coming off I-64 and making a left turn, one has to look not to be rear-ended by a car coming around the corner from Black Cat Road.

Ms. LaPisto-Kirtley said farther up Black Cat Road, there is a T intersection. She said Black Cat Road intersects with Route 22. She said it is a very dangerous T intersection. She said if this business were built, this means that everyone who lives along Route 22 North would have to make a left turn onto Black Cat Road. She said they are going down Route 22 at 50 mph. She said having to make a left-hand turn at a T intersection to go to Black Cat Road to then go to the gas station is going to be another cause,

in her opinion, of additional problems and accidents there.

Ms. LaPisto-Kirtley said she knows that the applicant said the fuel is an ancillary use, but she thinks that the signs that would be put up on I-64 would dictate otherwise.

Ms. LaPisto-Kirtley said a small country store attracts locals. She said she has heard from people far away in other counties and areas that want to be able to use this country store to get gas and food. She said that is not a local country store but is for the use of other people. She said she thinks the additional traffic from that use would be great, and especially that coming from I-64 from Richmond or other counties, the thought will be about why one would go to Sheetz when they could quickly jump off the road, go to The Market at Boyd Tavern, then get back on again. She said thereby, they are increasing the traffic flow a lot.

Ms. LaPisto-Kirtley said this is really not a commercial area, but a rural area with a C1 parcel. She said she understands this and that something will probably go in there eventually. She said it is a rural road in a Rural Area. She said she has heard from her constituents, and it is important to maintain the rural atmosphere they have. She said this application does not fit in with the rural atmosphere, and not with the amount of gas pumps. She said it is not a small country store. She said it was a nice, modern country store, but that it is not a small country store for locals, which would be more fitting with the rural nature.

Ms. LaPisto-Kirtley said she, too, has grave concerns about this proposal and agrees that it doesn't fit in with the Comprehensive Plan.

Mr. Gallaway said he wanted to allow people to understand how he went through deciding where he would be on this application. He said it has been mentioned multiple times that this has nothing to do with Tiger Fuel, and that he agrees. He said it is a Special Use Permit, and for him, that means he gets to judge the impacts and make a call on this application based on the impacts the project could bring. He said he would try to use his best judgment for that.

Mr. Gallaway said in considering that, he recalled at the last meeting that he had asked what the view from I-64 would be, as one of the concerns was that when driving on the interstate, drivers will be able to see the gas station, and that this was something they were planning to avoid. He said at that time, the viewpoint from I-64 said that the visual impact of that store would be minimal on the interstate.

Mr. Gallaway said with the concerns about litter refuge and trash, it seems that a lot with nothing developed on it, with no lighting or supervising activity happening there, is more of a place or target for trash being left than a place where something is there. He said when they put a good actor in who is planning to do Adopt the Highway and take care of their own development helps to mitigate issues with trash, rather than making it worse. He said if there is an actor there who isn't concerned about that, regardless of where their stores are, this could be an issue.

Mr. Gallaway said there have been concerns about bad people, nefarious actors, and some sort of criminal element. He said he has seen concerns like this come up concerning trails, where if there are more trails, there will be more bad people coming through, when it is actually true that the more traffic there is on trails, the less bad people there are because there are more people there. He said like the trash issue, if they have a good, viable neighborhood business there, it will offset any issue.

Mr. Gallaway said traffic coming off I-64 to visit this business was bound to happen, as it is right there. He said they have all used their anecdotal judgment, and there is no way to tell for sure until they put something in and then study it to know exactly what would pull from the interstate. He said he commutes from Charlottesville to Richmond every day for his job and passes that intersection every day. He said he times his gasoline consumption so that he doesn't have to stop. He said if he has to stop along the way, it is poor planning on his part.

Mr. Gallaway said he goes by where he sees people leaving and coming back on the interstate, and it is at Exit 136, which is at Zion Crossroads. He said it is not just because there is a gas station there, but because there are 4-5 on both sides of the highway and multiple places where they can get other things.

Mr. Gallaway said between going to a smaller store or a larger place to get gas on emergency trips, he has pulled off on some farther down, closer to Richmond, that are the small country gas stations, and they are not quick places to get in and out of. He said there are fewer pumps, smaller impacts, and usually people standing around wondering why he is there when he stops. He said it is not a quick place to get gas at, which is why he would prefer the bigger places that handle more volume.

Mr. Gallaway said in terms of groundwater, there have been multiple studies. He said as Ms. Price said, consumption is not an issue for him. He said he is satisfied the consumption will be there, as well as the restrictive device. He said if there are drought conditions, it will not just be an issue for the residents, but for this applicant as well.

Mr. Gallaway said he is concerned about all the talk about having to think of this place as a country store. He said unless his memory was not correct, he thought at the last meeting, staff said that they used country stores as a basis to try to understand how to do this, but they were not trying to make this fit some sense or model of country store. He said he was not seeing the application needing to fit some definition of country store in order to make a judgment on the application.

Mr. Gallaway said in terms of scale and character for what the applicant is suggesting, the caveats have been made, and the applicant has done a good job of trying to fit in an appeal to design elements through lighting, setbacks, and restricted parking. He said they are trying to do a good job of fitting into the location they are going.

Mr. Gallaway said in terms of overnight parking, he addressed this at the last meeting with his question. He said it seemed to him that a business like this, like the residents, would not want overnight parking. He said it is not a good thing to have for one's business, and suspects this would be self-policed if it became an issue.

Mr. Gallaway said frankly, the point of whether the gas or food is primary or ancillary is not a point of decision for him. He said he is simply looking at the impacts, and that for him, one or the other doesn't help him to figure out potential impacts.

Mr. Gallaway said it looks like, by design, the truck traffic, both by the pumps in use, and the entrance, would deter large truck traffic for coming in. He said they would make the mistake of going in there once and probably would not make the mistake of trying to get in there a second time.

Mr. Gallaway said Special Use Permits do let the Board decide at each application point what the impacts are and whether or not they will allow the application to go forward. He said if someone were to bring it forward again with something extended, the Board can make that decision at that point.

Mr. Gallaway said as Ms. Price commented on another application, it is getting tiresome hearing the fear tactics of trying to get the Board to move into an application based on what may go in if they do not approve this one. He said it is becoming stale.

Mr. Gallaway said at the end of the day, the land is zoned C1. He said it is and has been that way. He said it is hard to deal with the fact that it has not been changed or dealt with in the past, but that is where it currently sits.

Mr. Gallaway said traffic has been a large concern. He said with the idea of the turn lanes and the conversations with VDOT about the protected left turn out, it would help not only mitigate those users leaving the area, but with others who are trying to turn right across the road. He said there would be a dual benefit of protections there.

Mr. Gallaway said he does think that the traffic is probably an issue already. He said much of the passer-by traffic will continue to grow, regardless of what is on the site. He said the traffic that could be coming on and off from the interstate would add to that, but that the primary traffic is already traveling up and down that road from the residents living there.

Mr. Gallaway said the caveats the applicant has made have been very persuasive. He said the biggest one was the caveat made at the last application of not wanting the 24-hour pump service. He said to him, this was big, and he was shocked the applicant gave that up. He said to allow the business to run from 5:00 a.m. to 10:00 p.m., to have lighting be cut off during all other times, and to not ask for the 24-hour fuel pump service was a big caveat. He said he has specifically asked in the past what this means from a dollar perspective for the business, and it is significant to give it up. He said he thought this was a caveat that spoke to trying to mitigate any impacts to the local area, unlike a business or pumps running 24-hours a day.

Mr. Gallaway said the other caveats were Adopt a Highway, the lighting cutoffs, and the turn lanes. He said these were all persuasive to him.

Mr. Gallaway said in terms of the comments about stale zoning, this property is zoned C1 and until this changes, this is what he has to deal with. He said he is focusing just on the impacts and thinks that as far as the application goes and the things that have been done to address those impacts, they are persuasive for him.

Ms. Palmer said the talk about the country store is about size and scale, and she believes this was why staff brought this up as a comparison to give the Board something to look at with respect to size and scale. She said as she said before, she thinks that this application meets her modern definition of that.

Ms. Price **moved** that the Board disapprove SP201900006 The Market at Boyd Tavern (Attachment G), due to her concerns on the Rural Interstate Interchange Policy and the Comprehensive Plan. Ms. Mallek **seconded** the motion.

Ms. Mallek asked Mr. Kamptner if a motion were needed to actually approve instead in order to have a clearer answer.

Mr. Kamptner replied no.

Ms. Mallek asked if a 3:3 vote was a "no" in either direction.

Mr. Kamptner said if it is a 3:3 "no," he would ask a motion for a motion to approve and revote if it is a tie vote.

Mr. Kamptner said before the vote begins, there were a number of reasons articulated. He said Ms. Price articulated the inconsistency with the Interstate Interchange Policy.

Ms. Price said she also reference the Comprehensive Plan, although she did not specify Strategy 1A. She said those would be the two main reasons.

Mr. Kamptner mentioned the Growth Management Policy.

Ms. Price said Strategy 1A is about being consistent with the rural, agricultural, and existing residences.

Ms. Mallek asked if she could make an amendment. She asked if they could also talk about the impact of noise and lights on the existing neighborhood, as well as traffic on the rural road. She said those are all also criteria for a Special Use Permit.

Ms. Price said she would accept that. She said she thought this tied in with Strategy 1A.

Ms. Mallek asked if this answered Mr. Kamptner's questions.

Mr. Kamptner replied yes.

Roll was called and the motion failed to carry by the following recorded vote:

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

Mr. Kamptner said the motion to approve would be a reference to a resolution, Attachment F, and could also refer to all of the conditions in Attachment F. He said there was an additional condition related to the Adopt a Highway program that was raised, Attachment H, which states the applicant will participate in the Adopt a Highway program on Route 616 from the site to Route 250. He said these were from his notes from the May 20 meeting, and he took it that the applicant was willing to continue that commitment.

Ms. McKeel **moved** to approve SP201900006 The Market at Boyd Tavern (Attachment F) with the conditions listed. Ms. Palmer **seconded** the motion.

Mr. Benish said the turn lane proposal is not part of the application plan. He said this is a part of the plan that might need to be added.

Mr. Kamptner said this was true if the Board wanted this. He said his understanding was that this was still under review.

Mr. Benish said the first question would be if the Board wanted that expectation. He said if they do, they will want to caveat it such that if VDOT would not approve it, they will not have to go back for an amendment. He said if the Board is comfortable with not making that a condition, he wanted them to be aware that that proposed change does not show up on the application.

Mr. Gallaway said it has been clear to him that it was not part of it and that it was in process with VDOT.

Ms. McKeel agreed.

Roll was called and the motion failed to carry by the following recorded vote:

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

Mr. Gallaway said the Special Use Permit will not go forward. He said the Board appreciated Mr. Sutton's time and providing all the information. He said they appreciated the people who emailed and signed up to speak on this application at both this meeting and at the last one. He said all of the input has been appreciated by the Board in order to make their decision.

Agenda Item No. 17. **Public Hearing: Ordinance to Amend Ordinance No. 20-A(6), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster.** To receive public comment on its intent to adopt an ordinance to amend Ordinance No. 20-A(6), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster by: (1) adding to Section 4 the Jefferson-Madison Regional Library system to the list of public bodies providing "essential governmental functions" and making other minor revisions to Section 4; (2) revising Section 6 regarding how public bodies provide notice of and conduct public meetings in light of new State law; and (3) changes to other sections to ensure consistency with the proposed amendments to Sections 4 and 6.

(Advertised in the Daily Progress on June 8, 2020.)

The Executive Summary forwarded to the Board states that, on March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency, and Governor Ralph S. Northam declared a state of emergency, both as a result of the novel coronavirus ("COVID-19")

pandemic.

On March 27, 2020, the Board adopted Ordinance No. 20-E(3), an emergency ordinance to ensure the continuity of County government. Following a public hearing on April 15, 2020, the Board adopted Ordinance No. 20-A(6), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster. Section 4 of Ordinance No. 20-A(6) identified the essential governmental functions of the County's various boards, commissions, and other public bodies, as well as its offices and departments. Section 4 also identified several Board-created public bodies and authorities, as well as entities created by joint exercise of power agreements between the County and other localities.

The Jefferson-Madison Regional Library ("JMRL"), a regional library system created by an agreement among the County and other nearby localities, requested to be added to Section 4 to allow its board to hold public meetings during the COVID-19 disaster without physically assembling.

On May 20, 2020, the Board adopted an emergency ordinance to add JMRL to Section 4 and to make other minor amendments to standardize some of the language throughout Section 4.

Virginia Code § 15.2-1427(F) limits the duration of an emergency ordinance to not more than 60 days. The attached non-emergency version of the ordinance is proposed to extend the substance of the emergency ordinance beyond 60 days. In addition, this amendment adds a provision that, if a court determines Section 6, Public Meetings, to be unconstitutional or invalid, the authority for public bodies to meet by electronic communication means conferred by the budget amendments in HB 29 and HB 30 of the Commonwealth of Virginia's 2020-2022 biennium budget is deemed to apply on and after May 21, 2020, which is the date the Governor signed the budget legislation.

Any increased workload could be managed by existing staff.

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

Mr. Greg Kamptner, County Attorney, said this is the fourth time this ordinance has been in front of the Board. He said this is a series of minor amendments for the Board's consideration that evening.

Mr. Kamptner presented the enabling authority under which the ordinance was adopted. He said one set of amendments to Section 4 is to add the Jefferson-Madison Regional Library system to the list of public bodies providing essential government functions. He said this was a request from the attorney for JMRL. He said the Board considered the emergency version of the ordinance in late May, and that this was the nonemergency version of the ordinance.

Mr. Kamptner said while they were looking at Section 4, they made some other minor changes and language clarifications in an attempt to standardize the language throughout the various subsections.

Mr. Kamptner said the other amendment was to incorporate the authority for public bodies to meet by electronic communication means that was inserted into the State's biennium budget. He said this is a safeguard provision in the event that this ordinance was challenged, and that in particular, he thinks the public meetings authority under the ordinance is legally solid, with research having been done leading into it, in the event that a court did make that decision. He said that since the authority and the State budget became effective on May 21, he wanted to make that available as well.

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

Ms. Mallek **moved** to support the changes to the ordinance. 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.

ORDINANCE NO. 20-A(8)

AN ORDINANCE TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 DISASTER

WHEREAS, on March 11, 2020, the World Health Organization declared the novel coronavirus ("COVID-19") outbreak a pandemic; and

WHEREAS, on March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency because of the COVID-19 pandemic pursuant to his authority under Virginia Code § 44-146.21, and this declaration was confirmed by the Board of Supervisors on March 17, 2020; and

WHEREAS, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the spread of COVID-19; and

WHEREAS, on March 17, 2020, Governor Ralph S. Northam and the Virginia State Health Commissioner issued an Order of the Governor and State Health Commissioner Declaration of Public Health Emergency (amended on March 20, 2020) limiting the number of patrons in restaurants, fitness centers, and theaters to no more than 10 per establishment; and

WHEREAS, on March 18, 2020, the Board of Supervisors consented to the County Executive, acting as the Director of Emergency Management, issuing an amended declaration of local emergency to refer to the COVID-19 pandemic as not only an emergency, but also as a “disaster,” as the Governor had included in Executive Order Fifty-One, and the County Executive issued the amended declaration on March 20, 2020; and

WHEREAS, on March 20, 2020, the Attorney General for the Commonwealth of Virginia issued an opinion in which he concluded that the COVID-19 pandemic, which the Governor declared is a “disaster” as defined in Virginia Code § 44-146.16, is also a “disaster” as that term is used in Virginia Code § 15.2-1413; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to “assure continuity in its government” in the event of a disaster for a period not to exceed six months; and

WHEREAS, on March 23, 2020, Governor Ralph S. Northam issued Executive Order Fifty-Three, which closed all public and private K-12 schools throughout the Commonwealth of Virginia for the remainder of the 2019-2020 school year, imposed further restrictions on public and private gatherings on several classes of dining establishments, closed many classes of “recreational and entertainment businesses” in their entirety, imposed limitations on the number of patrons allowed in other businesses, and encouraged businesses to use teleworking when feasible and, if not feasible, to adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and other appropriate workplace guidance to the extent possible; and

WHEREAS, Executive Order Fifty-Three states that, despite the measure taken to date, “COVID-19 presents an ongoing threat to our communities,” that there are occurrences of the virus in every region of the Commonwealth, and that the data suggests that in several regions there may be community spread of the virus; and

WHEREAS, Executive Order Fifty-Three states that further measures are needed because “[u]nnecessary person-to-person contact increases the risk of transmission and community spread” and that “we must limit such interactions to those necessary to access food and essential materials”; and

WHEREAS, on March 27, 2020, the Virginia Employment Commission reported that the number of initial claims for unemployment insurance benefits filed statewide for the week ending March 21 was 46,277, an increase of 43,571 claimants from the previous week’s total of 2,706, a more than 2000% increase in one week; and on April 3, 2020, the number of initial claims for unemployment insurance benefits filed statewide for the week ending March 28 was 112,497; and

WHEREAS, on March 28, Governor Ralph S. Northam issued Executive Order Fifty-Four, in which he affirmed and delegated to the Commissioner of the Virginia Employment Commission the authority and responsibility for executing agreements with the United States Department of Labor related to implementing Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) and requesting Title XII advances from the Federal Unemployment Account; and

WHEREAS, Executive Order Fifty-Four was issued because “many Virginians are out of work due to temporary business closures, school closures, and other health-related emergencies;” and

WHEREAS, on March 30, 2020, Governor Ralph S. Northam issued Executive Order Fifty-Five, entitled a “Temporary Stay at Home Order Due to Novel Coronavirus (COVID-19)” which, among other things, ordered that all “individuals in Virginia shall remain at their place of residence,” with specific exceptions, continued to prohibit all public and private in-person gatherings of more than 10 individuals, with specific exceptions, prohibited all institutions of higher education cease all in-person classes and instruction, and closed all public beaches; and

WHEREAS, on April 2, 2020, President Donald J. Trump declared that a major disaster exists in the Commonwealth of Virginia and ordered Federal assistance to supplement Commonwealth, tribal, and local

recovery efforts in the areas affected by the COVID-19 pandemic beginning on January 20, 2020, and continuing; and

WHEREAS, on May 8, 2020, Governor Ralph S. Northam and the Virginia State Health Commissioner issued Executive Order Sixty-One and Order of Public Health Emergency that began the easing of restrictions due to COVID-19, which have since been amended; and

WHEREAS, on May 26, 2020, Governor Ralph S. Northam and the Virginia State Health Commissioner issued Executive Order Sixty-Three and Order of Public Health Emergency that required people to wear face coverings while inside buildings; and

WHEREAS, the Board of Supervisors finds that the COVID-19 pandemic constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code § 44-146.16 and within the meaning of Virginia Code § 15.2-1413; and

WHEREAS, the General Assembly recognizes the extreme public danger created by contagious diseases such as the COVID-19 virus by enabling counties, through the exercise of their police powers expressly granted in Virginia Code § 15.2-1200, to “adopt necessary regulations to prevent the spread of contagious diseases among persons” and to adopt “quarantine regulations” affecting persons; and

WHEREAS, Virginia § 15.2-1413 authorizes the County, by ordinance adopted by the Board of Supervisors, to “provide a method to assure continuity in its government” in the event of a disaster such as the COVID-19 disaster, and that this authority is granted “[n]otwithstanding any contrary provision of law, general or special”; and

WHEREAS, the Board has tailored this ordinance to “assure continuity in [the County’s] government” during the COVID-19 disaster by attempting to vary from existing State law and County Code procedures and requirements to the minimum extent necessary, recognizing the danger to public health and safety posed by public bodies physically assembling to conduct public meetings, and the difficulty in adhering to all of the procedures and deadlines imposed on the County and its public bodies by State law and the County Code, which are routine during normal governmental operations but which may be impossible to completely and timely satisfy during the disaster because most County staff are working remotely and significant staff resources are dedicated to, in effect, designing County government to address the unique issues arising daily during the disaster; and

WHEREAS, the Board has identified in Section 4 of this ordinance the functions of County government that it deems to be essential in order for it to continue during the COVID-19 disaster and, in doing so, observes that State and local government is complex, and the powers, duties, and obligations imposed on localities by the State to promote the public health, safety and welfare of their residents are numerous and varied, and that they extend well beyond merely those functions related to survival during a disaster; and

WHEREAS, this ordinance is solely in response to the disaster caused by the COVID-19 pandemic, promotes and protects the public health, safety, and welfare of the residents of the County, the City of Charlottesville, and the Commonwealth of Virginia, and is consistent with the laws of the Commonwealth of Virginia, the Constitution of Virginia, and the Constitution of the United States of America.

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

Sec. 1. Purpose

The purpose of this ordinance is to ensure the continuity of the government of the County of Albemarle, Virginia, during the novel coronavirus (“COVID-19”) disaster, which is currently a pandemic, by identifying the many essential governmental functions that must continue and establishing regulations to ensure these functions continue by providing for: (1) the succession of elected officials and appointed officers; (2) meeting procedures that allow the County’s public bodies, whose members are elected or appointed, to meet and conduct business in a manner that is safe for the members of the public bodies, staff, and the public, and allow the public to participate in these meetings to the fullest extent practicable given the current circumstances; (3) provide alternative deadlines for certain matters that are different than those provided by State law or the County Code; (4) establish the method for resuming normal governmental operations; and (5) other matters related to the foregoing.

The requirements, procedures, deadlines, and other provisions of this ordinance vary from those that apply to County government under normal governmental operations. However, for the reasons explained in the recitals, these alternative regulations are deemed to be essential in order to ensure the continuity of government during the COVID-19 disaster without further risking the health and lives of the public and County officers, appointees, and employees resulting from exposure to the COVID-19 virus and its further spread. The regulations that apply during normal governmental operations will be followed to the extent they can be in a manner that is consistent with State and Federal orders and declarations and without risking the health and lives of the public and County officers and employees.

Sec. 2. Authority

This ordinance ensures the continuity of government during the COVID-19 disaster and is authorized by Virginia Code § 15.2-1413, which enables the Board of Supervisors to provide by ordinance “a method to assure continuity in its government.”

Sec. 3. Scope

This ordinance applies not only to the government of the County of Albemarle, Virginia, but also to the Albemarle County Public Schools, the County’s authorities identified in this ordinance, public bodies established pursuant to a joint exercise of powers agreement or other agreements, and other public bodies and offices described in Section 4.

Sec. 4. Essential Governmental Functions

Under the county executive form of government, the “powers of the county as a body politic and corporate” are vested in the Board of Supervisors. *Virginia Code § 15.2-502*. Any actions of the Board in which it exercises its powers are essential governmental functions. By providing vital support for the Board, the activities of the Clerk of the Board and her office are also essential governmental functions.

The Board of Supervisors also finds that the essential governmental functions that must be performed in order to ensure the continuity of government during the COVID-19 disaster are those activities or functions of the County established by Virginia Code § 15.2-518 (departments of finance, social services, law enforcement, education, records, and health), those that the Board has previously deemed to be “necessary to the proper conduct of the business” of the County pursuant to Virginia Code § 15.2-518, the authorities that provide essential public services, the County public bodies that oversee the proper administration and enforcement of State laws and the County Code, and the other public bodies and offices that facilitate the proper administration and implementation of State laws and the County Code to the extent necessary and practicable during the COVID-19 disaster.

- A. Essential governmental functions provided by County offices and departments. The following offices and departments provide essential governmental functions as described below:
1. County Executive’s Office. The County Executive is the administrative head of the County, whose duties include executing and enforcing all Board resolutions and orders, that all laws of the Commonwealth required to be enforced through the Board, or some other County officer subject to the control of the Board, are faithfully executed, and performing other duties as may be required by the Board and as may be otherwise required by law. *Virginia Code § 15.2-516*. The functions of the Office of Equity and Inclusion and the Communications and Public Engagement Office, which exist within the County Executive’s Office, are included in this designation. The Office of Management and Budget and the Project Management Office are also within the County Executive’s Office, but their functions are identified separately below.
 2. County Attorney’s Office. The County Attorney is the legal advisor to County government whose duties are to advise the Board and “all boards, departments, agencies, officials and employees” of the County on civil matters, draft or prepare ordinances, and defend or bring actions in which the County or any of its boards, departments, agencies, officials, or employees are a party; and in any other manner advising or representing the County, its boards, departments, agencies, officials and employees. *Virginia Code § 15.2-1542(A)*.
 3. Department of Finance. The Director of Finance’s duties include administering the financial affairs of the County, including the budget; assessing property for taxation; collecting taxes, license fees, and other revenues; being the custodian of all public funds belonging to or handled by the County; supervising the expenditures of the County and its subdivisions; disbursing County funds; keeping and supervising all accounts; and performing other duties as the Board of Supervisors requires. *Virginia Code § 15.2-519*.
 4. Economic Development Office. This office is responsible for promoting the economic development of the County and the region, consistent with the County’s Economic Development Strategic Plan, and providing staffing assistance to the Economic Development Authority. During the COVID-19 disaster, this office also is providing economic assistance to County businesses, and its services will also include any additional State or Federal assistance or services programs, either on its own or in its work with the Economic Development Authority.
 5. Department of Community Development. This department oversees a wide range of functions related to the physical development of the County, including developing proposed plans for the physical development of the County, reviewing all types of land use-related applications, ensuring that its zoning, subdivision, and water protection regulations are current and continue to be reasonable, and enforcing the Albemarle County Zoning, Subdivision, and Water Protection Ordinances, and administering and enforcing the Virginia Uniform Statewide Building Code and other related codes are essential functions.
 6. Department of Facilities and Environmental Services. This department maintains and operates the County’s buildings, manages the lands owned by the County, manages County capital projects and administers related construction contracts, and oversees environmental-related County responsibilities including, but not limited to, ensuring the County’s compliance with the

County's Clean Water Act permit, and its obligations as a municipal separate storm sewer system (**MS4**) program.

7. Department of Fire Rescue. This department provides fire protection and emergency medical services and, through the Fire Marshal, administers and enforces the Virginia Fire Prevention Code.
 8. Department of Human Resources. This department provides human resources support for the County and Albemarle County Public Schools. The department provides services in seven key human resources functional areas: (1) recruitment/staffing support; (2) classification and compensation; (3) benefits and leave administration; (4) training and development; (5) employee relations; (6) workplace safety; and (7) teacher licensure and certification.
 9. Department of Parks and Recreation. This department protects, maintains, and operates the County's parks and provides numerous recreational programs, which during normal governmental operations, are essential to the public health and welfare.
 10. Department of Social Services. This department provides a range of: (1) child welfare services including child protective services, family support, family preservation services, a foster care program, and adoption services; (2) economic assistance for those in need, including administering the supplemental nutritional assistance program (SNAP), the temporary assistance to needy families (TANF) program, energy assistance, and auxiliary grants; (3) self-sufficiency services, including services related to employment training, career services, and child care services; (4) health care services, including administering the Medicaid program; (5) adult and elder care services, including adult protective services; (6) housing assistance; and (7) language assistance. During the COVID-19 disaster, these services also include any additional State or Federal assistance or services programs.
 11. Office of Management and Budget. This office, which is part of the County Executive's Office, has the following responsibilities: (1) developing and implementing the County's operating and capital budgets; establishing budget policies, and monitoring departmental and agency budgetary and program performance; (2) preparing the five-year Financial Plan, five-year Capital Improvement Plan, and the long range Capital Needs Assessment; (3) developing and managing the performance management system; and (4) managing the local government grants application and awards process.
 12. Police Department. This department provides law enforcement and community safety services.
 13. **Project Management Office**. This office, which is part of the County Executive's Office, provides planning, organizational, and management responsibilities for the County's project portfolio, including organizational projects, strategic plan objectives, and technology solutions. This office also plays a critical role in planning, organizing, and managing a range of projects related to the County's response to the COVID-19 disaster.
 14. Department of Information Technology. This department provides, manages, and supports the use of critical technology that allows the County to operate and communicate internally and with the public.
- B. Albemarle County Public Schools. Under the County Executive form of government, the County is required to have a "department of education." *Virginia Code § 15.2-518*. The "department of education" is composed of the Albemarle County School Board, the Superintendent of the "school division," and the "officers and employees thereof." *Virginia Code § 15.2-531*. Article VIII, Section 1 of the Constitution of Virginia states: "The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained." Albemarle County Public Schools provide essential governmental functions.
- C. Authorities. The following authorities and their boards provide essential governmental functions:
1. Albemarle Conservation Easement Authority. The Albemarle Conservation Easement Authority ("ACEA") was created as a parks and recreational facilities authority by resolution adopted by the Board of Supervisors on November 20, 1989 pursuant to the Public Recreational Facilities Authority Act (*Virginia Code § 15.2-5600 et seq.*). The ACEA was called the Public Recreational Facilities Authority until its name was changed by resolution adopted by the Board of Supervisors on July 11, 2018. The ACEA's articles of incorporation state that its purpose is to accept, hold, and administer open-space land and interests therein under the Open-Space Land Act (*Virginia Code § 10.1-1700 et seq.*). *Amended Articles of Incorporation adopted July 11, 2018*. The types of interests held include open-space easements that are donated by landowners, easements acquired by the County under its Acquisition of Conservation Easements ("ACE") program, and easements created pursuant to Rural Preservation Developments allowed under the County's zoning regulations. The functions of the ACEA include monitoring and enforcing these easements.
 2. Albemarle County Broadband Authority. The Albemarle Broadband Authority ("ABBA") was created as a wireless service authority "to provide qualifying communications services as

authorized by Article 5.1 (Virginia Code § 56-484.7:1 *et seq.*) of Chapter 15 of Title 56 of the Virginia Code.” One of the primary functions of ABBA is to facilitate the ongoing deployment of broadband infrastructure and services in the underserved areas of the County.

3. Albemarle-Charlottesville Regional Jail Authority. The Albemarle-Charlottesville Regional Jail Authority (“Jail Authority”) was created as an authority under the Jail Authorities Law (Virginia Code § 53.1-95.2 *et seq.*) by agreement among the County, the County of Nelson, and the City of Charlottesville on November 15, 1995. The Jail Authority replaced the Regional Jail Board as the operator of the Albemarle-Charlottesville Joint Security Complex.
 4. Albemarle County Service Authority. The Albemarle County Service Authority (“ACSA”) was created as an authority under the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 *et seq.*). The ACSA’s articles of incorporation state that its purpose is to undertake projects for distributing and selling potable water to retail customers, collecting wastewater from retail customers, and delivering the wastewater to the Rivanna Water and Sewer Authority. *Amendment to the ACSA Articles of Incorporation, dated December 16, 1985; County Code § 2-701.*
 5. Economic Development Authority of Albemarle County, Virginia. The Economic Development Authority (“EDA”), officially identified as the “Economic Development Authority of Albemarle County, Virginia,” was created as an industrial development authority (now, an economic development authority) by ordinance adopted by the Board of Supervisors on May 12, 1976 pursuant to the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 *et seq.*). *County Code § 2-600.* The EDA has all of the powers of such an authority under the Act. The EDA operates in cooperation with the County pursuant to a Memorandum of Understanding and the Albemarle County Economic Development Strategic Plan, also known as Project ENABLE (Enabling a Better Life Economically). The functions of the EDA include promoting the economic development of the County as it is enabled to do pursuant to Virginia Code § 15.2-4900 *et seq.*, providing economic assistance to County businesses within the scope of its enabling authority, and providing any services related to any additional State or Federal assistance or services program either on its own or in its work with the Economic Development Office.
 6. Rivanna Solid Waste Authority. The Rivanna Solid Waste Authority (“RSWA”) was created on November 5, 1990 by the Solid Waste Organizational Agreement entered into between the County and the City of Charlottesville, together with a concurrent resolution of the Charlottesville City Council and the Albemarle County Board of Supervisors and the RSWA’s articles of incorporation, all pursuant to what is now the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 *et seq.*). The RSWA’s articles of incorporation state that its purposes are to “develop a regional refuse collection and disposal system, as such terms are defined in Virginia Code Section 15.2-5101 of the Virginia Water and Waste Authorities Act, including development of systems and facilities for recycling, waste reduction and disposal alternatives with the ultimate goal of acquiring, financing, constructing, and/or operating and maintaining regional solid waste disposal areas, systems and facilities, all pursuant to the Virginia Water and Waste Authorities Act.” *Concurrent Resolution of the City Council of the City of Charlottesville, Virginia and the Board of Supervisors of the County of Albemarle, Virginia to Amend and Restate the Articles of Incorporation of the Rivanna Solid Waste Authority, dated November 6, 2009.*
 7. Rivanna Water and Sewer Authority. The Rivanna Water and Sewer Authority (“RWSA”) was created on June 7, 1972 by the City of Charlottesville and the County pursuant to what is now the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 *et seq.*). The RWSA’s articles of incorporation state that its purpose “is to acquire, finance, construct, operate and maintain facilities for developing a supply of potable water for the City of Charlottesville and Albemarle County and for the abatement of pollution resulting from sewage in the Rivanna River Basin, by the impoundment, treatment and transmission of potable water and the interception, treatment and discharge of wastewater, together with all appurtenant equipment and appliances necessary or suitable therefore and all properties, rights, easements or franchises relating thereto and deemed necessary or convenient for their operations. *Concurrent Resolution of the City Council of the City of Charlottesville, Virginia and the Board of Supervisors of the County of Albemarle, Virginia to Amend and Restate the Articles of Incorporation of the Rivanna Solid Waste Authority, dated May 5, 2017.* The RWSA operates five reservoirs at Ragged Mountain, Sugar Hollow, South Fork Rivanna, Totier Creek, Beaver Creek, along with five water treatment plants, and wastewater treatment plants.
- D. Public bodies existing under joint exercise of powers agreements. The following public bodies exist under joint exercise of powers agreements, and they and their boards exercise essential governmental functions:
1. Charlottesville-Albemarle Convention and Visitors’ Bureau. The Charlottesville-Albemarle Convention and Visitors’ Bureau (“CACVB”) has existed in various forms for more than 20 years. Its current iteration was established by the County and the City on June 28, 2018, and it became effective July 1, 2018. Individually, both the County and the City are enabled by Virginia Code § 15.2-940 to “expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality.” The purpose of the CACVB is to jointly promote the resources and advantages of the County and the City, including

marketing of tourism and initiatives that attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County. *Second Amended Agreement to Operate a Joint Convention and Visitors' Bureau, dated October 2, 2019.* The County and the City contribute funds to support the CACVB's facilities and operations from their respective transient occupancy tax revenues. During the COVID-19 disaster, the CACVB also supports the County's hospitality business sector.

2. Emergency Communications Center. The Emergency Communications Center ("ECC") was established by the County, the City of Charlottesville, and the University of Virginia on January 20, 1984. The ECC was established to provide a centralized dispatching facility for the respective parties' law enforcement and emergency service providers operating in the County and the City, and to provide a 911 emergency system. *Agreement By and Among the County of Albemarle, Virginia, the City of Charlottesville, Virginia, and the Rector and Visitors of the University of Virginia, dated January 20, 1984.* The ECC also provides coordination and assistance in emergency management for the Emergency Operations Plan adopted by its participating agencies.
- E. Jefferson Madison Regional Library. The Jefferson Madison Regional Library ("JMRL") system was established by an agreement entered into on August 11, 1972 (the current agreement is dated January 1, 2013) among the County, the City of Charlottesville, and the counties of Greene, Louisa, and Nelson pursuant to the enabling authority in Virginia Code § 42.1-37 *et seq.* JMRL provides essential governmental functions by maintaining a regional free library system pursuant to the terms of the agreement.
- F. Other public bodies and offices. Other public bodies and offices of the County also exercise essential governmental functions. They include, but are not limited to, the Planning Commission, the Architectural Review Board, the Board of Equalization, the Board of Appeals, the Board of Zoning Appeals, the Electoral Board, any advisory bodies established by the Board of Supervisors, and the office of the General Registrar.

Sec. 5. Succession

This section establishes the procedures to fill vacancies in elected and appointed offices arising during the COVID-19 disaster in order to ensure the continuity of County government. This section also applies to Albemarle County Public Schools and may be applied by the authorities and the other public bodies identified in Section 4 to the extent practicable. The Albemarle County School Board, in its discretion, may establish by resolution its own procedures to fill vacancies in elected offices arising during the COVID-19 disaster.

- A. Elected officials. When a vacancy occurs either on the Board of Supervisors or the Albemarle County School Board, the vacancy shall be filled according to the procedure generally established by Virginia Code § 24.2-228, as modified below:
 1. Appointment by remaining members. When a vacancy occurs, the remaining members of the Board, within 45 days of the office becoming vacant, may appoint a qualified voter of the magisterial district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members of the Board cannot agree, or do not act, the vacancy must be filled by judicial appointment as provided in Virginia Code § 24.2-227.
 2. If a qualified voter from the magisterial district cannot be found. If the Board is unable to find and appoint a qualified voter from the magisterial district in which the vacancy exists after a reasonable effort, it may appoint a qualified voter from any other magisterial district.
 3. Duration of appointment. The person so appointed shall hold office only until the qualified voters fill the vacancy by special election pursuant to Virginia Code § 24.2-682 and the person so elected has qualified.
 4. Effect of being appointed. Any person appointed to fill a vacancy holds office the same way as an elected person, is authorized to exercise all powers of the elected office, and this includes having that person's vote be considered the vote of an elected member.
 5. Majority of seats are vacant. If four or more seats on the Board are vacant, the vacancies must be filled by judicial appointments as provided in Virginia Code § 24.2-227.
 6. Holding over. If, during the COVID-19 disaster, a general election cannot be held, any member whose term expires may continue to hold over in office until a successor is appointed.
 7. Temporary vacancies. If a member is unable to participate in any meeting of the Board for more than 30 days and the number of members available to meet and act falls below that required for a quorum as provided in Section 6, and action by the Board is determined to be essential to continue the functions of the County or the Albemarle County Public Schools, as applicable, the remaining members may, in their discretion, appoint a qualified voter to temporarily exercise the powers and duties of the office until the permanent member is able to participate.

- B. Appointed officers. This subsection applies to the County government and not to Albemarle County Public Schools, which is recommended to establish its own succession plan for appointed officers.
1. If the County Executive and the Deputy County Executive are incapacitated. If the County Executive and the Deputy County Executive are both incapacitated such that they cannot perform the duties of the County Executive, the Board of Supervisors may appoint any person it deems qualified to serve as Acting County Executive.
 2. If the County Attorney and the Deputy County Attorney are incapacitated. If the County Attorney and the Deputy County Attorney are incapacitated such that they cannot perform the duties of the County Attorney, the Board of Supervisors may appoint any person it deems qualified to serve as Acting County Attorney.
 3. If the Clerk and the Senior Deputy Clerk are incapacitated. If the County Clerk and the Senior Deputy County Clerk are incapacitated such that they cannot perform the duties of the County Clerk, the Board of Supervisors may appoint any person it deems qualified to serve as Acting County Clerk of the Board of Supervisors.
 4. If any department head and deputy department head or equivalent position are incapacitated. If any department head and any deputy department head, or any equivalent position are incapacitated, the County Executive may appoint any person he deems qualified to serve as the acting department head.

Sec. 6. Public Meetings

This section establishes the procedures for public meetings of the Board of Supervisors, the Planning Commission, the Architectural Review Board, the Board of Equalization, the Board of Appeals, the Board of Zoning Appeals, the Electoral Board, and any advisory bodies established by the Board of Supervisors. These procedures may also be applied by the Albemarle County Public Schools, the authorities, and the other public bodies identified in Section 4 to the extent this section is practicable for their public bodies. These procedures may be used during the COVID-19 disaster in order to ensure the continuity of government. References to the "Board" and the "Supervisors" in this section should be modified as appropriate when applied by public bodies other than the Board of Supervisors.

- A. The need to change how meetings are conducted during COVID-19. The Board fully endorses the statements in Virginia Code § 2.2-3700, which is the introductory section of the Virginia Freedom of Information Act, that the "affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government," and that unless an exception to open meetings is invoked "every meeting shall be open to the public." The regulations in this section for conducting public meetings are necessary because the COVID-19 disaster makes it unsafe for public bodies, as well as their staff and the public, to physically assemble in one location or to conduct meetings in accordance with normal practices and procedures. Although the regulations in this section establish rules for conducting public meetings that are different from normal practices and procedures, the regulations are intended and designed to continue the policies expressed in Virginia Code § 2.2-3700.
- B. Meeting format. Any meeting or activity that requires the Board to physically assemble may be held through real time electronic means (including audio, telephonic, video, or any other practical electronic medium) without a quorum physically assembled in one location. Nonetheless, this ordinance does not prohibit the Board from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration, and that doing so does not violate any order or declaration from Governor Ralph S. Northam or the State Health Commissioner. In addition:
1. If the Board will physically assemble, but the public will not be allowed to attend. Subsections (C), (D), (E), and (F) apply to any meeting where the Board will physically assemble to conduct the meeting but the public is not allowed to attend for public health and safety reasons.
 2. If the Board will physically assemble and the public will be allowed to attend. The general laws for conducting a public meeting, including those in Virginia Code §§ 2.2-3700 *et seq.* and 15.2-1400 *et seq.*, and the Board's Rules of Procedure, apply to any meeting where the Board will physically assemble and the public will be allowed to attend, provided that any applicable public health and safety measures are followed.
- C. Agenda. The agenda for an electronic meeting should: (1) state that the meeting is being held pursuant to this ordinance; and (2) identify the opportunities for the public to access and participate in the electronic meeting. The failure to state these items on the agenda neither makes the electronic meeting illegal nor invalidates any action taken at the meeting.
- D. Notice. Before holding a regular electronic meeting, the Board of Supervisors must provide public notice at least three days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment. The notice must: (1) state that the meeting is being held pursuant to this ordinance; and (2) identify the opportunities for the public to access and participate in the electronic meeting. Any notice provided before the effective date of this ordinance, for a public meeting or public hearing after its effective date, that complied with the law when it was given but which is inconsistent with this ordinance, including with respect to the location of the meeting

or public hearing, is deemed to satisfy any notice requirements and no action taken at that meeting or regarding any public hearing is invalid for that reason.

- E. Statement by the Chair. At the beginning of the meeting, the Chair should: (1) state that the meeting is being held pursuant to and in compliance with this ordinance; (2) identify the Supervisors physically and electronically present; and (3) identify the opportunities for the public to access and participate in the electronic meeting. The failure to state these items neither makes the electronic meeting illegal nor invalidates any action taken at the meeting.
- F. Public participation. Any electronic meeting must be open to electronic participation by the public and closed to in-person participation by the public. In addition, for any matters requiring a public hearing, public comment may be solicited by electronic means in advance and must also be solicited through telephonic or other electronic means during the electronic meeting. The public comments received before the electronic meeting will be provided to the Supervisors at or before the electronic meeting and made part of the record for the meeting.
- G. Postponing certain matters. Any non-emergency public hearing and action item on the Board's agenda may be postponed to a later date provided that public notice is given so that members of the public are aware of how and when to present their views.
- H. Quorum. If three Supervisors are unable to participate in a public meeting because each of those three Supervisors is sick from the COVID-19 virus, and at least one temporary vacancy has not been filled pursuant to Section 5, a quorum of the Board of Supervisors to conduct business is reduced from four to three. If four or more Supervisors are unable to participate in a public meeting for the reasons stated above, the only action that the participating Supervisors may take is to adjourn the meeting until the temporary vacancies can be filled.
- I. Voting. State laws, as may be implemented in the County Code, may impose different voting requirements.
 - 1. Vote required to act. Although most actions require the majority vote of those Supervisors present and voting, there are some actions that require a supermajority vote, the majority vote of the elected members, or impose some other requirement. These different voting requirements continue to apply unless: (1) one or more Supervisors is sick from the COVID-19 virus; (2) the sick Supervisors are unable to participate in the public meeting; (3) the temporary vacancy has not been filled pursuant to Section 5 and the voting requirement imposed by State law or the County Code cannot be complied with; and (4) a vote is required by the Board at that meeting in order to ensure the continuity of government. If all four of those prerequisites are satisfied, the Board may approve the matter on the affirmative vote of those Supervisors present and voting. Following are examples of different voting requirements for certain matters, and how they are addressed if the four prerequisites are satisfied:
 - a. When the affirmative vote of the elected members is required. Article VII, Section 7 of the Constitution of Virginia and its statutory companion in Virginia Code § 15.2-1428 require, among other things, the affirmative vote of a majority of all members elected to the governing body on certain matters. As provided in Section 5(A)(4), and based on language in Virginia Code § 24.2-228, any appointed Supervisor's vote is considered to be the vote of an elected Supervisor.
 - b. When a supermajority vote is required. Virginia Code § 15.2-2405 requires a two-thirds vote of the elected Supervisors to impose taxes in a service district. The Board is unique because it is a six-member Board and, for it, a majority vote is also a supermajority when a two-thirds vote is required. There are no service districts in the County. If another matter requires a supermajority under Virginia law, the Board may approve a matter by a majority of the Supervisors participating and voting.
 - c. When the vote by those present and voting is required. The requirement that a matter be approved by a majority vote of those present and voting is common, one example being found in Virginia Code § 15.2-1427(A). For the purposes of this voting requirement, any Supervisor who is participating in the matter is "present."
 - 2. Roll call vote. A roll call vote should be taken on all matters requiring a vote and must be taken on any action on an ordinance and any other matter requiring a roll call vote pursuant to State or Federal law.
- J. Closed meetings. In addition to the purposes for the Board to have a closed meeting in Virginia Code § 2.2-3711(A), the Board may have a closed meeting to discuss plans to protect the public health and safety as it relates to the COVID-19 disaster and the discussion may include briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to those matters, to the extent that this purpose is not otherwise covered by Virginia Code § 2.2-3711(A)(19) or any other purpose for a closed meeting in Virginia Code § 2.2-3711(A).
- K. Minutes. The minutes of all electronic meetings must comply with the requirements of Virginia Code § 2.2-3707(H), identify how the meeting was conducted, and the Supervisors participating, and specify what actions were taken at the meeting.

- L. Recordings. An audio recording of any electronic meeting must be made and retained as provided by law. This requirement does not apply to any public body, such as an advisory committee, that is not required to have minutes of its public meetings.
- M. Other requirements not modified. Any requirements for conducting a public meeting in Virginia Code §§ 2.2-3700 *et seq.* and 15.2-1400 *et seq.* that are not modified by this section, including those pertaining to special and emergency meetings, apply to conducting a public meeting.
- N. Alternative authority. If Section 6 is determined to be unconstitutional or invalid by a valid judgment or decree of a court of competent jurisdiction, the authority for public bodies to meet by electronic communication means conferred by the budget amendments in HB 29 and HB 30 of the Commonwealth of Virginia's 2020-2022 biennium budget is deemed to apply, as applicable, on and after May 21, 2020.

Sec. 7. Deadlines

This section applies to the County government. State law and the County Code impose many deadlines by which the County, Board of Supervisors, and other public bodies must act. The following deadlines are extended, with the proviso that the Board of Supervisors and the County will endeavor to the extent practicable to meet the deadlines established by State law and the County Code. Subsections (D), (E), and (F) may be applied by the Albemarle County Public Schools, the authorities, and the other public bodies identified in Section 4.

- A. The tax rates. It is the intention of the Board to meet all of the deadlines established by State law to fix the tax rates. However, the May 15 deadline established by Virginia Code § 58.1-3321(E) for fixing the real estate tax rate, and the June 30 deadline to fix other tax rates established by Virginia Code § 58.1-3001, are extended indefinitely as may be necessary in order to allow the tax rates to be fixed.
- B. The budget. It is the intention of the Board to meet all of the deadlines established by State law to approve the County's annual budget. However, the May 15 deadline established by Virginia Code § 22.1-93 requiring the Board to "prepare and approve an annual budget for educational purposes by May 15 or within 30 days of the receipt by the county . . . of the estimates of state funds, whichever shall later occur," and the July 1 deadline to approve the budget established by Virginia Code § 15.2-2503 ("the date on which the fiscal year begins"), are extended indefinitely as may be necessary in order to approve the County's annual budget.
- C. Land use applications. Any deadline established by State law or the County Code for action by the County, the Board of Supervisors, or any County public body within the scope of Chapter 14, Subdivision of Land, Chapter 17, Water Protection, or Chapter 18, Zoning, is extended indefinitely as may be necessary to allow any public body or County staff to act. Any provision in State law or the County Code to deem the failure of any County action to be timely taken to be approval of the pending matter is of no force or effect.
- D. Requests for records under the Virginia Freedom of Information Act. Any deadline by which a response to a request for records under the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*) is due, and the time for which the records sought may be inspected or produced, are extended indefinitely as may be necessary in order to respond to the request or allow any records to be inspected or produced.
- E. Hold harmless. The failure to meet any deadline imposed by State law, including the Prompt Payment Act, or the County Code does not constitute a default, violation, approval, recommendation or otherwise.
- F. Other deadlines may be extended. Any other deadlines not extended by this section may be extended by a separate ordinance.

Sec. 8. Procurement

This section pertains to procuring goods and services by the County. This section also may be applied by the Albemarle County Public Schools, the authorities, and the other public entities identified in Section 4 that do their own procurements, to the extent this section is practicable for their public entities. References to the "County Executive" and other County-specific references in subsections (A) and (C) should be modified as appropriate when this section is applied by public entities other than the County.

- A. Authority to modify requirements or procedures for procurements not directly related to the COVID-19 disaster. The County Executive is authorized to modify any requirement or procedure imposed pursuant to the Virginia Public Procurement Act (Virginia Code § 2.2-4300 *et seq.*), the Albemarle County Purchasing Manual, or by custom, that requires or allows any procurement-related documents to be hand-delivered or delivered by a carrier to the County Office Building, or that requires or allows bidders and vendors to physically assemble for bid openings and other steps in the procurement process. Requirements or procedures may be modified as follows:

1. Documents. Any modification pertaining to documents should require electronic documents to be submitted by any person submitting an inquiry, or responding to a request for information, request for proposals, an invitation for bids, or any other solicitation.
 2. Physical assemblies. Any modification pertaining to physical assemblies should require any steps in the procurement process by which people would otherwise physically assemble to participate through electronic communication means or to be conducted in a location that complies with any County, State, and Federal orders or declarations regarding gatherings.
- B. Authority of the County Executive for COVID-19 disaster related procurements is unaffected. Subsection (A) does not affect the County Executive, acting as the Director of Emergency Management pursuant to Virginia Code § 44-146.21(C), to “enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster, and proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, provided such funds in excess of appropriations in the current approved budget, unobligated, are available.”
- C. Notice. Modifications to requirements or procedures made under this section do not need to be published in the Albemarle County Purchasing Manual to be effective. Notice reasonably calculated to make the public aware of these changes, including on the Albemarle County Purchasing Department’s website, is sufficient.

Sec 9. Duration

This ordinance is effective immediately and expires not later than six months after the COVID-19 disaster ends. The COVID-19 disaster will be deemed to be ended when the Board of Supervisors adopts a resolution ending the declared local emergency.

Sec. 10. Method for Resuming Normal Governmental Authority and Operations

- A. When normal governmental authority and operations will resume. Normal governmental authority and operations will resume after the County Executive, acting as the Director of Emergency Management, reports to the Board of Supervisors that all emergency actions that can be taken by the County have been taken, the Board ends the local emergency, the Governor ends the state of emergency, and the State Health Commissioner advises that it is safe for people to once again gather in public so that normal governmental authority and operations, including normal public meetings (or words to that effect), may be re-established.
- B. Method to resume normal governmental authority. When the events in subsection (A) have occurred, normal government authority will resume as follows, subject to further amendment to this section as may be necessary:
1. Succession. The appointment of any person to the Board pursuant to Section 5(A)(2) or 5(A)(7) terminates and any resulting vacancy will be filled as provided by law.
 2. Public meetings. Section 6 will no longer apply.
 3. Deadlines. Section 7 will no longer apply, subject to the County Executive establishing revised guidelines to allow for a reasonable transition period back to full normal County operation.
 4. Procurement. Section 8 will no longer apply to any steps in the procurement process that have not already been completed or been substantially completed.

Sec. 11. Effect of this Ordinance on the Powers of the Director of Emergency Management

This ordinance does not affect the powers of the County Executive, acting as the Director of Emergency Management, pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster. The intention of the Board of Supervisors is that this ordinance and any powers exercised by the Director complement one another.

Sec. 12. Effect of this Ordinance on Albemarle County Courts and Constitutional Officers

This ordinance does not apply to the Albemarle County Circuit Court, General District Court, or Juvenile and Domestic Relations District Court. This ordinance also does not apply to the offices of the Albemarle County Clerk of the Circuit Court, Commonwealth’s Attorney, or Sheriff.

Sec. 13. This Ordinance Supersedes Prior Continuity of Government Ordinances; Exception

This ordinance supersedes any previous continuity of government ordinance adopted by the Board of Supervisors, including the emergency ordinance for continuity of government, Ordinance No. 20-E(2) adopted by the Board of Supervisors on March 27, 2020, provided that Section 7(C) of that ordinance pertaining to certain deadlines related to the tax on personal property employed in a trade or business

continues until Ordinance No. 20-E(2) expires or the subject matter of Section 7(C) is superseded by another ordinance.

Sec. 14. Severability

It is the intention of the Board of Supervisors that any part of this ordinance is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity does not affect any other part of this ordinance.

Sec. 15. Liberal Construction

Because its purpose is to ensure the continuity of government, this ordinance should be liberally construed to accomplish this purpose and to facilitate the performance of the governmental functions and related services determined by the Board of Supervisors, either expressed or implied, to be essential.

State law reference – Va. Code § 15.2-1413.

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. LaPisto-Kirtley said she would like to see if, in fact, the Board could send something to the School Board. She said the Board does not have any say over what the School Board does, as they are an independent, elected body, but it has come to a crossroads where they are talking about building the Boys and Girls Club, which is currently in a location that is in a ditch. She said the Board approved critical slopes at their meeting last month.

Ms. LaPisto-Kirtley said this was not a good location. She said if one has been there, as she and Ms. Price have, it is not a good location for the Boys and Girls Club. She said they would be wiping out a lot of trees, and it is a critical slope where one would have to go down into it. He said it would not be as safe for buses and for people driving there and picking up their children when there is a better alternative, which was actually the first choice for the Boys and Girls Club.

Ms. LaPisto-Kirtley said the only reason why they agreed to the second choice was to get the ball rolling because the School Board actually never voted on the location. She said she understands they are now thinking of possibly bringing it up to actually vote on the location.

Ms. LaPisto-Kirtley said the Boys and Girls Club came to the Board and asked for an extra \$2 million because of the price of what it would cost to have the club moved behind Jack Jouett Middle School. She said instead, they could put it in their first choice, which is a driver's range where the high school kids practice driving. She said the kids do their online classes and as soon as they can drive a car, they get out on the streets, so the time spent on a driver's range is not that long. She said the other two high schools just use a parking lot with cones.

Ms. LaPisto-Kirtley said it is a much better location and would complement Greer Elementary School, which is the most impoverished, 75% free or reduced lunch. She said it would benefit that area because it would be a showcase. She added that during the day, the Boys and Girls Club has agreed to let the school use it as much as they are able to. She said it is a win-win situation and would show the parents and community that the Board cares about the children, rather than hiding something like the Boys and Girls Club, which will be a beautiful building, behind Jack Jouett Middle School, down the slope in a ditch.

Ms. LaPisto-Kirtley said she was asking if the Board of Supervisors would be in favor of sending something to the School Board along the lines of, "It has come to our attention that you may reconsider the location of the Boys and Girls Club facility on the Lambs Lane campus. We understand that the location behind Jack Jouett Middle School not only was the Boys and Girls Club's second choice, but also has increased the cost of construction by at least \$3 million, \$2 million of which the Boys and Girls Club has sought from the Board of Supervisors. Unfortunately, in this economic climate, we are unable to help fund this request, but are keen to ensure that the facility is built. As a result, if you decide to change the location to help reduce the cost, be assured that the Board of Supervisors will do all it can to facilitate the process."

Ms. LaPisto-Kirtley said this is something she would like the Board of Supervisors to send to the chair of the School Board.

Ms. Price said she supports sending this letter, fully recognizing that ultimately, it is a School Board decision.

Ms. Palmer agreed. She said this seemed reasonable. She thanked Ms. LaPisto-Kirtley for making the suggestion and writing the letter.

Ms. McKeel said she recognizes that the letter is just a request. She mentioned concerns about interfering with the School Board's decision and jumping in at the last minute. She said the Supervisors are struggling with that site themselves because of the critical slopes and other ramifications of that site.

Ms. McKeel said this is a good example of why she keeps saying that they need to include the School System and School Board in their work around climate change and tree canopies. She said she thinks they are in different places when it comes to looking at situations like this, and that it would serve them better if they reach out and include the School System and School Board in their work around climate change, which gets to some of these very issues.

Ms. McKeel said she has concerns about interfering with their process. She said she recognizes that they did not vote, but that this was their problem at the time. She said she was not sure why they did not take a vote on it, but she was not sure it was up to her to make a judgment about. She said she would like to hear what others have to say.

Ms. Mallek thanked Ms. LaPisto-Kirtley. She said when it appeared out of nowhere in the budget process, she was surprised that no one had discussed the fact that the location had changed so significantly because there had been at least a year of conversation in the newspaper about the flat site and how it was close to the other schools, making it easy for people to move all day. She said frankly, she was floored and tried to communicate with the representatives from the White Hall District to ask why they were doing this when it is going to increase the cost so much. She said the Boys and Girls Club was directed to come to the Board of Supervisors to get the money. She said she was very glad to have this reconsidered and hoped that the School Board would.

Mr. Gallaway said as far as he was concerned, it was not the Supervisors' business, and he was not interested in sending a letter to them, in any case. He said he agreed with the sentiment, and said so publicly during budget time, when this came up. He said everyone seemed to be surprised by it, and the reason was that it is not the Supervisors' property or call. He said it is up to the School Board to make that decision. He said he will happily do what the Board decides they want, and if the majority decides they want a letter sent, he will comply with that. He said he was publicly stating that as a former School Board member, he would take offense to it.

Mr. Gallaway said the Supervisors could certainly call and voice their concerns. He said they can do things individually with people, but that starting to meddle in something that is a School Board decision and School Board property is out of line, and that he objects.

Ms. LaPisto-Kirtley said she understands Mr. Gallaway's opinions. She said they were not interfering in any way. She said her understanding was that the School Board is thinking of reconsidering, and she wants them to know that the \$2 million won't be forthcoming, so that could be problematic for the whole issue of being able to build it. She said the other location is a better location for the children and parents. She said if the School Board decides to keep it where it is, it is absolutely under their control, as it is their business. She said if they do decide to reconsider, then the Board won't let them passing the critical slopes issue stand in the way.

Mr. Gallaway said the Board already made a decision on the critical slopes. He said this is something he objects to. He said no matter how they word it, they are putting their mouth into something that is a School Board item. He said he disagrees that the Boys and Girls Club were directed to come to the Supervisors and ask for the money. He said he thinks the Boys and Girls Club decided to do that after they saw the increased cost, which was the reason they came and asked for the money.

Mr. Gallaway said Ms. LaPisto-Kirtley stated during the budget time that even if the club didn't get the money, they were still going to proceed with the project because they had the money. He said this was not something where their request could be a hinge for him. He said he thinks this is a bad step in the process in terms of trying to tell the School Board how they think about their business, and if they haven't taken a vote on it, then even more so. He said he thinks the Supervisors already communicated to them their sentiments on it during the budget season, which is the extent to which they can weigh in on it.

Ms. McKeel said she agrees with Mr. Gallaway because there had been a long, energetic discussion about this publicly before COVID-19. She said the School Board heard that discussion and were aware. She said they have had multiple opportunities to take a look at this. She said she could remember being in similar situations when she was on the School Board, and believes that in terms of relationships, it is their decision and their property.

Mr. Gallaway said he made a comment about the location during budget season. He said Ms. McKeel made a statement about the location. He said Ms. Mallek has made statements multiple times. He said if the School Board doesn't understand how the Supervisors feel about the location of this, then they are not doing a good job of reading between the lines. He said to take the formal step of sending a letter, this is interference in School Board business.

Ms. McKeel said she talked to Mr. Jonno Alcaro, School Board Chair, multiple times about it last fall, and that for a year, she has talked to Ms. Kate Acuff, School Board member.

Ms. Palmer asked if what Ms. LaPisto-Kirtley was trying to do was jumpstart a process. She asked if the School Board did not have this on their agenda, and that Ms. LaPisto-Kirtley wanted to let them know that the \$2 million was unlikely to come.

Ms. LaPisto-Kirtley replied said Mr. Gallaway was correct that the Boys and Girls Club was going to build the facility anyway. She said now, with COVID-19, she didn't know how critical that amount of

money is in terms of fundraising and being able to get those funds. She said she did know that the original location was the better location. She said she is looking at it as a former teacher and principal. She said the location they are thinking of is not good for kids or parents and does not pass the smell test. She said the two School Board members wanted it moved and did not want to put it on the driver's ed site are now gone.

Ms. LaPisto-Kirtley said her understanding is that the School Board now wants to try to put it on the agenda. She said if this is the case and the School Board finally wants to take a vote on it, she wanted to let them know this was fine with the Board of Supervisors.

Mr. Gallaway said the School Board can take votes on anything they want, and that it has nothing to do with whether or not the Supervisors are fine with it.

Ms. LaPisto-Kirtley said she understood, but that this was a lousy location.

Mr. Gallaway said Ms. LaPisto-Kirtley could state that and has stated it. He said multiple Supervisors have stated it, but to take a formal action of the Board of Supervisors to persuade the School Board on how they think on something that is within their right, on their property, and their decision is something that he is objecting to. He said if people wanted to individually communicate that to their partner School Board representative that represents their district, wanted to write their own letters or make public statements, this is all within everyone's rights to do, and have been done on past issues. He said he has done this on past issues.

Mr. Gallaway said the formal process of a Board taking Board direction to write a letter to the School Board on where they stand on an issue that they do not have a say in is something that he is objecting to.

Ms. LaPisto-Kirtley said the letter was not saying that.

Ms. McKeel said the School Board could put this on their agenda at any time. She said if they are concerned about the critical slopes waiver, all they have to do is pick up the phone and call or ask, and the Board can assure them this is not a problem.

Mr. Gallaway said if they are that far along, asking the Board for a critical slopes waiver and now starting to reconsider it, he would start publicly questioning decision making.

Ms. LaPisto-Kirtley said it was not about the critical slopes issue. She said they were missing the point. She said the issue was about the location and what is better for the parents and children.

Mr. Gallaway said it is best for the School Board to make that decision.

Ms. LaPisto-Kirtley said it is best for the School Board to make that decision, and a good idea for the Board of Supervisors to say that if they wanted to change their mind, that is fine. She said they were not telling them what to do. She said there is no place in the letter that the Supervisors are telling them what to do.

Mr. Gallaway said if he were on the School Board and he received a formal declaration letter from the Board of Supervisors, whether he agreed with it or not, he would think it was out of line.

Ms. McKeel agreed.

Mr. Gallaway said he would not restate his point over and over. He said if the Board has consensus for him to send such a letter, he will comply with the Board's wishes.

Ms. Mallek said she did not want this to blow up and result in something worse than what they have. She said one question she would leave with everyone, as she did not know the answer, was to how they can talk about working with the School Board on all sorts of various issues going forward, as she did not know how those steps would happen. She said in the past, it has been that the Supervisors are not allowed to say certain things, but that they are still responsible for the funding of things the schools need. She said it is a more complicated process, and about how the Supervisors can get the School Board to participate, whether it is about climate change or anything else.

Ms. Price said she has a sense of opinion on the substantive issue, but after having heard the comments from other Supervisors, she had to agree with Ms. McKeel and Mr. Gallaway that the Board should not be interposing themselves into the prerogatives and responsibilities of another board. She said she recognized this was a change from what she stated earlier, but she has been persuaded by that argument.

Ms. LaPisto-Kirtley asked if they were communicating with the School Board at all. She said perhaps the status quo is fine.

Ms. Palmer said the Supervisors would continue to contact the School Board members individually and would urge them to put it on the agenda. She said if it gets onto the agenda, perhaps some parents will contact them.

Ms. Palmer said it was a good thought to stimulate it, and that she appreciated it.

Ms. LaPisto-Kirtley said the Boys and Girls Club had gone with the second choice because the School Board didn't want to take a vote on it. She said there are people on the School Board who were upset about not taking a vote on it. She said they picked the wrong location, which is their business. She said she wants to have what is best for the community, children, and parents.

Mr. Gallaway said he thinks the Supervisors all want that.

Ms. McKeel said she thinks the School Board does, too.

Mr. Gallaway said he didn't think anyone, including himself, was questioning the intent. He said Ms. LaPisto-Kirtley knew exactly what he was going to say before she brought the item up, as they had had a conversation prior to this.

Ms. LaPisto-Kirtley agreed. She expressed this was fine.

Mr. Gallaway said he had an item to bring up. He said he was contacted by a constituent and former School Board member not about school funding, specifically, but about the Board of Supervisors writing a letter to Congressional leadership in the Senate and to local Congressional representatives urging federal support for COVID-19 to localities and local governments, and the importance of that, as they are a major employer and driver in getting that support.

Mr. Gallaway said he started to draft a letter together that he would share with the Board. He said when this comes out, it will simply be one urging the federal government to take immediate and appropriate action to make sure they are specifically funding localities coming out of the COVID-19 because they are an important hub for employing people. He said this would avoid furloughs and help the local economy and CIP to stay vibrant.

Ms. McKeel asked if this was about funding for state and local governments.

Mr. Gallaway said the conversation is specific to local governments and the critical role they play coming out of the pandemic, especially with fears of a long-term recession. He said as that draft continues to be put together, he would float it out.

Ms. Palmer said Mr. Gallaway could consider including something in the letter about replacing lost revenue, given that the State has decided it is not a good use of the money that is being funneled to the County.

Mr. Gallaway said staff is helping to draft the letter, and it would be coming forward shortly.

Ms. Mallek and Ms. McKeel said this was good.

Agenda Item No. 19. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said he had one item to present. He said he communicated with the Board prior to that evening regarding the Juneteenth holiday, and would like to talk to the Board about recommending consideration for that for Albemarle County government.

Mr. Richardson said Juneteenth mattered then because it marked the end of slavery in the country, and it matters now because it says to Black communities that it is not just your history, but everyone's shared history that they will celebrate together.

Mr. Richardson said the day prior, the Governor announced that he will be declaring June 19 an official State holiday in observance of Juneteenth. He said he learned earlier that day that UVA has also followed suit, with the exception of the medical center, as well as the City of Charlottesville. He said the Governor is urging local governments across Virginia to consider this holiday.

Mr. Richardson said the Board probably knew the history of Juneteenth, but it is the oldest-known commemoration of the end of slavery in the U.S., which was June 19, 1865. He said this involved enslaved people in Galveston, Texas where it took two years for these people to hear that the Civil War had ended, and the Emancipation Proclamation had set them free. He said this is the significance of this date.

Mr. Richardson said Juneteenth is a day of reflection on the evils of slavery and on the contributions that African Americans have made to the country. He said this year, State employees in Virginia will have this as a paid holiday. He said the legislature will formally make it a permanent, paid State holiday. He said Governor Northam encouraged other employers to do the same.

Mr. Richardson recommended to the Board that they make that Friday, June 19, a County holiday observing Juneteenth as a paid holiday.

Mr. Richardson said with the short timing between present time and Friday, they would go department by department in the organization to look at some of the critical services that are being provided based on timing. He said a good example would be tax revenue collections, which is an area

where they will maintain services Friday, and be fully staffed. He said there is even an outside area of the building where they are seeing, on most days, over 60 citizens per day. He said they are helping those citizens before they enter the building. He said this would be an example, as well as Community Development intake, which would remain open.

Mr. Richardson said this will be a transition year, if the Board approves it that evening, where they will either formally close and observe the holiday Friday for the employees who didn't have to work; and for those employees providing the citizen services that are critical based on timing, to be awarded an 8-hour holiday to be taken at a later time.

Mr. Richardson said he would then come back in two weeks, with the Board's approval that evening, providing them with the entire listing of proposed holidays for next year, which begin July 1 through next June 30. He said as part of that, he will ask the HR department to analyze how the County stacks with the number of holidays they have. He said there are currently 12, and if this were to be made a permanent holiday without removing something, it would go to 13. He said he didn't know if there is data across the State with other cities and counties to support that recommendation that they would go to 13. He said if the data is not there, he will come back and make a recommendation that they switch another holiday out and remain at 12.

Mr. Richardson said in taking a cursory look at the holiday calendar for next year, the recommendation that staff is looking at, if they were to switch out a holiday, would probably be President's Day on February 15, in exchange for the memorialization of Juneteenth as a formal holiday for County employees.

Mr. Richardson said he was proud of the Commonwealth of Virginia. He said this will be the second state in the Union that will be recognizing Juneteenth as an official holiday. He said his guess was that many cities and counties will follow suit, in quick fashion. He said he would appreciate the Board's support that evening.

Ms. Price said she wanted to commend Mr. Richardson for acting so quickly on this. She said a number of years ago, in 2008, she was working in Jacksonville, Florida and it was the first time she had an opportunity to attend a Martin Luther King holiday parade. She said she was excited to attend, and terribly disappointed when she saw that, with very few exceptions, only Black Americans attended that parade. She said the atmosphere was that it was a Black holiday, but that this is not a Black holiday. She said it is a holiday for all Americans to celebrate equality.

Ms. Price said Juneteenth is a day they should all celebrate. She said this is not a Black holiday but is a holiday of American moving closer towards equality. She said it was somewhat like when women earned the right to vote, and every other step they have made over the course of history that brings greater equality to all Americans is something that every American should celebrate. She said she was pleased to see that the State and County are recognizing the significance of this day.

Ms. Price said to think about what Mr. Richardson said. She said Emancipation took place several years before, and it was several months after the war before this word even reached some of the people in the country. She said they cannot allow that to continue. She thanked Mr. Richardson and said she whole heartedly supports his recommendation.

Ms. Palmer thanked Mr. Richardson, expressing it was a great idea. She said she also supports Mr. Richardson looking at the other holidays and trying to switch one out. She said this makes good sense.

Ms. McKeel agreed. She said she appreciated Mr. Richardson being able to react. She said sometimes, people talk about how slow government is to react, and that she appreciated the speed at which Mr. Richardson was able to do this. She said this was not the first holiday in the last year or so that the County has switched out.

Ms. Mallek said she also thinks this is an excellent approach, and with the short notice and ongoing effort, the creativity of having certain essential services available, even though the great majority of the staff is not there, helps to ameliorate when citizens do not know and they drive to the County Office Building expecting something to happen, then leave unsatisfied. She said she really appreciated the skeleton crew being available and having a different holiday to be able to use if it can work out successfully.

Ms. LaPisto-Kirtley said she fully supports the switch-out, and even more heartedly supports this holiday. She said it is very important and sends a good message for all Americans that it is something to be celebrated for everyone. She said this part of their history and it should be celebrated.

Mr. Gallaway said he supported Mr. Richardson's effort on this and concurred with the other remarks that were made.

Mr. Richardson said they would talk about race as a learning series with County employees that Friday and will be carrying forward with that commitment. He said there are over 100 employees signed up, and it will run through Liberation and Freedom Day in March, which commemorates the beginning of Emancipation for 14,000 enslaved residents of Albemarle County and the City of Charlottesville in 1865. He said there are many important things happening in terms of broadening their learning, studying, and understanding this as they move forward.

Mr. Richardson thanked the Board for its support, noting he would come back in two weeks with the analysis and finalization of next year's calendar.

Agenda Item No. 20. Adjourn to July 1, 2020, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(6).

At 11:20 p.m., the Board adjourned its meeting to July 1, 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 12/15/2021
Initials CKB