

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 20, 2020 at 3:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency. This meeting was adjourned from March 18, 2020.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:01 p.m., by the Chair, Mr. Gallaway.

Mr. Gallaway 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.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said he needed to pull Item 6.1 from the Consent Agenda, "The Appropriation of Funding to Support the Sheltering of Homeless During the COVID-19 Pandemic," and discuss this after voting on the Consent Agenda.

**Motion** was offered by Ms. Palmer to adopt the final agenda as amended. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 5. Brief Announcements by Board Members

Ms. Mallek said she wanted to remind citizens about the fact that the Census was underway, and that people with post office boxes would not receive anything in the mail about this.

Ms. Mallek said there was work underway among citizenry concerning the request for absentee ballots from the State. She said the State form demands the person's full Social Security Number, driver's license number, and birthday, and that her understanding was that this was likely not legal. She said since the beginning of April, she has been trying to repair this, with the help of a thoughtful email from Jake Washburn to Richmond, but that this has not been fixed yet.

Ms. Mallek said there are plenty of ways for people to obtain an absentee ballot, either by calling the Board of Elections or going online and saying they decline to share their information, therefore filling out the form and printing it out at home. She said she would send something formal to the Board and ask people to consider asking Mr. Gallaway to write a letter in support of the change to the Board of Elections.

Ms. LaPisto-Kirtley announced that Dominion Energy would be donating 500 redbud trees for the fall, which would be distributed at two different sites. She said they hope to get the schools involved, and that she has already spoken with Superintendent Haas. She said they also hope to engage local botanical groups and get this organized. She said this wouldn't take place until September, October, or November.

Ms. Price said she was pleased to report that the Town of Scottsville held its election the day before, and that the new Mayor, Ron Smith, was elected to that position, along with incumbent Town Councilors Daniel Gritsko, Laura Mellusi, Zachary Bullock, Stuart Munson, and Edward Payne. She said a new Town Councilor, Jim Tocci, was also elected to the Town Council. She expressed her excitement in looking forward to work with them.

Ms. Palmer asked about the absentee ballot process Ms. Mallek mentioned. She said when she went online and filled out the information for the absentee ballot, if she were to be willing to print it out and send it in, she did not have to put in her Social Security Number.

Ms. Mallek clarified that if one follows the directions on the Board of Elections website, it instructs one to say, "I consent," and if one refuses to give the information, it shuts it down. She said the directions are backwards and that they must say, "I decline," and then you can print your own. She said no one proofread the form, and that it shouldn't be this hard to get it fixed.

Mr. Gallaway said he had the pleasure of joining into the Planning Commission meeting that took place the night before. He said it was the final evening for Commissioner Bruce Dotson, who has been representing the Rio District for many years. He said he was able to voice his appreciation for Mr. Dotson's service at that meeting and wanted to acknowledge him again. He said Mr. Dotson has done a wonderful job serving on the Planning Commission, and that his efforts have made the County and Rio District a better place.

Mr. Gallaway said early on, after being officially elected to the Board, one of his greatest moments of relief was learning that Mr. Dotson wanted to continue on the Commission. He said as a new Supervisor, it was nice to have someone on the Planning Commission with experience there and made him a better Supervisor.

Mr. Gallaway explained Mr. Dotson had been instrumental in extending the Entrance Corridor on Rio Road. He said there have been blooms in the wildflower meadow outside the entrance to Dunlora that was a NIFI project, and that these blooms were fitting before Mr. Dotson's last meeting, as he was critical in getting that project done.

Mr. Gallaway expressed his appreciation for Mr. Dotson and his efforts. He said he knew Mr. Dotson would continue to provide input and be a resource to the Board. He said he hoped that Mr. Dotson would also have time to enjoy other things, such as travel.

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Agenda Item No. 6. Consent Agenda.

Mr. Gallaway reminded the Board that Item 6.1 had been pulled.

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

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Item No. 6.1. Appropriation of Funding to Support the Sheltering of Homeless During the COVID-19 Pandemic.

On April 15, 2020 a coalition of local housing providers and advocates sent a letter to the Board of Supervisors requesting financial and other types of support for several affordable housing related issues.

Albemarle County staff analyzed the requests presented in the April 15, 2020 letter and determined that direct support for individuals experiencing homelessness presents the greatest community need at this time. To support this effort, staff presented the following recommendations to the County's COVID-19 Incident Management Team which then forwarded its favorable recommendation to the County Executive for approval:

1. Provide a total of up to \$89,458 for quarantine or isolation hotel shelter and related wraparound services, including healthcare and sanitization services, for individuals experiencing homelessness that have been diagnosed with COVID-19 or directed to self-quarantine by a healthcare provider. These funds are eligible to be used for a period of 60-days and at 60% of budgeted costs, using the Charlottesville-UVA-Albemarle Emergency Communications Center cost-sharing agreement as a basis, where Albemarle County is responsible for 60% of costs. These funds will be available for reimbursement from Albemarle County's Housing Fund.

2. Provide a total of \$83,109 for non-congregate hotel shelter for individuals experiencing homelessness. The regional Emergency Operations Center has already secured a block of 30 rooms at a local hotel for a period of 30 days. These funds provide an additional 30 days of reimbursement for shelter and replenish the ECC funds from which the initial 30 days of shelter was given. These funds would be used to pay for Albemarle County's share of that commitment using the Charlottesville-UVA-Albemarle Emergency Communications Center cost-sharing agreement, for which Albemarle County is responsible for 60% of costs. These funds will be available for reimbursement from Albemarle County's Housing Fund.

\$172,567.00 is recommended to be provided from the Housing Fund to support the sheltering of homeless during the COVID-19 pandemic. Appropriation of this funding is noted in attachments A and B. A budget amendment public hearing is not required for this appropriation pursuant to Virginia Code §15.2-2507 because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends the Board adopt the attached Resolution (Attachment B) to approve the

appropriation described in Attachment A.

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<b>Appropriation #2020063</b>		<b>\$ 0.00</b>
Source:	Housing Fund*	\$172,567.00

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

This request is to appropriate \$172,567.00 from the Housing Fund to support the sheltering of homeless during the COVID-19 pandemic.

\* \* \* \* \*

Mr. Gallaway said that Ms. Jodie Filardo would be speaking about making a minor update or correction to the information on this matter.

Ms. Jodie Filardo, Director of Community Development, said she wanted to take a moment to speak about the request for support for the homeless coalition. She said she wanted to clarify the Executive Summary for this item 6.1 as it was discovered that, inadvertently, there was a mistake in the Executive Summary.

Ms. Filardo said particularly under the discussion item on Items 1 and 2, there is a sentence that reads, "These funds are eligible to be used for a period of 60 days, and at 60% of budgeted costs, using the Charlottesville-UVA-Albemarle Emergency Communications Center cost-sharing agreement as a basis, where Albemarle County is responsible for 60% of costs." She said this particular sentence in both Discussion Item 1 and Discussion Item 2 needs to be stricken, as they are each in error.

Ms. Filardo said in fact, these funding amounts were derived from a request for funding that was put together by the Thomas Jefferson Area for the Coalition for the Homeless as a response to a letter the Board members had received on April 15 requesting support for homeless shelters. She said these would be shelters used for people to get out of congregate housing, as well as people who have been either tested positive or presumed positive for COVID-19.

Ms. Filardo said this item requests a total of \$172,567 to be appropriated from the housing fund, to be split in two. She said the first amount is for a quarantine or isolation hotel shelter to the tune of \$89,458. She said the second is for sheltering those who will be coming out of congregate shelters and going into this non-congregate hotel shelter to the tune of \$83,109. She said of the \$83,109, the ECC had previously stepped up and funded a total of \$65,462, and staff envisions, with this request to the Board, a reimbursement to the ECC of a total of their \$65,462, to leave a remainder of \$17,647 for non-congregate hotel shelter, and a total of \$89,458 to be used to shelter COVID-19 positive or presumed positive individuals requiring shelter.

Ms. Filardo said she wanted to clarify this to make sure that as the Board members are contemplating this decision, they understand that this is not related to, or tied to in any way, the ECC cost-sharing agreement between Charlottesville, UVA, and the County.

Ms. Palmer said she would greatly appreciate having the corrected information sent to the Board so they can read this.

Ms. McKeel said as Ms. Filardo was explaining this, she was having a hard time following it, exactly. She said it made perfect sense and that she was not opposed to it, but she wondered if this should come back to the Board on another Consent Agenda, or if Mr. Kamptner felt comfortable if it was clear what they were voting on. She said it is a significant change to the language, acknowledging that there may be a time issue, however.

Mr. Kamptner said Ms. Filardo's explanation does not change the amount that has been appropriated. He said it was about changing the language about the County's contribution.

Ms. McKeel asked if the \$89,459 stays.

Mr. Kamptner replied yes.

Ms. Palmer asked if there was a timing issue.

Ms. Filardo replied yes. She said that day was the last day of funded obligation from the ECC, so there is a timing issue of concern.

Ms. McKeel said she was happy to support it that evening, but that she would still appreciate a rewrite.

Ms. Filardo said she would be glad to send this information to the Board via email, adding that there is a small spreadsheet that outlines this in clearer terms.

Ms. Palmer said she would appreciate the spreadsheet.

Mr. Gallaway asked if they could get the corrected language put into the Executive Summary so that the Board could have it in front of them and vote on it later in the meeting.

Ms. McKeel agreed this would be cleaner.

Mr. Gallaway said his understanding was that the language could be stricken, and that they could perhaps vote on this before or after the Closed Meeting, or at the end of the meeting under Other Matters, with a clean document everyone can see.

Ms. Filardo said she would send this to the Board via email.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2020 APPROPRIATION**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2020063 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

\* \* \* \* \*

APP#	Account String	Description	Amount
2020063	4-1200-99900-499000-999999-1008	SA2020063: Housing Fund Reserve for COVID-19	-\$172,567.00
2020063	4-1200-89000-489000-700380-1008	SA2020063: TJACH (\$107,105) and ECC (\$65,462)- COVID-19	\$172,567.00

Item No. 6.2. Special Exception for ZMA201300017 - Spring Hill Village.

The applicant is requesting minor changes to the Application Plan and Code of Development (COD) for Spring Hill Village. This is variation request #2 for this development. Specifically, the applicant is proposing the following changes:

- A realignment of the internal road system. The proposed cul-de-sac has been removed with this design.
- Block acreages have been reverted back to their original size as approved with ZMA201300017.
- Blocks B and C are now part of Phase 1, instead of Phase 2.
- Total open space has increased from 3.28 acres with the original rezoning request to 3.62 acres. There are minor changes to the amenities proposed and pocket park layouts.
- Single-family attached setbacks, garage setbacks, and corner lot setbacks have been revised to be more consistent with County standard residential setbacks under County Code § 18-4.19. It should be noted that Note 5 in Table 3.3 refers to the garage setback.
- The Code of Development street parking section has been updated to reflect minor layout changes (including seven (7) on-street spaces on Sheridan Street, instead of 10 spaces).
- Removing the requirement to provide both single-family detached and attached units. The current site plan submittal shows single-family attached units, with both attached villas and townhouses.
- Future inter-parcel connections are proposed to the north and south, instead of just the north. The landscaping/screening buffer will remain.
- Maximum building heights remain the same, however the wording of the “buildings and spaces of human scale” section of the Code of Development has been updated to more accurately reflect height requirements and the landscaping buffer requirement.

Staff recommends approval of the special exception request. Please see Attachment B for staff's full analysis.

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

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
TO VARY THE APPLICATION PLAN AND CODE OF DEVELOPMENT  
APPROVED IN CONJUNCTION WITH ZMA201300017 SPRING HILL VILLAGE**

**NOW BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the

Application Plan and Code of Development approved in conjunction with ZMA201300017 Spring Hill Village, subject to the condition attached hereto.

\* \* \*

**ZMA201300017 Spring Hill Village Special Exception Condition**

1. All changes to the Code of Development and Application Plan shall be in accordance with the Exhibit prepared by Collins Engineering entitled "Spring Hill Village: Application/Block Plan," last revised on April 9, 2020, and the Code of Development prepared by Collins Engineering entitled "Spring Hill Village Code of Development, ZMA #2013-00017, last revised on April 9, 2020.

Item No. 6.3. Resolution Supporting the VDOT Albemarle Design-Build Bundle.

The Smart Scale grant program is the primary method for funding large-scale transportation projects in the State. The program provides State and Federal funding for the design/engineering, right-of-way, and construction of transportation projects and runs on a biennial cycle. In the 2016 Smart Scale round the Virginia Department of Transportation (VDOT) awarded six applications within Albemarle County which were included in the VDOT Fiscal Year 2018 Six-Year Improvement Program. VDOT has decided to utilize the design-build method of procurement to implement the six projects, known as the Albemarle Bundle, in a single contract. One contractor was selected to both complete the final design and construct all six projects. The six bundled projects are: I-64 at Exit 118 Interchange Improvements; Exit 124, I-64 and Route 250 Diverging Diamond Interchange; Fontaine Avenue Exit Ramp Improvements; Route 250/151 Roundabout; Route 20/649/1494 Roundabout; Rio Mills Road Extension/Connection to Berkmar Drive Extended.

At the time these projects were submitted and awarded for Smart Scale, a Resolution of Support was not required. VDOT now requires a Resolution of Support from the local governing body to be submitted with the Smart Scale application. With the projects contained in the Albemarle Bundle moving to the right-of-way and construction phase, VDOT has requested a Resolution of Support from the Albemarle County Board of Supervisors to ensure that the County remains in agreement with the proposed projects. On August 3, 2016 the Board recommended support of the projects Funding Requests for the Smart Scale applications related to these projects. The Board previously passed a Resolution of Support for the Rio Mills Road - Berkmar Drive connector on July 17, 2019.

VDOT has held two Public Hearings for the six projects. The first one, on October 9, 2018, 20 citizens attended, and the second one, on October 10, 39 citizens attended. Public Comment on the projects was mixed in all cases, however, the Exit 124: I-64 and Route 250 Diverging Diamond and the US 250/Rt 151 Roundabout both received more comments opposing the projects than in favor of the projects. VDOT and staff have evaluated these projects and still believe that the projects as proposed remain the best options to address the existing safety and operational issues.

These applications are approved for State and Federal funding to implement these projects. No County match is required with the applications and they will be administered by the Virginia Department of Transportation. Additionally, VDOT will accept future maintenance of these facilities. Therefore, no County funds are necessary to support the projects.

Staff recommends the Board of Supervisors adopt the Resolution in Support of the Smart Scale Applications in Albemarle County provided in Attachment A.

**By the above-recorded vote, the Board adopted the Resolution in Support of the Smart Scale Applications in Albemarle County provided in Attachment A:**

**RESOLUTION IN SUPPORT OF ALBEMARLE COUNTY SMART SCALE  
DESIGN-BUILD TRANSPORTATION PROJECTS**

**WHEREAS**, Albemarle County identified a need for road improvements in the County to address existing safety and congestion issues at six locations, including the U.S. Route 29 & Interstate 64 interchange, the U.S. Route 29 & Fontaine Avenue interchange, the U.S. Route 250 & Interstate 64 interchange, the U.S. Route 250 & Route 151 intersection, the Route 20 & Route 649 intersection, and the Rio Mills Road - Berkmar Drive connector; and

**WHEREAS**, Albemarle County submitted SMART SCALE applications for the U.S. Route 250 & Route 151 intersection, the Route 20 & Route 649 intersection, and the Rio Mills Road - Berkmar Drive connector in Fiscal Year 2018; and

**WHEREAS**, the Charlottesville-Albemarle Metropolitan Planning Organization submitted SMART SCALE applications for the U.S. Route 29 & Interstate 64 interchange, the U.S. Route 29 & Fontaine Avenue interchange, and the U.S. Route 250 & Interstate 64 interchange in Fiscal Year 2018; and

**WHEREAS**, the six transportation projects were included in Virginia Department of Transportation's Fiscal Year 2018 Six-Year Improvement Program; and

**WHEREAS**, Combined Location and Design Public Hearings were held for the above-mentioned projects on October 9, 2018 at Monticello High School and on October 10, 2018, at Western Albemarle High School; and

**WHEREAS**, the Virginia Department of Transportation has decided to utilize the design-build method of procurement to implement the six projects, known as the Albemarle Bundle, in a single contract; and

**WHEREAS**, the Albemarle County Board of Supervisors adopted a resolution of support for the location of the Rio Mills Road - Berkmar Drive connector on July 17, 2019 and the Fontaine Avenue/US 29 Bypass Interchange Improvement project on August 8, 2018

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors reaffirms its support for the Albemarle Bundle Projects and respectfully requests that the Virginia Department of Transportation move forward with their expeditious and careful construction.

**BE IT FURTHER RESOLVED**, that the clerk of the Board shall forward a certified copy of this resolution to the District Administrator of the Virginia Department of Transportation.

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Item No. 6.4. Emergency Ordinance to Amend the Continuity of Government Ordinance.

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, has requested to be added to Section 4. The proposed emergency ordinance would add JMRL to Section 4 and make some other minor amendments to Section 4. Virginia Code § 15.2-1427(F) limits the duration of an emergency ordinance to not more than 60 days.

JMRL requested that it be added to Section 4 to allow its board to hold public meetings during the COVID-19 disaster without physically assembling. If the emergency ordinance is adopted, staff will return with a non-emergency version of the ordinance for public hearing and consideration for adoption at its June 17, 2020 meeting. The minor amendments proposed in this emergency ordinance are intended to standardize some of the language throughout Section 4.

No budgetary impact is anticipated. Any increased workload could be managed by existing staff.

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

**By the above-recorded vote, the Board adopted the attached proposed Ordinance (Attachment A):**

#### **ORDINANCE NO. 20-E(4)**

AN EMERGENCY ORDINANCE TO AMEND THE CONTINUITY OF GOVERNMENT ORDINANCE BY ADDING THE JEFFERSON-MADISON REGIONAL LIBRARY SYSTEM, AND MAKING OTHER MINOR AMENDMENTS, TO SECTION 4

**WHEREAS**, on April 15, 2020, the Albemarle County Board of Supervisors adopted Ordinance No. 20-A(6), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster; and

**WHEREAS**, the Board desires to amend Ordinance No. 20-A(6) to add the Jefferson-Madison Regional Library system, and to make other minor amendments, to Section 4.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that Section 4 of Ordinance No. 20-A(6) is amended as follows:

#### **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.

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Non-Agenda Item. **Discussion:** Update from Thomas Jefferson Health District on COVID-19

Mr. Trevor Henry, Assistant County Executive, said he wanted to invite Dr. Denise Bonds to provide a briefing to the Board, following the conversation from the prior week where Deputy County Executive Doug Walker briefed the Board on their Phase I planning. He said the Board had raised some questions around testing and test results at both the State and local level. He said after that meeting, they thought it prudent to invite Dr. Bonds to speak to the Board to hopefully resolve some of the questions raised.

Mr. Henry said regarding the State questions, the Governor's Office had resolved those that week through his briefings.

Mr. Henry said Dr. Bonds would talk about what was happening at a local level and answer any questions the Board may have, as Phase I was happening and as planning was already happening with Phase II.

Mr. Henry said Dr. Bonds is the Director of the Thomas Jefferson Health District and has been in that capacity since 2015. He said she and her staff has been at the pointed end of the spear throughout the pandemic, and that from a locality perspective, they were very grateful to her and her staff for the leadership she has offered as well as for her being there to address the Board.

Dr. Bonds said she would run through some of the numbers, talk about testing in the community, and address any specific questions. She said as of that day, there were 390 cases in the district, 67 individuals who have been hospitalized, and 13 fatalities overall.

Dr. Bonds said in Albemarle County, there have been 142 cases, 18 hospitalizations, and 4 fatalities.

Dr. Bonds said looking at the demographics of who has been infected by COVID-19 in the entire district, they have an overrepresentation of African Americans, making up 27% of the cases, 52% of the hospitalizations, and 31% of the fatalities. She said there was a caveat around fatalities, as there have been 13, which is a very small number, which means an additional 1-2 deaths could certainly change that percentage.

Dr. Bonds said most of the cases have been women, at 55%, also making up most of the individuals hospitalized (55%). She said as they have also seen in the nation, more men in the community have died than women (62%).

Dr. Bonds said there have been 6 outbreaks in the district. She said an outbreak is defined by three associated cases in some sort of community. She said of the six, 129 cases were associated with that outbreak, with 39 cases in healthcare workers. She said four of the outbreaks have been in long-term care facilities, e.g. nursing homes, memory care units, skilled living facilities. She said there was one outbreak in a congregate living situation, and one in a correctional facility.

Dr. Bonds acknowledged there were many questions about testing, explaining that the State has now separated out PCR (polymerase chain reaction) and the antibody testing. She said they do quite a lot of testing in the district and is about 9th or 10th of districts that do testing. She said they have had over 6,000 PCR tests in the district, to date. She said their percent of positivity for the last seven days is 4.3%. She said the highest positivity they have had was on April 14, which was 15.4%.

Dr. Bonds said they were still doing lots of testing, and that the most recent number that she had was the tests that were done on May 18. She said this was the most recent number because it can sometimes take up to 2 days for a laboratory to report a negative test to the district. She said they are electronically downloaded to the district, and while the positives are received right away, the negatives sometimes don't happen for a couple days. She said on May 18, they did 242 PCR tests.

Dr. Bonds said one can look up the number of cases and number of tests that have been done by zip code, on the regular DDH page. She said she would send the link to the Board. She said for example, the zip code for the Health Department is 22903, and that there have been 42 cases in this zip code, with

742 PCR testing encounters done for this zip code.

Dr. Bonds said testing is now more widely available, and that they can test pretty much anyone who wants a test via a PCR test. She said there have been testing events in Albemarle County, such as at Yancey Community Center last Friday morning for people who were symptomatic. She said there were 19 people registered and 19 tests conducted. She said the Southwood community was tested on Saturday, May 2 in collaboration with UVA. She said this went well, and that UVA brought many bilingual individuals there, which was helpful.

Dr. Bonds said the Health Department has received an anonymous donation, which is allowing the department to hire a dedicated testing team for the district. She said those five individuals have been interviewed, are having background tests done, and should be able to start sometime in the next week. She said their sole job will be to conduct testing for COVID-19 in the community. She said they anticipate being able to do at least three community testing events every week, and the hope is to move towards testing every day of the week, Monday through Friday. She said they would not be testing on the weekends except under exceptional circumstances.

Dr. Bonds said the State has hired a company that will come in and conduct a mass testing event. She said there were still some glitches to be worked out. She said this was previously done in Prince William and Waynesboro. She said they do not preregister individuals like the Health Department does. She said she believes that having people call to get a time slot avoids the 4-hour wait in line that people had to do in Prince William, and that it also means the Health Department has all the information it needs for reporting into the system for getting the tests run and for contacting the individuals if they test positive. She said they were open to working with community organizers if they want to bring in a large group.

Dr. Bonds said the community has been working with Sentara and UVA, and that they would be doing testing in the Charlottesville area, at Mt. Zion African Baptist Church and at the Jefferson School that weekend, from 10:00 a.m. to 4:00 p.m. She said they would be testing anyone who wishes to get tested, and that registration was not required. She said one can either drive up or walk up.

Dr. Bonds said she receives many questions about case investigation. She said when this first started, they repurposed a lot of staff and trained them to be case investigators. She said they have been able to do complete case investigations and complete contact tracing for all the cases in the district for the entire time. She said they are helped a lot by the fact that they also have very rapid testing at UVA, which has allowed them to understand who has been infected and get those people into isolation right away. She said they are in the process of getting those staff back to their regular jobs, as the economy opens up, and replace them so that they can continue to do all case investigations.

Dr. Bonds said they are hiring additional people, with three on board who have already started, are trained, and are currently working with the staff. She said there are six who are in the process of getting their background checks, will be oriented and will receive all their equipment next Tuesday to be able to start on Wednesday. She said over the summer, they will look to likely hire an additional 5-10 staff, depending on what they see with cases as students begin to come back to UVA.

Dr. Bonds said she has been working with UVA and is aware of what their plans are. She said they have been transparent in sharing those plans with her so that they can make plans appropriately for how they bring their students back. She said UVA has not gotten their final plan together, but that they have been very sensitive to her concerns and have offered many resources. She said this has been a great collaboration and partnership.

Dr. Bonds said things have slowed down in terms of the number of cases. She said they have had single-digit cases for at least the last week, and likely going on the last two weeks. She said during that time, they have done a number of point prevalence surveys where they have worked with the National Guard to test everyone in a long-term care facility, for example. She said they are not seeing large rates of individuals who are infected, but asymptomatic. She said they would continue to work with long-term care facilities to do those sorts of surveys. She said they are happy to work with other groups.

Dr. Bonds said she was working with a local government who had an individual affiliated with them and was trying to get testing done in a point prevalence scenario. She said if this turns out to be the case with Albemarle County government, if they have an individual who is positive and has been in the office, and they want to get a group of people tested, the Health District is happy to come and expedite that testing for the employees.

Dr. Bonds offered to answer any questions.

Ms. Mallek said it was hard for her to keep up with the data from the emails on a daily basis. She said Dr. Bonds said the case numbers were falling for the last few days. She said to qualify to open even parts of the economy, they are supposed to have a falling number for 14 days. She asked if anyone was actually qualifying for that original Governor's order to have cases falling for 14 days.

Dr. Bonds replied yes. She said looking at their webpage for the district, she would see that the last time they had a bump in cases was on April 30, where there were 29 cases. She said it is hard to figure out how many they have because the numbers are so small. She said looking at May 7, they had 6, and on May 11, it was 6 as well. She said when they start to get to single digits, it's hard until it gets to zero. She said there was a day, last Sunday, where there were 0 cases that came through. She said in

areas where they have chosen not to enter Phase I, Northern Virginia, Richmond area, are seeing significantly more cases than the Health District is at this point in time.

Dr. Bonds said there were four things that the Governor listed, and that the Board could go to the website to see what the trend has been over time. She said in general, the positivity rate is decreasing over time.

Ms. Mallek asked who the point of contact for a community group would be who wants to set up testing.

Dr. Bonds replied it would be one of her staff. She said the requests could be sent to herself, and that she would do an email introduction. She said Jessica Salah, Emergency Planner, has taken over the testing and is organizing all testing events. She said they are interested in doing testing in the White Hall District, as it was identified as an area that would benefit from a testing event. She said it would work best if they had a community contact who could help advertise it locally to the groups because while the Health Department can send things out, a community member always has better contacts.

Ms. Mallek said she would supply that. She said another question she was getting from citizens was why they cannot find out from a nursing home where relatives live if they have any cases. She said people are appalled that these nursing homes are being treated like privacy issues for individuals, with families being left in the lurch. She said these people need to know if they need to remove their relatives from the nursing homes, and the act of not sharing that information makes people hostile.

Dr. Bonds agreed it has been a challenge, and that she was sure she has heard all the arguments the Governor has given. She said there is a law they are required to follow about privacy, and that the Attorney General has defined an individual as a business entity as well. She said CMS, Center for Medicare and Medicaid Services, has essentially overridden that and said they will release all facilities that are contracted by them. She said that information will be posted, and that she would get Ms. Mallek the link once it is posted. She said there are three facilities in the State that do not take Medicare and Medicaid, and so they will never have to report to CMS. She said all other facilities will have to report when they have an outbreak.

Dr. Bonds said she didn't know what the lag time will be between when there is an outbreak and when it shows up again on the webpage, but that she would find this information and send Ms. Mallek the CMS link.

Ms. LaPisto-Kirtley thanked Dr. Bonds for bringing up the testing that would take place at the Jefferson School and Mt. Zion. She said with regard to Ms. Mallek's question, she knew that the nursing home where her brother lives sends out emails to let the families know of individual cases.

Dr. Bonds said it is very nursing home-specific, and that the requirement to report to CMS is new. She said it would help once this information is posted on the federal website so that people can look it up.

Ms. Price said while they can all be pleased that there are positive signs out there, it is important for constituents to remember that just because things are opening up, it doesn't mean that there is not still a risk. She said people still need to observe social distancing, wear masks, and be protective of each other. She said as the messages say, when one wears a mask, it is not only to protect themselves, but to protect others. She thanked local residents for handling this very well under very stressful circumstances and maintaining their civility to each other.

Dr. Bonds said Ms. Price brought up an important point, emphasizing that the reason the numbers are so low is because all of the government was very responsive to the recommendations, and the community responded well. She said they stayed home, they wore their masks, and were respectful of distances when they needed to go out. She said this is exactly why the numbers are in single digits. She said people paid attention and did what was suggested of them.

Ms. Palmer said one of the questions she often receives is about who is doing testing besides the Health District, and if they are all using the same lab and same kind of testing. She asked if Dr. Bonds could talk about this, recalling that she had said her tests were being done by UVA and with PCR.

Dr. Bonds replied that currently, testing is being done by a variety of labs. She said UVA has their own PCR testing platform that they stood up right away and have been gracious to allow the Health District to use in lieu of their State lab. She said the State lab uses a similar PCR platform, which looks for the genetic aspect of the virus to indicate an infection.

Dr. Bonds said most of the commercial labs are using a PCR platform and at this point in time, all of the major commercial labs now have good COVID-19 testing, and so one could go to their primary care provider and get a test there. She said many PCPs are doing COVID-19 testing, but the limitation is about whether or not they have Personal Protective Equipment (PPE). She said she has worked with PCPs to make sure that they have PPE. She said the State has purchased a large supply of N95 masks, face shields, and gowns needed to safely obtain a COVID-19 test.

Dr. Bonds said when a test is conducted with a nasal swap, it goes far up the nose, all the way to the back of the throat. She said what happens is that the person will cough and sneeze, as this is irritating to both the nasal passages and to the back of the throat. She said it is very important that the nurse or provider collecting that specimen has that PPE on, as they are exposing their face to germs at that point.

She said they want them to have a face shield or some type of goggles to protect their eyes, as well as an N95 mask and gown.

Dr. Bonds said providers are testing, and that there is a list used when people call the hotline to help people find providers. She said the urgent care centers are currently testing, as well as Sentara Martha Jefferson, UVA, and through mobile testing events. She said these tests do not occur at the Health Department.

Ms. Palmer said when Dr. Bonds gives the Board the number of tests occurring in the area, if she is giving all the tests, or only the ones that the Health Department is controlling or in charge of.

Dr. Bonds said the numbers she provided in terms of testing includes all of the positive tests, as this is a legally reportable condition. She said a positive must be reported to the Health Department immediately. She said it includes almost all of the negative tests. She said almost all of the commercial lab providers have an agreement to electronically download all of their lab results from reportable conditions to the State reporting system, which is called VAMS (Vaccine Administration Management System). She said that happens overnight, and that sometimes it will take a lab two days to get a test result to the Health Department. She said UVA's results show up immediately.

Dr. Bonds said there are probably one or two very small commercial labs that do not yet have that electronic agreement. She said more labs are being added on every day, and that she had recently seen two labs she had never heard of that now have an agreement and will electronically download into the State system. She said this means they get both the positives and the negatives from that lab.

Dr. Bonds said those two or three commercial labs that do not have that electronic download will report the positives, but they may not report negatives. She said if anything, this is a slight undercounting of PCRs because they probably do not receive every single negative test result that is done.

Ms. Palmer asked if this would mean that there is some variety in the quality, given that there are some smaller commercial labs where it is possibly unknown how accurate their processes are.

Dr. Bonds said in any other time, she would say that if they are commercially available, it is likely a high-quality test because it had to have some sort of approval process through the FDA. She said the FDA fast tracked a lot of labs so they would get more widespread testing. She said she didn't know to the degree that they are looking at every single commercial lab to look for that full validation process. She said generally, if it's in a commercial lab, it's been validated, and the FDA has approved it as appropriate for consumer use.

Dr. Bonds said she was confident about PCR, so if a PCR is done, she assumes it's a good specimen. She said what she is less confident about are antibody tests coming out. She said this is because there are many that haven't been validated, and that some of them are picking up regular cold coronaviruses as opposed to COVID-19. She said this was trickier to interpret, which was why if someone visits the webpage, they can pull up PCR tests only.

Ms. Palmer asked if the numbers they have in the Health District include many antibody tests. She said she knew that at the State level, the test numbers were being combined, and she wondered how many people were antibody testing after they have already tested positive, and how much double-counting there is.

Dr. Bonds replied there was hardly any. She said when she last asked the investigative team, they had gotten about five individuals that had had antibody testing, so it meant very small numbers at that point. She said they are asked for it all the time and that they don't have too many places to refer these people to. She said when she talked to the microbiologists and experts at UVA, they have not found an antibody test that they feel confident about yet.

Dr. Bonds said if it gets to the point where they have a very accurate antibody test, where they are sure a present antibody is for COVID-19 and not just any coronavirus, they would be happy to offer that testing at the Health Department. She said she was sure UVA would begin to offer it at that point in time, as well as Sentara Martha Jefferson and primary care. She said currently, they do not have enough good data to demonstrate that the antibody testing is working accurately.

Dr. Bonds said another caveat was that even if they get to that point, they don't have enough history with this disease to know that if one has an antibody, that means they are immune and can never get it again. She said there are some preliminary, anecdotal stories that are in the news about individuals who had the disease, had negative PCRs, were going back into service, which required them to have another PCR, and they tested PCR-positive again. She said the question is if this was because their cells are shedding viral DNA or RNA, or if the two negative tests false ones. She said there are such small numbers now that they don't really know, and that no one should rely on the fact that because they have antibodies, this means they could never get it again. She said more data is needed.

Ms. McKeel said she was still occasionally hearing from community members surprise that they are going into businesses and the employees are not wearing masks. She said they were certainly doing a good job in the community of flattening the curve, which has been wonderful and, in her opinion, has caused a feeling of restlessness. She said everything seems "not so bad," which is human nature. She said there is a positive and a negative.

Ms. McKeel asked Dr. Bonds what her advice would be for community members that visit a business and find that employees are not wearing a mask.

Dr. Bonds said she had a phone call with all law enforcement agencies for all localities in the district when the recommendations for Phase I came out. She said what they have universally agreed upon is that if they receive a complaint from a citizen that they walk into a retail store and people are not wearing masks or practicing appropriate physical distancing, they can call the hotline, and the Health Department would help direct them to the right location. She said the police departments are taking an education-first approach.

Dr. Bonds said citizens can either call the hotline or the nonemergency police line to report their findings. She said those agencies will then send an officer out and do some education about the appropriate guidelines for the current phase and why it is important to practice physical distancing and to wear cloth face coverings.

Dr. Bonds said the only exception to that would be restaurants because the Health Department is the regulatory agency for restaurants. She said they will take those complaints internally and send a crew out to investigate them. She said they will work with the owner or manager of the restaurant to try to get them into compliance. She said they have been doing this the whole time because restaurants were operating for take-out. She said the Health Department wants the restaurants to be successful and be able to do their business using the guidelines that have been set forth. She said it doesn't do anyone any good if they get a big outbreak and trace it back to a retail establishment or restaurant that wasn't practicing appropriate precautions.

Ms. LaPisto-Kirtley said she knew that many parents have been concerned about not being able to go on the playgrounds, and that this has to do with following the guidance of the Health Department, Police, Fire Rescue, and various agencies to make sure that kids will be safe. She said even though it is helpful and healthful to be outside, everyone must continue their social distancing. She said she wanted to let parents know that they are continuing to reevaluate as they go along to see when they can open up the various playgrounds, lakes, and parks. She said the community can always get information on albemarle.org under "Parks and Recreation" to see what is open and what is not.

Dr. Bonds said these were great points, and that the critical thing for parents to think about is that there is really no good way to decontaminate those slides, swings, and all playground equipment in between kids using it. She said they are finding out more and more that this disease does impact kids. She said they had their first of some severe complications that include some vasculitis in the State of Virginia, and that they want the children to be safe.

Ms. Mallek said she was reassured by what Dr. Bonds said about the testing. She said she was concerned hearing the national news speak about false negatives from some tests out there. She said the local issue that is getting slowly better is from companies whose owners or managers are out of state, and these local managers have taken a while to get to the point where they are starting to require their employees to wear the masks. She said they had tried to get out of it for a while. She said they were finally getting there slowly, but there were still local companies where none of the staff were complying. She said she didn't think this was helpful, and that she certainly wouldn't be going back to support them.

Dr. Bonds thanked the Board for the work they have done in the community to help support the efforts of the Health Department. She said this makes a difference in why the district and County have been so successful in keeping their rates down.

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Agenda Item No. 7. **Work Session:** Amendment to Woolen Mills Economic Opportunity Fund Performance Agreement and Update on WillowTree Relocation Status.

Albemarle County partnered with the Commonwealth of Virginia to support a project at the Woolen Mills site for the relocation and expansion of WillowTree, Inc. to become the anchor tenant in a redeveloped corporate campus. Albemarle County also provided a \$1 million investment in infrastructure for the redevelopment of this unique site. Due to revisions in the construction schedule, the target date of the infrastructure investment performance agreement was extended six months on October 16, 2019. While the redevelopment project remains on track and is preparing for tenant occupancy this summer, approvals from federal agencies including the Environmental Protection Administration have taken longer than originally anticipated which has impacted the timeline for construction of the pedestrian bridge. A second extension is being requested to accommodate the updated timeline.

On September 12, 2018, the Board authorized the County Executive to execute a performance agreement with Woolen Mills, LLC and the Albemarle County Economic Development Authority on behalf of the County regarding the \$1 million infrastructure investment associated with this project (Attachment A). This investment targeted the following specific public serving uses:

- public parking for recreational amenities
- pedestrian bridge and trail linkage
- transit improvements - shuttle partnership

The original project completion date was December 31, 2019. As the construction progressed, the Developer requested to adjust the deadline to June 30, 2020, to accommodate delays occasioned by, amongst other things, easement acquisition. WillowTree agreed to the new date. The Board voted to approve this initial date change on October 16, 2019 and the dates referenced in the performance

agreement were amended to reflect the updated schedule. The First Amended Agreement (Attachment A) includes the revised date of June 30, 2020, acknowledges the County's and EDA's timely performance, and extends the term of the agreement to August 31, 2020.

All the necessary approvals have now been obtained from federal and state agencies and the County and Developer identified the location of the ten publicly accessible parking spaces. However, the installation of the pedestrian bridge and the subsequent construction of the Class A Trail connections have been delayed and will extend beyond the June 30, 2020, deadline. In order to provide the developer sufficient time to finish the improvements without triggering a repayment penalty, all parties are supportive of an extension of the performance agreement completion date until September 30, 2020. The attached Second Amended Agreement (Attachment B) includes the revised date of September 30, 2020.

No budget impact is anticipated.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the Second Amended Agreement and to authorize the County Executive to sign the Second Amended Agreement on behalf of Albemarle County once it has been approved as to substance and form by the County Attorney.

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Mr. Roger Johnson, Director of Economic Development, presented. He said they were there to ask the Board to take action on an existing performance agreement at Woolen Mills and with Brian Roy.

Mr. Johnson said they know that Woolen Mills and WillowTree are inextricably linked, and that they have invited Mr. Tobias Dengel, the CEO of WillowTree, to provide an update so the Board is keenly aware of what is happening with WillowTree, which also impacts the performance agreement. He said they are also aware that many people in the community, staff, and leaders have a lot of interest in WillowTree's success.

Mr. Johnson said in August of 2018, Governor Northam visited WillowTree for an event. He said in September, the County Board of Supervisors announced a local partnership that includes four grants. He said the construction started in February, and that Brian Roy, owner of Woolen Mills, and his team have been actively engaged in construction since that time.

Mr. Johnson said in October, a performance agreement was created to extend the date to June 30, 2020. He said they have added a transit agreement to this particular project in April 2020. He said in June, the bridge was scheduled to arrive on site for final installation, although he learned that the bridge had arrived early, which they learned earlier in the week.

Mr. Johnson said it was important to know that they are talking about a performance agreement with the developer themselves, and it is between Woolen Mills, Brian Roy, and the County. He said there are three other existing agreements associated with this particular project. He said there is a performance agreement with the State; a tax rebate between WillowTree and the local government; and a match between the local government and the State.

Mr. Johnson said they did not have the foresight to recognize that there was going to be a pandemic in the middle of this situation, and so these particular performance agreements will need to be revisited.

Mr. Johnson said with the world-class organization that WillowTree is, they want a world-class location in which to host their employees. He said WillowTree supports career-ladder jobs and so, to some degree, this project itself is supporting career-ladder jobs. He said it is a targeted industry that catalyzes business development along Broadway Street. He said there is a Broadway Blueprint going on that will see how they can take advantage of WillowTree moving in and improve the community.

Mr. Johnson said this project adaptively reuses the historic industrial site, activates the riverfront, and stimulates growth and other economic factors. He said it is already a priority goal of redevelopment placemaking and economic development which is found in Project ENABLE.

Mr. Johnson said they were talking that day about the first agreement, which has a \$1 million investment in public infrastructure. He said that infrastructure includes public parking for recreational amenities. He said it includes a pedestrian bridge and trail linkages, and also includes connectivity for things such as urban bike and pedestrian connections. He said they are working through that process to get this completed with Brian Roy.

Mr. Johnson said staff recommends approval of this particular performance agreement to change the date of the agreement to present day until June 30 to September 30. He said this will give the developer time to complete construction on this bridge. He said there have been other related factors other than COVID-19, but with all the factors combined, there was the recommendation to move this to September 30 to make sure the developer has plenty of time to complete this particular part of the project. He said the developer fully expects to complete this in the coming weeks, but nonetheless, staff still recommends September 30 so they will not have to come back again in case of other factors that come up that were not considered in contingency.

Mr. Johnson presented the "before" and "after" pictures for WillowTree.

Mr. Johnson said Mr. Tobias Dengel is the CEO of WillowTree and has over 500 total employees. He said he is a graduate from the University of Pennsylvania and has several degrees. He said it is hard to look at "most successful CEO" rankings without seeing Mr. Dengel's name come up. He said he has quite a few recognitions from all around the world, and it is fair to say that he is considered one of the best CEOs in America.

Mr. Dengel said the pictures presented made him wish that they were moving in that week or next week, but there were one or two minor tweaks to get through the Certificate of Occupancy process. He said the project had exceeded everyone's expectations in terms of how the building and site could look and feel for the team. He said they are in a global competition for talent, with the goal of bringing talent to the community and have it stay. He said they are competing against competitors such as Google and Facebook, and that this facility allows them to do that effectively.

Mr. Dengel said the global pandemic has had a significant impact on their ability to start in the new facility. He said he would give the Board a history, as well as where they are in terms of opening during the pandemic.

Mr. Dengel said WillowTree has about 550 employees total, and about half are in the community of Charlottesville and Albemarle County. He said they have significant exposure to the hospitality industry, with some of their major clients including Windham Hotels, Hyatt, Hilton, Holiday Inn, Regal Cinemas, and Potbellies. He said those are all clients who, in some way, have been significantly impacted by the quarantine.

Mr. Dengel said he felt that during the last two weeks of April, every time the phone rang, it was one of their clients telling them they had to suspend a project or end it early. He said in a period of about two weeks, WillowTree lost about 20-25% of its clients. He said those were difficult weeks, and they had to think hard about how they were going to respond and deal with this.

Mr. Dengel said unfortunately, WillowTree does not qualify for any of the PPP (Paycheck Protection Program) money, as they are at 550 employees and the cutoff for that was 500. He said as fate would have it, and based on where those lines were drawn, they were left to deal with this situation on their own. He said their core goal was to do no layoffs, as they did not want anyone to lose their job over this. He said they enacted some graduated comp reductions, less than 5% for the first \$100,000, and moving up from there. He said himself and other owners went to \$0 comp for the time being in order to save money.

Mr. Dengel said they have been able to weather the initial shock and are now at a point where they are not losing any more incremental business but are gaining as much business as they are losing. He said where this goes from here is anyone's guess, but that based on where they are today, things are looking stable.

Mr. Dengel said the big outcome of this for WillowTree is that their growth will be slower than they had initially contemplated when they signed the agreement with the County and with the State. He said they would be working with the County to ask for an extension on some of those employment targets such as adding 200 employees. He said they had been well on course, and if he had been asked in February, he would have said they felt good about it. He said where they are today, however, have made them pause in terms of hiring.

Mr. Dengel said they have tried to do everything they can to keep some hiring going. He said they had almost 30 students from universities, mainly in Virginia and North Carolina, whom they were hiring over the summer, and that they have decided to honor and bring those people on, though somewhat later, in September versus July. He said all of those candidates have accepted, and that since it is a tough year for college grads, they were excited that WillowTree is going to honor its commitment to them, which many companies are unfortunately not able to do.

Mr. Dengel said WillowTree is looking stable. He said they hope that as the economy opens up, things will start picking up again, adding that they have already seen some indications of that. He said there are some industries that they work heavily in, such as financial services, grocery and retail that are starting to pick up again. He said he is cautiously optimistic that as they get into the second half of the year, things will start looking better, and they will start coming out of this.

Mr. Dengel said WillowTree is going to be very careful about reopening. He said they do have the luxury that almost all of the work they do can be done from home, and so they will make the office available as the State and region opens up over the next few weeks and months to people who want to come back to work. He said they have found it is a very individualized experience at home. He said there are many people who are happy working from home, but that there are others with kids at home. He said the office will be opened on a voluntary basis, using best practices to make sure there is social distancing and masks to avoid any kind of spread within the WillowTree community.

Mr. Dengel said WillowTree's partnership with the State and the County has been critical and that they are very grateful for it. He said one thing that tends to get glossed over is that the bridge and the path around that area is open to the public, as well as the parking. He said if one visits the facility, they will see people from the public walking around and enjoying it. He said he was proud that this would be a critical piece of the community and extending development down to that part of the river, which has been neglected for so long.

Ms. Mallek said she knew that if anyone could be resilient, it would be WillowTree. She said one silver lining is that a lot of businesses and local governments will try hard to hang onto the most effective online solutions that they have learned into future operations, and that she hoped that those businesses would bring the company much more work to catch up. She said if this is anything like the 2008-2009 recession, there was so much pent-up demand from plans that were shelved temporarily that when it came back, it was a big deal.

Ms. Mallek said the pictures of the new space were spectacular, and congratulated Mr. Dengel for that.

Mr. Dengel said he feels the same way. He said in the long term, the move towards digital has only been accelerated by this pandemic. He added that it has put into question the model of having many of the tech centers in places such as dense, urban centers, e.g. New York, San Francisco. He said digital and technology does better in the long term, and communities such as Albemarle will be better in the long term, but we just have to make it from here to there.

Ms. LaPisto-Kirtley said she was hopeful about this project and has been excited about it from the beginning. She said what WillowTree has done is incredible and that she hoped it would serve as an example for many other businesses who are in the area or who may want to come to the area. She said she thinks everything will be fine and that she was optimistic Mr. Dengel would make it happen.

Ms. Price said she was proud to have Mr. Dengel and his company in the Scottsville District. She said the words that stuck out to her was that he would do everything he could to avoid layoffs and have a graduated temporary reduction. She recalled that he and the other owners suspended their own incomes at this time in order to take care of their employees and company. She said this was indicative of exactly the kind of people the Board loves having here. She said it is a compassionate capitalism and recognizes the value of taking care of their own. She thanked Mr. Dengel for having that approach and attitude, adding that this is the kind of leadership the country needs.

Ms. Palmer agreed with fellow Board members' remarks.

Ms. McKeel said she also agreed. She said she had one question. She asked to hear Mr. Dengel's thoughts around connectivity in the community. She said she knew that the City was wired and wanted to know his thoughts around employees' connectivity.

Mr. Dengel replied that the issue of connectivity is huge when it comes to the digital divide. He said most companies have a cause that they engage with the community on, and that WillowTree's primary cause is the digital divide, meaning a different level of exposure to technology for kids.

Mr. Dengel said when studying it, the question is why many groups are underrepresented in technology and software development. He said it all really starts in middle school and high school, and who gets interested and supported going into tech. He said a big part of that is connectivity, and that he thinks this situation has put a spotlight on that.

Mr. Dengel said getting connectivity across the County has to be a big, collective goal for WillowTree. He said when the pandemic happened, they realized that if there were kids who needed to connect, they had to drive to a school parking lot to get a meaningful connection. He said everyone these days needs a meaningful, broadband connection. He said they should all refocus on that as much as they can. He said there are families who do not have a good connectivity and that alternatives for addressing that should be explored.

Mr. Dengel said WillowTree has had employees who struggled with that and that it has impacted their productivity. He said most of their employees live in areas that have good connectivity, but if they are going to address the digital divide, this has to be a primary agenda item.

Ms. McKeel said it was interesting because most people recognize that they have gaps in the rural part of the County, but that it is sometimes surprising to find the areas in the Urban Ring that also have gaps in connectivity. She said it is across the County, to a certain degree. She said the pictures of the facility were great and that she couldn't wait to visit it.

Mr. Dengel said they had been planning to have a huge event in June to bring the Governor, Board, and other leaders back, and that now, it would not be able to happen for some time.

Mr. Gallaway expressed his appreciation for Mr. Dengel's approach to his employees.

Ms. LaPisto-Kirtley **moved** to adopt the resolution (Attachment C). Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Ms. Palmer said she wanted to follow up on the discussion. She said she knew that Mr. Dengel's employees do not have this problem, but that she has a daughter who teaches in New York City who has had to go online and has said that the digital divide in New York City is huge. She said it is a poverty issue. She said she didn't know how prevalent this is in the City and urban area, but as Ms. McKeel brought this up, she feels that this is another thing that needs to be considered, moving forward.

Ms. Mallek said her follow-up was on the same topic and listening to Ms. McKeel's question and to Mr. Dengel's answer helps her think that perhaps they need to be combining their efforts with State-level Economic Development as well as the State Corporation Commission. She said their utility telephone company, Century Link, cannot provide telephone when it is raining. She said she was in the County Office Building that day for the meeting because whenever it rains, her internet shuts off. She said there may be other ways to improve some leverage to get better performance from nationwide utilities who really do not seem to understand.

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**RESOLUTION TO APPROVE THE  
SECOND AMENDED ECONOMIC OPPORTUNITY FUND  
PERFORMANCE AGREEMENT FOR THE  
REDEVELOPMENT OF THE WOOLEN MILLS SITE**

**WHEREAS**, the Board of Supervisors approved a Performance Agreement and a First Amended Agreement between the County, Woolen Mills, LLC, and the Albemarle County Economic Development Authority regarding the redevelopment of the Woolen Mills site in anticipation of WillowTree, Inc.'s expansion and relocation to the site; and

**WHEREAS**, the Board finds it is in the best interest of the County to enter into a Second Amended Agreement to revise the project completion date and contract term.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Second Amended Agreement between the County, Woolen Mills, LLC, and the Albemarle County Economic Development Authority, and authorizes the County Executive to execute the Second Amended Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

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**SECOND AMENDED ECONOMIC OPPORTUNITY FUND  
PERFORMANCE AGREEMENT –5/4/2020 Draft**

This Performance Agreement made and entered into this \_\_\_\_ day of May, 2020, by and among the **COUNTY OF ALBEMARLE, VIRGINIA** (hereinafter the “County”), a political subdivision of the Commonwealth of Virginia, **WOOLEN MILLS LLC**, (hereinafter the “Company”) a Virginia limited liability company, and the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**, (hereinafter the “Authority”), a political subdivision of the Commonwealth of Virginia.

**WITNESSETH:**

**WHEREAS**, Company is the owner and developer of the property located at 2100 East Market Street and known as Albemarle County Tax Map and Parcel No. 07800-00-00-021B0 (the “Property”);

**WHEREAS**, the County provided one million dollars (hereinafter “County Grant”) to the Authority from the County’s Economic Opportunity Fund and the Authority provided the monies to the Company subject to the requirements set forth herein that the Company meet its public parking obligation, transit obligation, and pedestrian bridge and trail construction obligation pursuant to this Agreement; and

**WHEREAS**, the County, the Authority, and the Company desire to set forth their understanding and agreement as to the payout of the County Grant, the parking, transit, and pedestrian bridge and trail construction obligations of the Company, and the termination of all or part of the County Grant under certain circumstances; and

**WHEREAS**, the stimulation of the additional tax revenue and economic activity to be generated by the Company’s location in the County constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the County Grant.

**NOW, THEREFORE**, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

**Section 1.     Parking and Trail Construction Obligations.**

*Parking Obligation.* The Company shall execute, subject to the County Attorney’s approval, an agreement allowing the County and members of the public access to and exclusive use of ten (10) parking spaces on the Property (the “Parking Spaces”) by September 30, 2020. The exact location of the Parking Spaces and route of access thereto shall be determined by the Company in consultation with the County, including without limitation, Parks and Recreation and Facilities and Environmental Services staff.

*Pedestrian Bridge and Trail Construction Obligation.* The Company shall provide an easement of adequate area for the construction of a Class A Trail, as defined in the Albemarle County Design Standards Manual, including construction of a pedestrian bridge over Moore's Creek, providing a public pedestrian connection between the Property and Albemarle County Tax Map Parcel 07800-00-00-022A0. Parks and Recreation and Facilities and Environmental Services staff from the County will participate on the project team for design and precise location of the bridge and trail. Final design of the pedestrian bridge and trail connections must be approved by the County Department of Parks and Recreation and the County Engineer before construction of the pedestrian bridge and trail by the Company commences. The County Engineer shall review and approve all plans for the trail's construction before construction of the trail commences. Upon inspection and final approval by the County Engineer, the Company shall execute a deed of dedication and easement to the County. The deed of dedication and easement shall be in a form acceptable to the County Attorney.

*Transit Obligation.* The Company shall pay a maximum of forty thousand dollars (\$40,000.00) to the County to fulfill the first year of a five-year County obligation to fund a transit service to the Property to the extent such payment is required by a future three party agreement between WillowTree, Inc., the Company, and the County.

**Section 2. County Grant**

The parties acknowledge the County appropriated a grant to the Authority in the amount of one million dollars (\$1,000,000.00) within thirty days of the original Agreement between these parties dated September 18, 2019, and the Authority paid \$1,000,000.00 to the Company within thirty days of receiving the appropriation from the County.

The Company agrees that it will use the grant funds to fulfill its parking and pedestrian bridge and trail construction and transit partnership obligations.

**Section 3. Clawback**

Unless otherwise mutually agreed upon in writing, the Company agrees that it will fulfill its parking, transit, and pedestrian bridge and trail construction obligations by September 30, 2020. If the Company has not fully achieved the parking, transit, and pedestrian bridge and trail construction obligations by September 30, 2020, the Company shall repay the Authority the sum of \$1,000,000.00, and the Authority shall return that sum to the County within 30 days after the Authority receives the repaid sum from the Company.

**Section 4. Company Inspections.**

The Company shall permit the County Engineer to inspect the construction of the trail and bridge after receiving twenty-four (24) hours' notice from the County.

**Section 5.     Notices.**

Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return or certified mail or overnight courier package not accepted by the addressee):

If to the Company, to:

Woolen Mills LLC  
Attention: Brian H. Roy  
1012-C Druid Ave  
Charlottesville, VA 22902

With a copy to:

Peter J. Caramanis, Esq.  
Royer, Caramanis & McDonough, PLC  
200-C Garrett St.  
Charlottesville, VA 22902

If to the County, to:

Albemarle County Executive's Office  
401 McIntire Road  
Charlottesville, Virginia 22902  
Attention: Jeff Richardson

If to the Authority, to:

Economic Development Authority  
Albemarle County  
401 McIntire Road  
Charlottesville, Virginia 22902  
Attention: Rod Gentry, Chair

**Section 6.     Miscellaneous.**

A.     *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement among the parties hereto as to the County Grant and may not be amended or modified, except in writing, signed by each of the parties. This Agreement shall be binding upon and inure to the benefits of the parties and their respective successors and assigns. The Company may not assign its rights and obligations pursuant to this Agreement without the prior written consent of the County and the Authority.

B. *Dispute Resolution:* If a dispute arises out of or relates to this Agreement, or the alleged breach thereof, and if the dispute is not settled through negotiation in 30 days; the parties agree first to try in good faith to settle the dispute by mediation, also within 30 days; before resorting to litigation. In the event that parties are unable to agree on a mediator, an experienced mediator shall be randomly selected. The mediation process shall be confidential based on terms acceptable to the mediator and/or mediation service provider.

C. *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth of Virginia and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of Albemarle County, and such litigation shall be brought only in that court.

D. *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be the same instrument. A scanned or electronic signature shall be as effective as an original.

E. *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid, or illegal, then the enforceability, validity, and legality of the remaining provisions will not in any way be affected or impaired, and the unenforceable provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

F. *Term:* This agreement shall run from September 18, 2018 to November 30, 2020.

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**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first written above.

**COUNTY OF ALBEMARLE, VIRGINIA**

By: \_\_\_\_\_  
Jeffrey Richardson, County Executive

Date: \_\_\_\_\_

**ECONOMIC DEVELOPMENT AUTHORITY  
OF ALBEMARLE COUNTY, VIRGINIA**

By: \_\_\_\_\_  
W. Rod Gentry, Chairman

Date: \_\_\_\_\_

WOOLEN MILLS LLC

By: \_\_\_\_\_  
Brian H. Roy, Manager

Date: \_\_\_\_\_

DRAFT

Agenda Item No. 8. **Discussion:** Miller School and Owensville Roads Through Truck Restriction Updates.

Throughout 2017, the increased frequency of large trucks using rural roads in the County had driven complaints from residents in rural areas of Albemarle County, causing high levels of concern related to the safety issues associated with this trend. These concerns were particularly prominent in areas surrounding and accessed by Miller School Road (Route 635) and Owensville Road (Route 678). To understand and address these concerns, on January 2, 2018, the Board authorized funding for a study to evaluate potential Through Truck Restrictions on these roads. On October 10, 2018, the Board of Supervisors held a Public Hearing on the proposal to restrict through-truck traffic on the roads. After considering the public comment and available information, at a meeting held on November 7, 2018, the Board approved Resolutions requesting that the Commonwealth Transportation Board set a restriction on the subject roads for Through Tractor Trailers, with an exception on Owensville Road for vehicles being used for the purposes of logging operations. At a subsequent meeting, the Board amended the exception for logging vehicles to an exception for all agricultural vehicles.

In mid-2019, VDOT informed staff that a Through Truck Restriction was approved for Miller School Road, however, the Owensville Road restriction had not been approved because of the exception for agricultural vehicles. It should be noted that exempting logging vehicles was initially a suggestion from VDOT officials who manage the Trucking Programs for VDOT. Staff was also informed that the denial was not a result of the change from a logging vehicle exception to an agricultural vehicle exception. Staff

requested that VDOT continue to evaluate the request to see if there was anything that could be done to allow the restriction and exception to move forward. In late 2019 staff was informed that the request would not be approved if it included the exception.

In addition to the problems with getting approval on the proposed Owensville Road restriction with the exception, it's been discovered that the signs for the Miller School Road restriction reference a Through Truck Restriction instead of a Through Tractor Trailer Restriction. The County's request was clear, however, a mistake was made during the VDOT review and approval process, resulting in the mistaken approval of a Through Truck Restriction instead of the Through Tractor Trailer Restriction. County staff was informed that VDOT officials would not object to changing this to the originally requested Through Tractor Trailer Restriction, but they would like to confirm that is still the desire of the County before making any changes. It was also expressed that if the County would like to move forward with the Owensville Road Through Tractor Trailer Restriction without the exception for logging or agricultural vehicles, VDOT would support that.

For clarification, a Through Truck Restriction would apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, traveling the road without an origin or destination accessed from that road. A Through Tractor Trailer Restriction would apply to those that meet the following definition: a Tractor Trailer is a Tractor Truck with a trailer or semi-trailer connected, a Tractor Truck is defined as "a non-cargo-carrying power unit used in combination with a semitrailer (or trailer)." Under the Through Tractor Trailer restriction, Tractor Trucks would be able to travel these roads if they do not have a trailer or semi-trailer connected. Tractor Trucks are distinguished from pickup trucks, which are considered straight trucks and would be allowed with a trailer of any size.

No anticipated budget impacts

Staff recommends that the Board:

- 1) Confirm that it continues to support a Through Tractor Trailer Restriction (instead of a Through Truck Restriction) on Miller School Road; and
- 2) Direct staff to either:
  - a) proceed with requesting a Through Tractor Trailer Restriction on Owensville Road with no exceptions for logging/agricultural vehicles, in which case a Resolution will be brought back to the Board; or
  - b) no longer seek any truck restrictions on Owensville Road.

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Mr. Kevin McDermott, Transportation Planner, presented. He said this was one of the first things he began working on when he started at the County four years ago, and that the fact that it is still being worked on today speaks to the complications of this kind of process.

Mr. McDermott presented a map of Miller School Road and Owensville Road. He indicated on the map to Owensville Road, explaining that it runs from US 250 in Ivy up to Garth Road. He said Millers School Road runs from Plank Road at Batesville up to US 250 in the Yancey Mills area.

Mr. McDermott said they have heard frequently about the complaints regarding the appropriateness of, and safety concerns related to, large trucks on rural County roads. He said they have a process for assessing and approving the thru-truck restrictions that was approved back in December of 2000. He said this is a process document that talks about how they take those concerns from the public and what the process is to evaluate them and potentially look at thru-truck restrictions. He said VDOT also has a guideline document on how they review and approve requests from localities.

Mr. McDermott said that in January of 2018, the Board of Supervisors of Albemarle County authorized funding for detailed studies to examine the appropriateness of thru-truck restrictions on both Miller School Road and Owensville Road. He said in August 2018, they reviewed the results of those studies and set a public hearing to consider restricting thru-trucks on both of those roads.

Mr. McDermott said in October 2018, the public hearing on those restrictions was held. He said they did hear a lot of comments ahead of time from the public and from members of the trucking industry. He said at the public meeting, there was an equal number of speakers in support of and in opposition of those potential restrictions. He said the people in support tended to talk about the safety of those roads and the danger of trucks leaving their lanes when traveling on them. He said those who were opposed to restrictions talked about the need to use those roads for access and how that could impact their businesses.

Mr. McDermott said the Board struggled with the balance between supporting those businesses and restricting many of the larger, long-distance carriers. He said the Board requested that staff come back in November with additional options for consideration. He said at the time, they were only looking at the potential for a full thru-truck restriction, which would restrict all trucks except for pickup trucks and box trucks on those roads.

Mr. McDermott said in November staff came back, and instead of approving this, they looked at many possible length restrictions, such as restrictions on vehicles over 35 feet or over 40 feet. He said at the time, they determined that the best option was to go for a thru-tractor trailer restriction, which is what was approved on Miller School Road; as well as a thru-tractor trailer restriction, with an exception for

logging vehicles, on Owensville Road.

Mr. McDermott said the concern was that there are many logging and agricultural uses on Owensville Road, and staff thought the restrictions would impact those businesses too much, so they used the exception for logging vehicles, which was actually a suggestion from the Department of Transportation at the time. He said later, this was amended to say "all agricultural vehicles" to make sure they were not excluding certain uses that add concerns.

Mr. McDermott said in May and June of 2019, VDOT held a public comment period where they put up signs on both those roads announcing the proposals. He said during that time, Miller School Road had two comments both in support of the thru-truck restriction. He said on Owensville Road, many from the public offered comment, 41 comments in total, all in full support of the thru-truck restriction. He said most of the comments reflected what the County had heard before from people supporting that in terms of their concerns about safety of those large trucks. He said they heard concerns about people being pushed off the road because the trucks would leave their lane going around corners.

Mr. McDermott said he could get into more detail about the studies and what they showed as far as accidents. He said both those roads have a high accident rate, and they both have a lot of curves that do not meet the State standards for those roads. He said this happens across the County's rural roads, and that this was identified in both of these locations.

Mr. McDermott said that in fall of 2019, VDOT informed staff that the thru-truck restriction was approved for Miller School Road. He said in the winter, those signs were placed to show the restriction. He said this was when the County realized that the approval actually referenced a full thru-truck restriction instead of the thru-tractor trailer restriction that was requested. He said VDOT recognized this was a mistake on their part, and that they have said they would support the request for the thru-tractor trailer restriction, but wanted to first make sure this is still what the County wanted to move forward with.

Mr. McDermott said the restriction on Owensville Road, however, was denied because of the exception for agricultural trucks. He said staff asked VDOT to continue to look at it, but in winter of 2019, they were told for sure that VDOT would not accept the request with that exception. He said VDOT said they would support the request without the exception if the County wanted to make it a thru-tractor trailer restriction.

Mr. McDermott said he wanted feedback from the Board members on how they would like to proceed with these two items. He said on Miller School Road, he would like to confirm that they were going to go with the original proposal of the thru-tractor trailer restriction so he could then inform VDOT they would like to get the signs changed. He said for Owensville Road, the Board needs to make a determination on how to move forward. He asked if they would like to request the thru-tractor trailer restriction with no exceptions, or remove any proposal for truck restrictions on that road, or if there is something else they would like him to evaluate.

Mr. McDermott said he would also like the Board's and County Attorney's feelings on whether they need to hold another public hearing, as it has been over a year since the previous public hearing, if they do move forward with any restrictions.

Ms. Mallek said she appreciated the work Mr. McDermott has done with regard to VDOT's response. She said she could not support the restrictions on Owensville Road without the exception because it would mean the end of timbering and dairies in the White Hall District, as no one would be able to get their hay delivered or tractors taken to the shop to be fixed. She said there was a very good reason for choosing the restriction, and the reason there was not protest and the 41 comments were in favor was because the exemption was present.

Ms. Mallek said she was very disappointed, and that she would like to try to take the proposal back to VDOT to have someone at the top of the chain there make a decision about it, if the Board concurs.

Ms. LaPisto-Kirtley concurred with Ms. Mallek's points. She said the County should go back to VDOT, as this would be problematic not to include the restriction. She asked Mr. McDermott if on a tractor trailer restriction, seeing that it involves different lengths of vehicles, it would include something such as a large bus.

Mr. McDermott replied that a tractor trailer restriction would not include this. He said buses are not considered trucks and would be allowed, as school buses need to get through.

Ms. LaPisto-Kirtley said she was thinking about Greyhound buses.

Mr. McDermott said these would not be included in the thru-truck restriction.

Ms. Price asked why there was not consideration of the request for an exception for agricultural and forestry trucks on Miller School Road.

Mr. McDermott replied that at the time, this was not a concern for the Board. He said there are ongoing operations in the Owensville Road area. He said that as part of this assessment, they did have to identify the alternate route that trucks would take to make this trip, and that the Miller School Road alternate route is easy and does not increase the time in any significant matter. He said the Owensville

Road route did increase the travel time and takes one out of the way, so this probably also played into it, as one has to go further around to make that trip.

Ms. Price concurred with Ms. Mallek in that she could not support a restriction on agricultural and forestry transportation because of the impact it would have on those industries in the County.

Ms. Palmer said she was confused on what VDOT actually approved on Miller School Road. She asked if they approved the tractor trailer restriction and made the wrong signs, or if they actually approved a thru-truck restriction.

Mr. McDermott replied that VDOT actually approved a thru-truck restriction. He said even though the Board's resolution and request specified thru-tractor trailer, sometime in the transfer from when the County sent that request and going up the chain in VDOT, this had been misprinted in some manner so that it said "thru-truck restriction." He said this meant that all thru-trucks would be restricted. He said if there is a destination on the route, they are allowed to travel that route.

Ms. Palmer said it is very interesting for future truck restriction processes because as she remembered, the Board looked at the geometry and spent a great deal of time talking about truck lengths and turning the corner from Plank Road to Miller School Road. She said she was under the impression the thought was that if they did a broader truck restriction, it was unlikely to get approved because the accident rate didn't involve trucks, necessarily. She said it involved cars and a variety of factors. She said there also wasn't a clear reason why all trucks had to be restricted.

Ms. Palmer said even with 743 when they got through the process, there were benchmarks they had to make with the expectation for VDOT to approve them. She said she was trying to understand the process that the Transportation Board goes through when they are going to approve a request like this. She asked if Mr. McDermott could talk about this at a high-level way.

Mr. McDermott said for many truck restrictions, the Commonwealth Transportation Board (CTB) is the one that makes the final decision. He said because of this being a secondary road, the request did not have to go all the way to the CTB, and that the chief engineer for VDOT can make that administrative decision.

Mr. McDermott said staff's research showed that even a smaller single-unit truck was not always able to stay in the lane. He said because this was shown for the intersection of Plank Road and Miller School Road, which has the most instances of trucks running off the road and getting stuck, one can see that not even the single-unit truck, which is much smaller than the 40-foot truck, can make that turn without going into the other lanes. He said the results show that any of these trucks would not be appropriate for these roads.

Mr. McDermott said the real question staff struggled with when they were trying to look at the different sizes wasn't necessarily related to one being safer than the other, but was because they had many concerns with how many of the local haulers that may be impacting by going to a smaller truck. He said if they restricted a 35-foot truck, they were concerned at the time about impacting the more agricultural vehicles.

Ms. Palmer said she understood this, and that Blue Ridge Builder Supply, for instance, said they would have a lot of trouble with this. She said the Batesville Store said they wouldn't be able to get deliveries. She said she was trying to understand for future truck restrictions what the administrator or CTB will approve. She said it was interesting that this went through because she was under the impression it wouldn't go through with VDOT.

Ms. Palmer said she would support the request for Miller School Road and going forward with what had been requested before, given the fact the Batesville Store said they would otherwise have trouble getting deliveries from the Crozet area. She said businesses such as the Blue Ridge Builders Supply would have been impacted significantly.

Ms. Palmer said there is a problem with dump trucks coming from Red Hill Quarry over to Crozet using Miller School Road, and that it is very dangerous. She said she hoped the improvements to the exit at 29 and I-64 might help somewhat by having that light put in the near future.

Ms. Palmer said with respect to Owensville Road, she would agree with Ms. Mallek.

Ms. McKeel said she agreed with the comments about Miller School Road but had a question about Owensville Road. She asked about why VDOT ruled the way they did. She asked if any explanation was given. She said it was surprising to her.

Mr. McDermott replied that when VDOT reviewed the report, they did not see any basis for the exception. He said they felt that if the County thinks it is too dangerous to handle any thru-tractor trailers, there was no reason within the report that made it evident that agricultural vehicles would not present the same issues as other thru tractor trailers.

Ms. McKeel asked if VDOT looked at other alternatives and felt as though those agricultural vehicles had other alternative routes that were satisfactory.

Mr. McDermott replied he didn't think this was the case. He said VDOT reviewed the request and

didn't see any basis for allowing the agricultural vehicles, but not other vehicles. He said if the Board wanted to go back to VDOT, they would need to have another study done to evaluate the use of agricultural vehicles would be, the percentage of those vehicles, and the related safety concerns. He said it would probably have to show that the agricultural vehicles pose less of a safety risk than other thru tractor trailers.

Ms. McKeel said it seemed to her that if they went back the same way they did this time, they would end up in the same place with VDOT. She agreed with the other Board members that she would be concerned about an absolute restriction. She said it was worthy of taking a look, but that there needs to be a different approach in order to be successful.

Mr. McDermott agreed.

Ms. Mallek clarified that what the foresters provided while in the public hearing preparation phase is that there is no alternative for properties in the western and northern part of the County. She said coming through Crozet, there is a low railroad bridge, and so trucks cannot go under. She said if they go Lanetown Road, they have to cross over an extremely dangerous railroad crossing, which does not work, and the trailers often bottom out there.

Ms. Mallek said the reason this whole alternative was made for Owensville Road and that the State logging and forestry personnel had an exemption written for this was so that the slow-moving, heavy-weight vehicles are able to travel a few times a year on these thruways.

Ms. Mallek said the reason she suggested trying again at VDOT at a different level is because she is gathering information now from people across the State who have had different answers to the same question. She said one thing that concerns her is that they have someone in a particular residency who says no, then the same question getting a "yes" in another residency. She said this is affecting all sorts of projects throughout the County.

Ms. Mallek asked if it was possible for the Board to wait on its decision on Owensville to allow time to gather more information. She agreed with getting the signs made for Miller School Road. She said she didn't foresee a way to get the dump trucks off, even though she would like to.

Mr. McDermott said with regard to waiting, if they want to continue gathering information or doing another study, he sees no issue with them resubmitting the request with additional information. He said he was happy to continue to look at this and although he wasn't sure what options he has, they can perhaps reach out to VDOT again to see what options exist.

Mr. McDermott said this was not a residency decision, and that all these decisions go to the Central Office. He said if they perhaps do come up with different responses to different people, the response is coming from the same VDOT Central Office.

Ms. Mallek said over the generations, new people are in positions than who were there 15 years ago, and that this results in different outcomes. She said she was not in a hurry to get another study done. She suggested gathering information anecdotally from the players, then getting back together to discuss it again.

Ms. Price said she recognized there are many transportation issues within the County, but as a general thought or comment, when they have identified routes in the County that are critical for agricultural and forestal issues, and there are safety concerns, e.g. turn radius or whatever it may be, she believes these should be moved up in priority to ensure they are getting the road improvements needed to support those industries. She said this was a broader comment than on these two particular roads, but that she would much rather see the Board try to improve roads rather than requiring forestry or agricultural tractor trailers to take circuitous routes.

Ms. Price said she appreciated the explanation that the alternate route for Miller School Road posed a much easier resolution than that for Owensville Road.

Mr. Gallaway said Mr. McDermott had mentioned the Central Office and then delineated the difference between the administrative decision in the CTB. He asked if there was no process, if someone is unhappy with the Central Office decision, to take it to another step.

Mr. McDermott replied that he asked about this, and the VDOT personnel he has been working with implied that they took it as far as they could. He said this didn't mean they couldn't reach out to the more political arm, such as the CTB, and try to push them on the request to be reconsidered. He said this went as far as it could go in this form.

Mr. Gallaway agreed that if this were the case, with Ms. Mallek gathering information and others saying they could explore that political option, this is what they should do. He said it sounded like there was no objection to the first option, as far as continuing with the original request for Miller School Road. He said it sounded like there was agreement on how to proceed with Owensville Road as well.

Mr. McDermott said he understood, and that he would have a follow-up discussion with Ms. Mallek to continue to look at other options and gather available data. He said at this time, they would not move forward with any changes to the restriction request.

Mr. Gallaway said the concerns about why they wanted the restrictions in place were still there and are still concerning. He said they need to make sure they are doing their diligence for those people who have those safety concerns as well. He said if they need to follow a political process, they are ready to do that.

Ms. Mallek said the Owensville Road restriction was designed by Joel DeNunzio as a way to get at the Reas Ford Road disaster. She said in addition to the 290-degree turn at Free Union Road and Woodlands, where the tractor trailers tear up the property, it is not quite as sharp as Batesville, though relatively sharp. She said there is then a situation where long boxes are going down Reas Ford, from Woodlands to Earlysville Road, in order to get to the industrial park on Reas Ford Road. She said in that case, there is the sharp arc of the turn going down to the bridge, over the reservoir, and the precipice on the south side.

Ms. Mallek said she knew there were residents along Reas Ford Road who have frequently corresponded with Board members about the concerns there as well, and they were not able to find a solution for Reas Ford any other way than to get to Owensville. She said she was still very interested in trying to gather more information from the Ivy Forestry folks and anyone else who can help Mr. McDermott put together data for a different application. She said they will then need to take that up the chain. She said she would share more information as she finds it.

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Agenda Item No. 9. **Discussion:** From the Public: Matters Not Listed for Public Hearing at Meetings Held by Electronic Communications Means.

Mr. Greg Kamptner, County Attorney, presented. He said the current rules allow public comments on any matter, subject only to content-neutral time, place, and manner restrictions. He said those are laid out in the Board's Rules of Procedure. He said the Board did suspend the rule allowing public comment under Matters from the Public. He said the Board had encouraged the public to continue submitting written comments.

Mr. Kamptner said the Board has the ability to identify relevant topics for public comments received during Board meetings. He said since the Board last discussed this topic, he reached out to Ross Holden, Attorney for the School Board, and to Jennifer Johnson, Clerk of the School Board, to find out how their public comment segments on their agendas were working. He said the School Board reinstated their public comment period in mid- to late April, and that generally, they have not had any issues.

Mr. Kamptner said a couple issues that had led the Board of Supervisors to suspend the rules was not being able to control speakers from outside of the area who may not truly have interest in County-related matters, and the potential for trolling and being able to control that, particularly under the Board's Rules of Procedure now.

Mr. Kamptner said he also did some research nationwide, and for those governing bodies that did suspend their public comment agenda segments, there is frustration across the country. He said looking at some suggestions he came up with and some Board members have shared during prior meetings, there were six options.

Mr. Kamptner said one option was to maintain the suspension and allow the public to continue submitting written comments. He said these options run all the way to Option 6, which would be to allow public comments on any matter, and to do so virtually.

Mr. Kamptner said he recognized that in between each of the options, there is a range of options that exist, through subtle changes.

Ms. Mallek said Option 3 was excellent, but she would hope for a longer time period because many of the processes take months to evolve as they work on new ordinances. She said Options 3 or 4 would likely make her happy.

Ms. LaPisto-Kirtley said she also liked Options 3 and 4. She asked if the intent of Option 5 was to allow someone to come to the County Office Building during a Board meeting and be able to speak from there.

Mr. Kamptner replied that this is looking into the future, and that the County was not there yet. He said as they work through the phases the Governor has identified, Option 5 is something that would likely not become practical until Phase 3. He said they were currently in Phase 1. He said Option 5 would not be practical until Phase 3 or even beyond Phase 3. He said he offered this as something that could be considered, even though the Board could continue virtually with this option.

Ms. LaPisto-Kirtley asked if other entities Mr. Kamptner had spoken with are allowing Option 6 without an issue.

Mr. Kamptner replied that he had not spoken with any localities. He said from his reading, it appeared there were some localities who were allowing that. He said they do recognize that under Option 6, the speaker would have three minutes to speak about anything they wanted, which could be completely irrelevant to any kind of County business. He said it could even be defamatory, and anything

other than what would qualify as obscenity, as an obscene matter has no First Amendment protections. He said it would be very difficult to conclude that the words themselves are obscene in 2020.

Ms. LaPisto-Kirtley said there had been a time where a person could stand before the Board and say anything. She said the concern now is that the meeting is virtual, and they do not necessarily know who they are.

Mr. Kamptner agreed they don't know who or where they are. He added that the approach the School Board has taken appears to align most closely with Option 4.

Ms. LaPisto-Kirtley concurred with Option 4.

Ms. Price said she has principally been concerned with people abusing the opportunity to speak and using it in a defamatory or other sort of disorderly fashion that she doesn't think anyone should be subject to. She said consequently, she would not be inclined to allow Option 6, as anyone could make up any identity and the Board would have no idea who they really are, or where they are from. She said a person could mute their video and not be able to see them. She said she didn't think the Board should be subject to that.

Ms. Price concurred that Option 5 was not where the County was at that point. She said Options 2, 3, or 4 would be acceptable to her.

Ms. Palmer asked if this would be just like the public hearings, but in the webinar. She asked if the Board wouldn't be able to see their video and if they wouldn't be able to show anything, but it would just be their voices.

Mr. Kamptner replied that yes, this was most likely the case.

Ms. Palmer asked if the School Board was allowing public comment on matters pertaining to County business now.

Mr. Kamptner replied that it was either worded as "school" or "School Board" business.

Ms. Palmer asked if it were then narrower than it would be for the Supervisors, as the County business could consider many different things.

Mr. Kamptner replied yes.

Ms. Palmer said she would like to try Option 3. She said she was interested also in Option 4, but she didn't know if they could start with one option and if things are working well, expand it later. She said Mr. Kamptner mentioned that Option 5 may be a good idea down the line, and that she thinks this would be a good one to add in Phase 3. She said she was more interested in Options 3 or 4 with the idea that if things go well, they can consider being more lenient later.

Ms. Palmer said the example of 90 days was not long enough, especially given the COVID-19 issue.

Ms. McKeel said she was likely with the majority of the Board on this. She said she found the 90 days problematic from an enforcement standpoint.

Mr. Kamptner replied that this was just an example. He said it could be a year, or whatever the Board chooses.

Ms. McKeel said she finds that putting a time limit on it is hard for enforcement if nothing else for the clerks trying to screen the people. She said she didn't know if 180 days was any better than 90 days, so she finds this problematic.

Ms. McKeel said she very much liked Option 5, recognizing that they were not ready for it. She said if people were interested enough to speak with the Board, then coming down to the County Office Building is a great alternative as it stops people from other states from commenting. She said she was interested in this option when the time is right, even if the Board is virtual, or there is a hybrid of some sort.

Ms. McKeel asked if Mr. Kamptner was expecting the Board to vote on this today, or if it was just a discussion.

Mr. Kamptner replied that if the Board was ready to give direction, they could, but it would not take effect until the Board's June 3 meeting.

Ms. McKeel said when she left the School Board, the School Board had not ever allowed anyone to use their technology except organizations that were affiliated with the School Division, such as PTOs. She said when comparing to the School Board, they do have at least one policy that used to be in effect that is different from what the Supervisors do. She said she didn't know if the other Board members realize that. She said it does change somewhat what they are doing with public comment.

Mr. Gallaway said he was fine with Options 2, 3, or 4. He said Option 3 opens it up, and that they

have had people speak to topics that are months down the road before the time comes to the Board. He said they want to have consistency and make sure the Board continues to hear from them. He agreed that a time period could make things difficult, but that tying it to a previously-considered or pending application, while it may be problematic enforcement-wise, does give those who want to come before the Board some definition of what they are expecting, and it may actually make it easier to give them some definition.

Mr. Gallaway said Option 4 allows for that. He said he would be willing to go ahead with something that ties it to the agenda or specific County business. He said he liked the idea of it being attached to prior or upcoming agendas so that they know it pertains to specific business. He said he didn't know if they could have speakers list the topic, but perhaps this was on the existing signup sheets anyway. He said they have a way to enter their name and district on the signup, and they also can put in a topic, as they do when they are in the auditorium. He said defining the topic could help make sure no one is taking advantage of it and doing the things they are trying to avoid.

Mr. Gallaway said consensus-wise, he didn't hear anyone objecting to Option 4. He asked if it would be helpful to go back and hear from each Board member on Options 3 or 4 to see what the consensus is.

Mr. Kamptner replied yes, adding that Options 3 and 4 start to establish some boundaries as to allowed topics to discuss, and that Option 3 provides more definition. He said as they are having to make snap judgments as to whether or not they are speaking on topic and not disrupting the meeting, Option 3 provides more definition as to what is outside of the limits.

Mr. Gallaway said he would go back through the Board order to see what the consensus was.

Ms. Mallek said she was happy with Option 3 and taking out the time period for matters pending before the Board.

Ms. LaPisto-Kirtley said she agreed with taking out the time limit on Option 3. She said the reason why she likes Option 4 is if someone has a suggestion about County business or how it could be improved, perhaps it is not something the Board has considered. She said the citizen could have input as to how the Board could better communicate, handle zoning matters, etc. She said as long as it is County business, she feels that this protects the Board enough, yet doesn't stifle anyone from presenting a creative idea. She said she was leaning more towards Option 4.

Ms. Price asked Mr. Kamptner how he would differentiate what Ms. LaPisto-Kirtley just mentioned in terms of what real differences there are between Options 3 and 4 if they remove the defined time limit from Option 3.

Mr. Kamptner replied that Option 3 focuses on matters that are considered by the Board, and that the person who has the suggestions could fall within Option 3 if they are making a proposal. He said Option 4 could pertain to any County business, including things that the Board of Supervisors might never see, such as complaints about a County employee, decisions by an advisory committee, etc.

Ms. Price said while she could accept either option, at the present time, she would be more inclined to vote for Option 3.

Ms. Palmer said she would choose Option 3, although she appreciated what Ms. LaPisto-Kirtley said. She said anyone can email the Board at any time about a matter, but thinking about what is considered before the Board, it is very broad. She said they have talked about taxes, processes, finance, and other matters. She said it allows the people taking a look at this to define it more broadly while still giving some conditions to get rid of the more outlandish topics or things they are trying to keep from happening. She said as Mr. Kamptner has pointed out many times, people can still say many inappropriate things that the Board cannot stop, even though they may be talking about something that is County business, such as an employee they are angry about.

Ms. McKeel said she was happy to go with Option 3. She said that for the future, however, she really liked the ability for people from the community to come to the Board with ideas, suggestions, and concerns that would be captured in Option 4. She said for her to go there really gets her to Option 5, as it is the virtual piece that causes problems where they have people who they have no idea where they are coming from and could be up to mischief.

Ms. McKeel said for now, she was comfortable with Option 3, but when they get to the point where they can have people in the County Office Building, she would like to open it up and go back to what they were doing before, but have the requirement that they have to come to the County Office Building to actually speak. She said this takes away the virtual piece for her where they could have mischief and trolling happening from bad actors.

Ms. Price said she got the sense that this was where most of the Supervisors were, and that right now, they were trying to give Mr. Kamptner direction for an interim period, which allows them to reopen the public comments, to some degree, for things that are not set on the agendas for public hearing. She said everyone, she believed, was interested in going back to as close to "business as usual" as possible while trying to avoid the virtual trolling that may take place.

Ms. Price asked Mr. Kamptner if he needed any other comment from the Board at that time.

Mr. Kamptner replied no. He said one other option that he did not include was allowing people to submit written comments, and then the public body committing to read those comments during the public meetings. He said this did not seem like an efficient use of time. He said anecdotally from an article he read, the chair from another locality started self-editing because of the time that it was taking, which was why he did not include that option.

Ms. Price said it appears that there is consensus on that but did want to make sure every Supervisor has an opportunity and asked if any Supervisor wanted to speak with regard to that particular aspect.

Ms. LaPisto-Kirtley said she wanted to clarify she had no problem with Option 3, eliminating the 90 days, as she sees Options 3 and 4 being close. She said she wanted to make sure Option 3 was not going to be too onerous, but if they take out the 90 days, it will not be hard for staff to manage.

Mr. Gallaway returned to the meeting.

Mr. Kamptner said he would come back for the June 3 meeting with the expectation that the Board will likely modify their suspension of the rule to adopt Option 3, with the time period removed.

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Agenda Item No. 10. Closed Meeting.

At 5:02 p.m., Ms. LaPisto-Kirtley **moved** the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the public's access to and use of the County-owned portion of Court Square.

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

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

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Agenda Item No. 11. Certify Closed Meeting.

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

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

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

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Agenda Item No. 12. **Public Hearing: Virginia Community Development Block Grant (CDBG)**. To solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for potential projects in the locality. Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to comment on the County's past use of CDBG funds.

The Virginia Community Development Block Grant (VCDBG) is a federally funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government (non-entitlement communities only) for projects that address critical community needs including housing, infrastructure and economic development. Albemarle County has received numerous grants in previous years to support housing and community improvement initiatives. The VCDBG application process requires that two local public hearings be conducted. The purpose of the first public hearing is to provide information on eligible activities that may be funded by CDBG, the amount of funding estimated to be available, and past activities undertaken with CDBG funds, and to receive public comment on this information and potential community development and housing needs. The follow-up public hearing is held in order to consider proposed project applications and must take place prior to the DHCD application due date in March 2021. Applications must be submitted by the County to the DHCD; however, the proposed activities may be undertaken by partner agencies.

Albemarle County, as a non-entitlement community, is eligible to apply to the DHCD for up to approximately \$1.5 million in CDBG funding for projects that benefit low- and moderate-income persons,

prevent slums and blight, or address urgent community needs. Eligible activities include economic development, housing rehabilitation, housing production, community facilities and community service facilities. Community development projects can receive varying levels of funding, depending on the nature of the activity, or by combining multiple activities. The DHCD has not released estimates for 2021. Current fiscal year (FY20) funding was \$15.3 million for competitive grants and \$12.4 million for open submission applications.

Over the years, Albemarle County has been successful in receiving a number of CDBG grant awards. The most recent grant was awarded in 2016 to improve 29 owner-occupied homes in the Alberene neighborhood. Staff is in the process of closing out this project. Prior grants have resulted in improved infrastructure for the Oak Hill subdivision and preservation of owner-occupied homes and rental units located in neighborhoods throughout the County. The County is currently working with Habitat for Humanity on a Vibrant Communities Initiative Grant, which includes \$1 million of CDBG funds, to assist in developing the first phase of the Southwood Redevelopment Project.

In addition to the regular FY20 CDBG allocation, the Coronavirus Aid, Relief, and Economic Security (CARES) Act provides an additional \$10,993,780 in CDBG funds for Virginia's non-entitlement communities. DHCD has not yet published guidance on approved uses for these funds. However, based on an April 1, 2020 press release from the U.S. Department of Housing Urban Development, staff anticipate the CARES Act CDBG funding will be directed towards projects addressing COVID-19 related community needs. The total amount of these funds Albemarle County may be eligible to receive is not yet known.

Albemarle County is currently seeking community input on community needs that may be addressed through a CDBG project. The County is also soliciting proposals for potential CDBG grant applications. For any project to be considered by the County for CDBG funding, the applicant must notify the County no later than June 12, 2020. Proposals shall be submitted utilizing the form found in Attachment A. This notice shall include a brief description of the project, the proposed use of CDBG funds, and a description of the beneficiaries of the proposed activity. Priority will be given to proposals addressing COVID-19 related community needs.

There is no budgetary impact until an application is made to the DHCD and approved for a funded project. Projects approved for CDBG funding generally require some level of local funding support, which may include funding provided by the project sponsor.

Staff recommends that the Board receive information on available CDBG funding and eligible uses and hold the public hearing to receive input from the public on potential community development and housing needs. Staff also recommends that the Board set a public hearing for the second regular Board meeting in July 2020 for the second required public hearing to review and approve the submission of any proposed applications to the DHCD.

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Ms. Stacey Pethia, Principal Planner for Housing, presented. She said CDBG is a federally funded grant program administered by the Virginia Department of Housing and Community Development. She said Virginia DHCD provides funding to eligible units of local government for projects that address critical community needs related to housing, infrastructure, and economic development.

Ms. Pethia said the CDBG program requires two local public hearings be conducted before any applications are submitted for funding. She said the first public hearing is to provide general information on eligible activities that may be funded by the CDBG program, the amount of funding estimated to be available, and past County activities undertaken with CDBG funds. She said this hearing also provides opportunities for members of the public to comment on this information and identify potential community development and housing needs.

Ms. Pethia said the follow-up public hearing is held in order to consider proposals for CDBG program applications.

Ms. Pethia said as a non-entitlement community, Albemarle County is eligible to apply to DHCD for up to approximately \$1.5 million in CDBG funding. She said the non-entitlement community is defined as any city or county with a population of less than 200,000, and so Albemarle has a way to go before reaching that point.

Ms. Pethia said CDBG funds must be used for projects for low- or moderate-income persons, that prevent slums or blight, or address urgent community needs. She said eligible activities include economic development programs, housing rehabilitation and production, community facilities, and community service facilities.

Ms. Pethia said over the years, the County has been successful in receiving a number of CDBG grant awards. She said the most recent grant was awarded in 2016 to improve 29 owner-occupied homes in the Alberene neighborhood. She said staff was currently in the process of closing out this project. She said prior grants have resulted in improved infrastructure for the Oak Hills subdivision and preservation of owner-occupied homes and rental units located in neighborhoods throughout Albemarle County.

Ms. Pethia said the County is currently working with Habitat of Humanity of Greater Charlottesville on a Vibrant Communities Initiative grant for the Southwood community, which includes \$1 million in CDBG funds for the infrastructure associated with 20 affordable homes.

Ms. Pethia said in terms of the amount of funding currently available, DHCD has not yet released estimates for FY 20/21. She said those figures should be available later this year, and likely towards the end of the year. She said current fiscal year funding equaled \$15.3 million in competitive grants, and \$12.4 million for open submission applications. She said the open submission applications provide funding for project planning and projects that meet urgent community needs.

Ms. Pethia said in April of 2020, DHCD reprogrammed approximately \$6 million of current year funding to support COVID-19-related projects. She said additionally, the Coronavirus Aid Relief and Economic Security Act, CARES Act, provides approximately \$11 million in additional CDBG funds for Virginia's non-entitlement communities. She said DHCD has not yet published guidance on approved uses for these funds; however, based on an April 1, 2020 press release from the U.S. Department of Housing and Urban Development, staff anticipates the CARES Act CDBG funding will be directed towards projects addressing COVID-19-related community needs such as emergency rental assistance to prevent homelessness, or for weather-related assistance to homeowners.

Ms. Pethia said the total amount of these funds that Albemarle County may be eligible for is not yet known.

Ms. Pethia said Albemarle County is currently seeking community input on community needs that may be addressed through a CDBG project, and they are soliciting proposals for potential CDBG grant applications for COVID-19 and general CDBG funding. She said for any project to be considered by the County for CDBG funding, interested organizations must notify the County no later than 5:00 p.m. on June 12. She said proposals should be submitted utilizing the form found in Attachment A to the Executive Summary, or via the application form available on the Community Development Department page of the County's website. She said priority will be given to proposals addressing COVID-19-related community needs.

Ms. Pethia said staff is asking that the Board approve scheduling the second public hearing for the second regular Board meeting in July so that staff can present the proposals for funding that were received in June. She said staff is asking the Board to approve submission of the CDBG application for any of the proposed projects.

Ms. Mallek said she hoped it turns out to be true that some of the CARES Act funding will be available to help offset the expenses they are providing for homeless housing and other programs, but that they will have to wait and see.

Mr. Gallaway opened the public hearing and asked if anyone from the public wanted to speak. Hearing no comments, he closed the public hearing and brought the matter back to the Board for further discussion or a motion.

Ms. Mallek **moved** that the Board set the second public hearing for the CDBG grant program for the second Board meeting in July. Ms. Price **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 13. **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

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).

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.

It should be noted that there is one condition that the applicant has not agreed to, which is Condition #4 (hours of operation). Staff continues to recommend that, if the Board chooses to approve the special use permit request, that Condition #4 remain as follows: "The hours of operation must be within the range of 5 AM to 10 PM."

If the Board chooses to approve the special use permit request, the Board should adopt the resolution for approval with conditions (Attachment F).

Mr. Gallaway announced that this item would be receiving a second public hearing. He said the second public hearing will be due to some confusion around the information, and a mistake in some information that was presented, specifically on how members of the public could participate by telephone.

Mr. Gallaway said in order to make sure that the Board follows proper procedure and hears from everyone who wishes to speak to the item, they would take public hearing that evening and go through the presentation. He said Supervisors will be able to ask all their questions, and then they would hold a second public hearing.

Mr. Gallaway said due to the timing requirements, the second public hearing cannot be before the second meeting of June, and at the earliest, would have to be at the second meeting of June or, if there is a conflict there, it would have to go to July. He said the first Board meeting in June would not allow for the proper legal requirements for advertising to the public hearing. He asked Mr. Kamptner if this was correct.

Mr. Kamptner replied yes. He said June 17 would be the earliest possible date for the second public hearing.

Mr. Gallaway said if there is a conflict with June 17, they would have to find a date in July. He said that they would do the whole presentation and proceed with the public hearing at the present time, and that action would be delayed until the second public hearing is held.

Mr. Gallaway asked Mr. Kamptner if they should have the conversation about the date at present time or take it offline.

Mr. Kamptner said it could either be discussed now, or after all the public comments received tonight.

Mr. Gallaway asked Mr. Gordon Sutton, President of Tiger Fuel, if there was a conflict with his engineer on June 17. He said he assumed the engineer was currently present that evening and would be participating with all of the information.

Mr. Sutton replied yes. He said they were obviously disappointed to have the application delayed any further. He said it was a significant extra expense and problem for them, but that he didn't see any other option than to accept June 17, if June 3 is not an option. He said he would make do with the team he has available to him.

Mr. Gallaway thanked Mr. Sutton. He said he hoped they could get much of the information processed that evening so that the main focus on June 17 would be the public hearing portion. He said it would be held the same way, and that Mr. Sutton would have a chance to speak that evening, and that staff would have a chance to review and rebut public comment. He said they would proceed with scheduling the second hearing for June 17. He asked Mr. Kamptner if a motion was needed.

Mr. Kamptner replied that they could simply state it. He said it would be separately advertised. He said his understanding was that with the consent of the applicant, June 17 was acceptable.

Mr. Gallaway replied yes.

Mr. Sutton said that it was not at all, but that he did not see how he had a choice.

Mr. Kamptner replied that Mr. Sutton had a choice for a later date, when he feels that he has his full complement of support staff there.

Mr. Sutton said he did not want to postpone any further.

Mr. Gallaway said this was an error that generated from the Board of Supervisors' office and that as the chair, he was apologizing on behalf of the Board that this error was made. He said with everything that they are handling under the circumstances, they want to make sure they are doing the proper thing for participation for all those who would like to participate.

Mr. Sutton thanked Mr. Gallaway for this.

Ms. Tori Kanellopoulos, lead planner for the project, presented. She said this was a public hearing for a request for a Special Use Permit for an auto service station, convenience store, and eating establishment not served by public water or a central water system in the C1 Zoning District.

Ms. Kanellopoulos said the proposed development is located on State Route 616, Black Cat Road, between Route 250 and I-64. She said the site is approximately three miles driving distance from the nearest development area, which is the Village of Rivanna. She said Keswick Hall is less than a 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 adjacent properties to the north and south are undeveloped. She said the interchange with I-64 at Exit 129 is just north of the property.

Ms. Kanellopoulos presented a picture showing a view of State Route 616 from the approximate proposed entrance of the development. She presented another picture showing the view of Exit 129 interstate interchange with State 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, 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 an 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 the Development Areas but are zoned with urban zoning designations.

Ms. Kanellopoulos 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. She said the proposal is for a gas station with a convenience store and eating establishment.

Ms. Kanellopoulos said the required community meeting was held on May 22, 2019 as a special meeting for the Village of Rivanna Community Advisory Committee. 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, 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 both County staff and the Virginia Department of Health reviewed the groundwater study. She said 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 this device was installed properly prior to the issuance of any zoning clearance or building permit.

Ms. Kanellopoulos said Virginia Department of Health approval is required for any site plan on any property not served by public water and sewer. She said VDH would need to approve permits for the well and septic systems. She said 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 hours of operation, requiring the building architecture and gas canopies to conform with the proposed architectural guidelines submitted by the applicant, a limit of five total fuel pumps, with two of those pumps being relegated behind the building, and a three-board fence and screening landscape along the frontage of the site.

Ms. Kanellopoulos said the Annual Average Daily Traffic (AADT) of State Route 616 is 8,300 vehicle trips per day. She said Transportation Planning staff estimates that the majority of trips would be existing pass-by traffic. She said the applicant would need to construct turn lanes compliant with VDOT requirements at the site planning stage, which would reduce potential delays on State Route 616.

Ms. Kanellopoulos said the zoning of the property, C1 Commercial, is inconsistent with the Comprehensive Plan land use recommendation, which directs development into the Development Areas. She said as been previously stated, however, the decision to zone this property C1 Commercial has been made, and the County has not initiated actions since 1980 to change the zoning designation.

Ms. Kanellopoulos said Strategy 1A of Chapter 3 in the Comprehensive Plan, "Growth Management," 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 of either 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 the interstate."

Ms. Kanellopoulos said the Rural Area chapter also includes guidance that supported uses in the Rural Area should provide services for existing residents in the immediate area.

Ms. Kanellopoulos said if the 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 commercially, 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 added that 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, this 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 request. She said she has discussed most of them on the previous slides, such as conditions on lighting, building architecture, and the flow restriction device. She said she could return to this slide if the Board wishes to discuss any of these conditions further.

Ms. Kanellopoulos said there is one condition that differs from the applicant's proposal. She said the applicant is proposing that fuel sales be permitted 24 hours per day, which would likely necessitate some overnight lighting for the fuel pumps and generate some level of traffic during that period. She said the applicant finds that the hours of the operation for the store are acceptable but is requesting that fuel sales and some lighting be permitted outside of hours of operation.

Ms. Kanellopoulos presented staff's recommended conditions, noting that they limit lighting to the hours of operation. She said the ending time of 10:00 p.m. is consistent with other rural uses and uses adjacent to Residential and Rural districts. She said the County Code prohibits amplified music for farm brewery and farm winery events after 10:00 p.m. during weekdays, and after 11:00 p.m. on weekends. She said this is to limit potential negative impacts on nearby and neighboring residential and rural properties. She said as another example, drive-thru windows that are within 100 feet of a Residential or Rural district must be closed by 10:00 p.m.

Ms. Kanellopoulos said staff finds the extended hours of operation are not consistent with these characteristics and recommends no changes to Conditions 2 and 4.

Ms. Kanellopoulos said staff is carrying forward the Planning Commission recommendation, which is 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.

Mr. Gallaway said a Supervisor received an email about the call-in numbers to participate in the public meeting. He said the public can go to the Albemarle County homepage, then click on the Board of Supervisors department page, which has a link for participating in the virtual meeting. He said once clicking on the link, it will show ways to join the webinar as well as the call-in phone numbers and the Webinar ID. He said one of the phone numbers is 312-626-6799, and the Webinar ID is 82650812925.

Ms. Price said her understanding was that this property, when it was originally zoned, was for a gas station.

Ms. Kanellopoulos replied this was correct, and that the 1970 rezoning request was for a gas station.

Ms. Price said this was 50 years ago and then 10 years after that, the zoning system changed, and it was reclassified as C1, as the old system had gone away with the Zoning Ordinance change.

Ms. Kanellopoulos replied this was correct. She said she could defer to Mr. David Benish to provide more history on the 1980 comprehensive rezoning history.

Ms. Price said she would appreciate that.

Mr. Benish said when the comprehensive Zoning Ordinance was modified, C1 became the closest equivalent to the prior B1 zoning. He said the intent was to maintain the zoning, but to use the new Zoning District that most closely related to the prior B1 zoning.

Mr. Benish said the comprehensive rezoning took place based on concerns with the Comprehensive Plan's goals for development in the Rural Areas. He said particularly, they were addressing concerns with nitrification of water supplies. He said there was a recommendation to reduce some of the designated development areas that were in water sheds and create more concentrated, hard-edge planning. He said some areas were taken out of the Comprehensive Plan for development, and this comprehensive zoning that took place in 1980 was implementing that effort.

Mr. Benish said the properties that were left zoned were ones that, from his understanding from the knowledge that was passed on to him, the decision on what properties maintained that zoning after the comprehensive rezoning was based on the fact that there were uses already on the site that were consistent with that zoning, or there had been plans approved for development on the properties. He said that is his understanding of why they have some legacy zoning properties in the Rural Areas.

Ms. Price said there is zoning, and then the Comprehensive Plan that came in, which talks about the Rural Areas versus the Development Areas.

Mr. Benish said this was correct.

Ms. Price said she understood there were some questions as to whether this is a gas station that sells food, or a country store with ancillary gas sales. She said when she was reading through the papers in preparation for this over the last number of months, one of the things that was addressed was the country store to have up to six nozzles, which would be three pumps. She asked if this was correct.

Ms. Kanellopoulos replied this was correct.

Ms. Price said the plan that has come before the Board actually has five pumps with three in the front, and two to the back. She asked for further explanation as to how those 10 nozzles equate to the 6 nozzles that a country store can have.

Ms. Kanellopoulos clarified that this is a Special Use Permit for an auto service station/gas station in the C1 District. She said country stores are permitted by Special Use Permit in the RA, Rural Area District. She said staff used country stores as a proxy for evaluating the scale of this proposal, since it is in a C1 District, but is in the Rural Area designation of the Comprehensive Plan. She said it is not technically a request in the Zoning Ordinance for a country store, but a country store was used as a scale proxy for analysis. She said staff's finding was that having three pumps visible, or 6 nozzles, but two pumps relegated would be consistent with that scale but defer to the Commission and Board to make a different finding on that.

Ms. Price asked if this was because the two pumps in the back are not as visible from the highway.

Ms. Kanellopoulos said that this was staff's finding.

Ms. Price asked if there would be a limit to the number of nozzles that could be in the back.

Ms. Kanellopoulos replied it would be limited to two fuel pumps, which would limit it to two nozzles on each, in theory.

Ms. Price said she also wanted to talk about the water consumption. She recalled that in general,

if businesses use over 400-450 estimated gallons per day, it triggers part of the Special Use Permit process.

Ms. Kanellopoulos said this is still correct for the other by-right commercial C1 uses. She said if they will use less than 400 gallons per acre, per day and are not on public water or a central water system, then they would be by right. She said the 2019 Zoning Text Amendment, however, made it so that auto service stations, convenience stores, and restaurants were by Special Use Permit if not on public water or a central water system, regardless of water usage. She said this way, all impacts, not just water, can be considered.

Ms. Price said the applicant here has agreed to a 700-gallon-per-day restriction with a shut-off valve.

Ms. Kanellopoulos said this was correct.

Ms. Price asked if houses were put on this acreage, 3.28 acres, how many houses could be put there.

Ms. Kanellopoulos replied they would be permitted in the Rural Area-zoned portion of this site, which is approximately 12 acres. She said they would have to do a subdivision analysis and look at the private street requirements but, in theory, without a private street, one could put at least two houses there.

Ms. Price asked if those two houses would use the same daily water consumption if it would be estimated to exceed or be less than 700 gallons per day.

Ms. Kanellopoulos said she believed it would be fairly equivalent.

Ms. Price said in the papers she read indicated that two three-bedroom houses would be estimated to use about 900 gallons per day. She said obviously, there are questions that many constituents have of whether the 700 gallons per day is accurate. She said there have been comments about whether or not they can rely on Tiger Fuel to comply with that requirement. She said she wanted to state publicly that she was not challenging the integrity of Tiger Fuel with their compliance on an offer they have made as part of this application. She said if they say they will put in a 700-gallon-per-day restrictor, then she is going to take them at their word, and if they do not comply with that, they can be held accountable for it.

Ms. Price said she would also like to talk about the question of the ancillary use of the fuel sales. She asked how this is figured in, and if the County looks at some sort of estimate of retail sales and gas sales to figure out what is actually ancillary for the food service, country store, or the gas.

Ms. Kanellopoulos deferred to Mr. Benish.

Mr. Benish said he was not sure he had a clear answer for Ms. Price. He said he wasn't sure if they have a defined way to identify the ancillary use other than the general understanding that there would be more activity in one as opposed to the other, with ancillary being a lesser use. He said he was not aware of the ordinance having a particular measure for that.

Ms. Price said it does pose some complexities in the Board's ability to determine what is primary and what is ancillary if they do not have some measure to use to calculate that. She said she also wanted to talk about the Comprehensive Plan, taking the zoning out of it. She said in the Comprehensive Plan for development, part of the discussion staff had was that it would be supportive of agricultural and rural uses. She asked staff to address how they came up with the determination as to how they saw this particular application falling within that part of the Comprehensive Plan.

Ms. Kanellopoulos replied that staff's understanding is that it needs to be supportive either of agricultural and forestry uses, or of existing rural area residents. She said it was the second part that staff found it was supportive of existing residents in the area.

Ms. Price asked if when the staff makes that analysis, they look at what other businesses are available within a certain radius or distance on a proposed application or proposed use to do some sort of calculation.

Ms. Kanellopoulos replied they do not have a specific calculation. She said they look at the character of the entire area, but do not have a specific metric of having a certain number of businesses within a certain radius. She said they are just looking at the overall character of the surrounding area.

Ms. Price asked about the aspect of the Comprehensive Plan that says that the interstate interchanges should not be used as tourist destination stops, and how the staff analyzed this particular application in that regard.

Ms. Kanellopoulos replied that staff's finding was that this use would capture mostly pass-by traffic on State Route 616 and therefore would not be a tourist destination. She said staff did also defer, however, to the Planning Commission and the Board to make a different finding on that.

Ms. Price asked what type of potential negative impacts for the surrounding properties did staff

identify or would prioritize.

Ms. Kanellopoulos replied that the main potential negative impacts discussed by both staff and the Planning Commission were traffic, lighting, and noise. She said the Planning Commission also discussed the potential concern of water usage.

Ms. Price asked about lighting, noting that different offers have been made by the applicant. She said part of the topic of discussion is the desired hours for fuel sales. She said if they could assume that fuel sales will be limited to 5:00 a.m. to 10:00 p.m., which she understands is comparable to many other businesses of the area, if there would be any lights on at that facility after 10:00 p.m., when the fuel sales would have to end. She asked if there would be any lights left on, or if it would be completely dark.

Ms. Kanellopoulos replied that according to the condition, they would have to be completely dark, but that there could also be some provision to allow for motion sensor lights so that the lights would only come on if they were motion activated. She said staff found that due to the Dark Sky discussion in the Rural Area chapter of the Comprehensive Plan, however, and to be more consistent with the Rural Area, that there should not be lights on after 10:00 p.m.

Ms. Palmer said given what Ms. Price asked, she was going to ask about the pumps versus the nozzles, but this had been answered. She said her concern now is that the number of pumps apparently were evaluated based on what is visible to passersby and not by the assumption that more pumps would bring more cars at any one time. She asked if there was a reason why staff did not consider traffic with those extra pumps.

Ms. Kanellopoulos replied that staff did consider the potential traffic impacts but found that since most trips would be passing by, having the additional two pumps would be an acceptable impact. She said staff did also defer to the Commission and Board to make a different finding on that.

Ms. Palmer said she was surprised that the expectation was that people will not get off the interstate to go. She said they all know what wonderful sandwiches these markets have, and now that people can all go online and figure out where along the interstate they can get the best food, she is surprised that the finding was that people would not be getting off the interstate to go there and get something to eat. She asked staff to comment on that.

Ms. Kanellopoulos replied that Mr. Kevin McDermott, Transportation Planner, was in attendance and that she would defer the question to him.

Mr. McDermott responded that staff does expect that a certain number of vehicles would exit the highway and get off there. He said it is a difficult situation to assess because they are relying on ITE traffic engineering estimates for the numbers of vehicle trips that this would generate, and it doesn't fit perfectly in any one category. He said looking at the trip generation models; it doesn't specify if it is adjacent to a highway or if it is off of a highway. He said they cannot say specifically how many vehicles may come from the highway.

Mr. McDermott said they would expect somewhere in the vicinity of perhaps 50% or higher, up to 70%, would be pass-by trips, so the majority of vehicles would be those already on that road. He said they also considered the traffic impacts of additional vehicles coming off the highway, but they thought that those trips coming off the highway would be less likely to happen during the peak hour. He said those would be spread throughout the day, with the peak hour being the time that staff was most concerned about the traffic impacts at the intersection.

Mr. McDermott said the data is not perfect for trying to figure out how many trips they could estimate would come from the highway to get there. He said they would say that a portion of that would, and that it could be perhaps 500-1,000 trips a day coming off there.

Ms. Palmer said she was curious as to how many cars are passing by that are actually getting onto I-64. She said she expected that a huge percentage of the traffic on that road is coming onto the road or going onto the road for I-64.

Mr. McDermott replied that this was the case. He said looking at the traffic numbers for the roads around that, the segment between I-64 and Route 250 has three times the amount of traffic, once getting outside of that segment. He said almost all the traffic is getting on and off I-64, and usually from Route 250.

Ms. McKeel said perhaps her question was better for the applicant to answer. She said there was a concern she was hearing that this would become a truck stop when it comes to diesel. She asked if Ms. Kanellopoulos could address the types of pumps that would be there, and why truckers would likely not be using this as a diesel fuel station.

Ms. Kanellopoulos replied that there is one diesel pump, and that since the Planning Commission public hearing, the applicant has also expanded the area designated as "No Parking," so there is not actually a space or area for a truck to pull over and park a large truck like a tractor trailer. She said there does need to be enough room for a fuel truck to come and deliver fuel; however, there would also be signage prohibiting tractor trailers, and there is additional signage that VDOT and County staff could enforce at the site planning stage as well.

Ms. McKeel said her understanding was that at other gas stations, there are different types of pumps. She said they are not using the types of pumps that a tractor trailer would want to use because it would take them hours to fill up their tank.

Ms. Kanellopolous replied that this was her understanding as well and that she would let the applicant address the question. She added that staff did try to work with the applicant to design the site in such a way that it would not be convenient or accessible for tractor trailers to access the site.

Mr. Sutton, applicant for Tiger Fuel Company, thanked each Board member for their service to the community. He said he knew the workload and extra commitment they all take on is monumental and that he wanted to sincerely thank them, especially during the pandemic. He said he was grateful for their leadership and that he appreciated all the time and attention that went into reading all the emails they have recently received in support of this project. He said the emails demonstrate how passionate people are about this opportunity.

Mr. Sutton said he would keep his presentation brief, as he has had the pleasure of meeting each Board member and telling them about Tiger Fuel Company. He said as a result, he thinks they all know how proud his company is to serve the community and how seriously they take their commitment to the community.

Mr. Sutton said Tiger Fuel Company was established in 1982. He said they are locally owned and operated, with 254 employees. He said they were recently voted one of the top three places to work in the Charlottesville area.

Mr. Sutton said he would start his comments by expressing that this Special Use Permit is the best opportunity that the County has to shape this project, period. He said if the County and the Board pass on this opportunity, there are over 40 other categories of uses, such as a Dollar General, an Auto Zone, or a brewery that could come in and develop this property by right.

Mr. Sutton said his company has worked diligently with County staff and has made many concessions to satisfy their concerns. He stressed that they have staff's recommendation for approval.

Mr. Sutton thanked County staff, adding that while they were appropriately tough, they were a pleasure to work with. He said everyone was responsive, efficient, and reasonable.

Mr. Sutton said they made many concessions that other companies simply would not make or would not have the freedom to make. He said as a small and nimble locally run company, they were able to collaborate and make many adjustments that addressed the concerns of the neighbors. He provided some highlights, including a water restrictor valve that limits water to 700 gallons per day, or less than half a gallon per minute, which is less than half of what a by-right use would allow; reduced hours of operation; enhanced landscaping buffers and a three-board fencing; reduced number of dispensers; restricted lighting; and the addition of a biofilter as opposed to a detention pond, to name a few.

Mr. Sutton said he believes strongly, as many others do, that this property and project will be a community asset. He said they will create about 24 high-paying jobs with benefits, will generate over \$100,000 in tax revenue annually, will have a full deli, like Bellair and Mill Creek, and will support local vendors and the agricultural nature of the area. He said they would have several farmers in the area who would be speaking on their behalf that evening. He said they support multiple environmental initiatives, just like the County's Climate Action Plan, to include solar panels at this project, EV charging stations, and reforestation efforts at their pumps.

Mr. Sutton said he was also proud to say that in the midst of record unemployment, Tiger Fuel is proud to create jobs with a project like this. He said if approved, they will start hiring people as soon as this is moved forward.

Mr. Sutton said they worked closely with neighbors in the County on concerns they have heard. He said one that has come up repeatedly is traffic. He said they worked closely with VDOT and the County Transportation Planner when they started the project three years ago, in February of 2017. He said they satisfied all of their rigorous concerns, and that their store will predominantly capture pass-by trips.

Mr. Sutton said he has heard from neighbors that they are concerned about big trucks coming onto the site, and wanted to stress, as evidenced by the picture he presented on the screen, that they absolutely do not want trucks to visit this facility. He said they jam up the lot and leave a big mess on the canopies and fueling islands. He said they will not be set up to serve them and have worked with County staff to make it almost impossible for them to access the lot. He stressed there would be no parking, no space, and no high-speed diesel.

Mr. Sutton said they have also heard that trash is a major concern, and that they promise to keep the lot much cleaner than the property currently is. He said they would like to offer to adopt throughout Route 616, between the interstate and Route 250, as an "olive branch."

Mr. Sutton said they had also heard that light pollution was a concern and was happy to report that they are using all full cut-off LED fixtures on the property. He presented a diagram comparing the traditional light that does pollute the night sky versus what they use, which does not. He presented the Bellair Market, as an example, that utilizes a similar type of lighting that helps avoid the pollution.

Mr. Sutton said water has been a concern for the County and the neighbors since the beginning of the project. He said fortunately now, they have technology that shows where the water is and where it is not, underground. He said Dr. Evans is available to speak to this in more detail after the presentation if the Board likes.

Mr. Sutton presented a geophysical diagram showing why, in this type of geology, two wells that are not even a couple hundred feet from each other are not likely to affect each other. He said the blue areas on the diagram indicate where water is present. He noted they are separated from each other by zones of yellow, orange, and red, which signify dry rock. He said those water resources that are represented in blue are the areas Tiger Fuel would try to access with a well. He said these resources are largely recharged by surface water.

Mr. Sutton said they have worked with several hundred geologists who have studied the site at length and confirmed that their proposed use would not adversely affect the individual water supplies of neighbors. He said the geologists were present and available to speak tonight if there were any questions on the science, but that it is very clear that the proposed usage is less than that of two typical three-bedroom homes. He said they are effectively sticking their straw into their own bucket, and because the majority of their use is non-consumptive, most of the water they pull out goes right back into that underground bucket via the drain field. He said that most importantly, their bucket is not connected to their neighbors' individual buckets.

Mr. Sutton said the science was clear. He said as expressed by the experts who were hired and did their work as specified by the County's ordinance, hypothetical negative impact on neighboring wells is not a valid basis on which to deny this project.

Mr. Sutton said there were multiple issues that were brought up at the Planning Commission back in February that were misleading. He said all of these issues were addressed in great detail in the document they shared with the Board last week, but that he briefly wanted to speak to the fact that the three major issues that were presented as grounds for a "no" vote at the Planning Commission have been discredited. He said they are not looking for a rezoning here, nor are they asking to establish a commercial district. He said gasoline sales are not considered ancillary to the convenience store use in a C1 district and that in fact, their ground water study is consistent with the study the Timmons Group did as part of the Keswick Hall expansion.

Mr. Sutton said he would like to circle back to his original point that this Special Use Permit process is the County's, the Board's, and the neighbors' best opportunity to shape what goes on this property in perpetuity. He said if the Board passes on this opportunity, there are close to 50 different uses that could come in and develop this property by right. He urged the Board not to let this happen, and to choose to honor the good work that their staff has done to get a recommendation for approval.

Mr. Sutton said he knew it was important to the Board and their constituents to support local business and as a relatively small local business, they were able to work effectively with staff and make all of the concessions they asked of them.

Mr. Sutton said if the Board votes "no" that evening, it is just a matter of time before a Dollar General or an Auto Zone is going to pursue developing this property. He said they will be able to do it without making any of the concessions he worked so hard on with the County.

Mr. Sutton presented a slide showing a rendering of the project, and what could come if this opportunity is passed. He presented a rendering of what the project would look like from Black Cat Road, noting that he thinks the Board would agree that it is very tasteful, matches the rural character of the area, and is appealing from the road.

Mr. Sutton said they have heard from hundreds of people in support of this project that are desperate to see this project happen. He said with a "no" vote, all of the following would disappear: reduced hours of operation, 700-gallon-per-day restriction, three-board fencing and enhanced landscaping buffers, tasteful architecture in sync with the Rural Area, all environmental initiatives, the biofilter, illuminated truck parking, and restrictions to lighting.

Mr. Sutton urged the Board to vote "yes." He acknowledged the site is in the Rural Area, but pointed out that it is zoned Commercial and cannot be legally changed. He said his family and company are totally committed to this project, as it is part of their long-term strategy and they have a 40-year ground lease. He said the project is something that this community and the local economy desperately need.

Ms. Mallek said in her experience with similar types of places, she has seen that it is impossible to keep big trucks out when they have to provide a place for big trucks to get in to deliver the fuel. She said if the property is open overnight, rather than having a gate closed, then trucks will idle there all night long. She said this is from her personal experience, and that it is difficult. She said one has to be careful of what types of promises are made because it is much more challenging to achieve than one might think. She said this is a concern that people can respond to if they choose.

Ms. Mallek said the LED lighting is another matter on which, unfortunately, the ordinances are behind. She said there is a similar gas station in Crozet where she can be 50 yards away and read the newspaper in the middle of the night by LED lighting, which actually meets the County's requirements.

She said while it does not put the burden on the applicant to change the requirements, it is impactful and something she hopes the Board will work on, going forward. She said she looked forward to learning more.

Mr. Sutton responded that with the truck concern, there are exits that are designed to facilitate and welcome trucks and provide all the amenities and services they need and are looking for. He said those simply won't exist, nor will they have the space on this property to access it. He said he appreciated and understood the concern but was very confident that this would not be an issue for them. He said they run nine other locations like this in the area and can say that this has not been in their experience, in 38 years of operation, that they have problems with trucks parking on their properties overnight.

Mr. Sutton said with regards to the lighting, he agrees that the lighting can be very directionally potent, but off of the property across the street, as it goes upwards, it is clearly demonstrated with the science that that pollution does not exist.

Ms. LaPisto-Kirtley said the Planning Commission recommended a 5:00 a.m. to 10:00 p.m. limit only on the store, which the applicant agreed to, but also for the fueling. She asked the applicant if he wanted the pumps to be available 24 hours a day.

Mr. Sutton replied yes. He said they have made a lot of concessions, many of which are very expensive and have significant, detrimental economic effects on the project. He said it is clear to him, however, in conversations he has had with Board members, that this is an area of concern. He said he would be happy to offer that evening to relinquish that request and stick to the hours of operation for fueling, if that helps move the project forward, again, as another concession or "olive branch."

Ms. Price thanked Mr. Sutton for his presentation, acknowledging her appreciation for the opportunities she has had over the last number of months to meet and discuss this with him. She thanked County staff for the work they have done as well, as there are many challenges there.

Ms. Price said candidly, she finds what he has offered is a very attractive business. She said her concerns relate principally to this type of business in that particular location. She acknowledged the great many emails and communications she has received from constituents throughout the area, both those who live immediately near where this proposal is, as well as others throughout the County. She said Mr. Sutton could be justifiably proud of the reputation that he and his company has in the area. She said this was clearly not a question of valuing or not valuing Tiger Fuel, as they are a very well-respected company.

Ms. Price said one of big differences she is concerned with, however, in comparison with what Mr. Sutton is proposing as opposed to some of the other businesses he cited examples of in the presentation, is that people pull off an interstate looking for gas stations. She said they had had a conversation together about people tending to look for more than one gas station at an exit because the gas prices may be slightly lower than if there is a monopoly of one gas station.

Ms. Price said nonetheless, people pull off of an interstate highway for gas and food, and do not tend to pull off an interstate looking for a dollar store or auto parts store, as that is more likely to be visited by local residents. She said there is a serious concern of the volume of traffic that this would generate to that particular location that will be different from other uses in the Rural Areas. She gave Mr. Sutton an opportunity to try to address those concerns.

Mr. Sutton said there were two main avenues to approach that from, and one is very much about what Mr. McDermott spoke to earlier in that they are not a destination. He said they are not a brewery, amusement park, or some sort of entity that generates trips. He said they are designed, by nature, to be convenient and there for people who are already using that thoroughfare and are pass-by trips.

Mr. Sutton said to add on the point Ms. Price made earlier about multiple gas stations, one of the best ways to explain it is if he is traveling down the interstate with his wife and two small girls, there is no way he is taking an exit that only has one gas station. He said he would be looking for a Chick-fil-A, Starbucks, several hotels, and multiple gas stations. He said those exist on either side of this exit, which is what is seen at 5th Street, Pantops, and Zion Crossroads. He said if he is an interstate traveler that is not already on a local path, he is not going to take that exit to go to that one-off location that he knows nothing about, where there are no other amenities available.

Mr. Sutton said a comparable exit to consider here would be a lot of the exits that are coming west out of Richmond, such as Hadensville, Gum Springs, or Rockville/Manakin, where one can see one or two convenience stores. He said those would be comparable to what they are discussing, and do not pull a lot of interstate traffic. He said they are not destinations and are set there to service the traffic that is already using those roads.

Ms. Price said she appreciated Mr. Sutton's comment. She said there were other concerns that local residents have with regard to gas services that are also different from some of the other businesses in terms of fumes and volatile organic compounds as well as other pollutants. She said she still had to work her way through some of those matters before she could figure out where she would be when it comes time to vote.

Ms. Palmer said she would ask Ms. LaPisto-Kirtley's question somewhat differently. She said Mr. Sutton had said in his presentation that staff has recommended this. She said the Planning Commission

had turned it down. She said staff had recommended it with full cutoff of lights from 10:00 p.m. to 5:00 a.m. She said Mr. Sutton just said he was willing to offer that if it makes a difference to the Board. She asked if he was talking about full cutoff because if the Board approved what the staff recommended, it would be full cutoff.

Mr. Sutton replied yes. He said what staff asked for that they were not previously willing to totally accommodate was to relinquish the overnight fueling and the lights that would have been necessary to facilitate that. He said he believed he and Ms. Palmer were on the same page. He said there would be no lights.

Ms. Palmer said if the Board took staff's recommendation, it would include that. She said her only other comment was that when she travels down the interstate and wants something to eat, someone in her car is on the smartphone trying to figure out what the best place is to eat and what their ratings are. She expressed that she didn't know how many people actually go to different places to drive around and make a selection versus figuring out where they think the best food is. She said she thinks that Tiger Fuel will pull people because the food is good. She said she didn't know if that's how most people do this nowadays, but that it is the way she does it.

Mr. Sutton said Ms. Palmer thinks this way because she knows Tiger Fuel. He said if someone is from out of state or even from Virginia Beach and traveling the interstate, it is actually a huge marketing challenge. He said when people see the Exxon gas sign, it is typically not synonymous with good food, and so people move on to a restaurant that they are comfortable with and has had experience within their hometowns. He said Ms. Palmer was right in that it is evolving, and that he was working hard to try to help more people know how good their food is.

Ms. Palmer said she found some great restaurants on I-81 by searching on the smartphone.

Ms. McKeel said she wanted to clarify, as far as the signage, if the applicant would have a very tall sign that says "Exxon" or "Shell" that attracts the people driving down the interstate to the station.

Mr. Sutton replied no. He said County staff would never let that happen, as much as he would love it. He said it would be a very small monument sign that meets all of the sign requirements, which are substantial.

Ms. McKeel said she does sometimes look for those signs if she is trying to find gas on the interstate. She said in her many years of living with a VDOT engineer, she vaguely remembered that there was a signage program that VDOT sponsored, regarding signs that show icons for food and gas, directing them to exit ramps, and that one had to apply to VDOT to get their logo on those signs. She said she didn't think it was free. She said there was a very strict criteria one had to meet. She said for example, they had to be open 16 hours a day, or VDOT would not allow the logo to go on that signage. She said she was curious as to what Mr. Sutton's thoughts were, as this makes a big difference in whether people actually will take that exit.

Mr. Sutton said his understanding was that these were very expensive signs. He said he would like to be on those signs. He said he was unaware of the hours per day requirements, but that this very well might be the case. He said Tiger Fuel would like to have a presence on that sign. He said it gets back to the point he was trying to make with Ms. Palmer, that he doesn't think that when people are looking at those blue signs, if they just see one option, they are likely to pull that interstate traveler. He said it gets back to the pass-by trips and local residents who know Tiger Fuel is there and know who they are.

Mr. Sutton said they would hope to have a sign there to advertise their presence, but that Ms. McKeel has alerted him to a component that might cause him trouble if they are not open long enough, which might not allow that.

Ms. McKeel said not to quote her on the hours, but that she remembered it had to be a good portion of the daylight hours. She said they would not just allow signage for people to be going off at certain times and then find the business is closed.

Ms. McKeel said she wanted to talk more about the water situation, as there were many people concerned about how they have trouble with their wells already and that they are not getting the amounts they need from their wells. She asked if someone could address the water tables and concerns.

Mr. Sutton said he would have Mr. Nick Evans speak to this. He said this was what he was trying to address on his slide about water, that the rock formations are such that the wells are not all interconnected. He said the resource they would be pulling from would be likened to putting their straw in a bucket that they would also replenish.

Mr. Nick Evans said he has been working as a geologist for more than 30 years in Central Virginia, Albemarle, and surrounding areas. He said he lives on Burnley Station Road in Northern Albemarle. He said his mission has long been to use his expertise to further inform decision making on the part of people such as the Board who do not necessarily arrive at the table with a great deal of knowledge on an arcane subject such as groundwater.

Mr. Evans said there is now technology that enables him to make an image of what is down beneath the surface. He presented a geophysical image where the vertical scale is 300 feet, so they were

looking at a slice of the earth that goes down 300 feet. He said the horizontal scale is about 1,000 feet and could be across a neighborhood. He said he made the survey across a swath of land that is in the same geology as Boyd Tavern, not far away, in Eastern Albemarle. He said this shows that the geology is heterogeneous and that it is not "one size fits all."

Mr. Evans said the significance of the colors on the image is that the blue tones are where water is present. He said the greens, yellows, oranges, and reds are increasing levels of electrical resistance, which signifies that the rock is dry or has very little moisture in it. He said it was obvious from the image that one cannot simply drill a well everywhere and expect to get water. He said dry holes are drilled every day.

Mr. Evans said that more significant to this discussion, he has put three different representative samples of wells that could have been drilled onto the image. He said the two on the left are tapping water that is relatively shallow in the ground. He said this type of well, in the deeper levels of the well, is not hitting any water at all. He said this could probably be the typical well in Eastern Albemarle, and that the yield on something like this would be on the order of a gallon or two a minute.

Mr. Evans said it is recharging from surface water primarily, percolating down through the soils and ending up in a small cavity. He said the same would apply to another pocket of water on the image. He said these were two typical residential wells that would have yields on the order of a gallon or two a minute, probably.

Mr. Evans said the third well shows how much the geology can change when moving from one place to another. He said this well is tapping a water source that is much deeper and is probably recharging from below. He said this could be a 20- or 30-gallon per minute well, for example.

Mr. Evans said they know from the study he did that there are a number of different values that show up in the database for well yields that are right within the neighborhood that is close to where this market is proposed. He said the yields range from dry holes, to wells that have a gallon or two, to wells that have 50- to 60-gallon per minute wells that are within 1,000 feet or a couple thousand feet of where the project site is. He said one size doesn't fit all.

Mr. Evans said another important facet of this is that the bodies of rock between the pods of water are dry. He said water does not pass through this area. He said what happens in one well does not affect what goes on in another well. He said if one homeowner leaves his hose on and runs his well dry, that is his problem, and is very unlikely that this will affect his neighbor that is only a couple hundred feet away. He said similarly, whoever has a big well that pumps it frequently, it does not communicate with the shallow wells.

Mr. Evans said this is a very important concept, and it is borne out by what they know from experience throughout Albemarle County. He said there are very few situations where it has been demonstrated that an activity on the part of one homeowner on one lot has a deleterious effect on some neighbor's well. He said he was sure this comes up to Planning staff frequently as a complaint, but that in the times that he has been involved with researching that, it is usually more of a problem related to the well that went dry, and that the recharge dried up.

Mr. Evans said the shallow wells, such as the two examples presented, are far more vulnerable to having problems and being compromised during drought than a deeper well that is tapping water out of deeper levels. He said in the bigger picture, a drought affects everyone. He said he knew some of the people who made comments at the Planning Commission hearing were opining that if a drought comes along and Tiger Fuel drills another well, it will dry up their well. He said actually, a drought will affect everyone, including Tiger Fuel.

Mr. Evans said if Tiger Fuel gets permitted to do this, the next challenge will be finding a viable well site on that lot. He said hopefully, they can get something that is fairly deep and resilient, but the odds are that they might be looking at something like the example, which would supply the needs of the proposed use, but would be just as vulnerable to challenges during a very dry year as any of the neighboring wells.

Mr. Evans said the main point was that the addition of another well in this scheme of things does not really affect the existing wells, unless that well drills right into the same small pocket of water as the well that is already there. He said if they are drilling a well that is at least a few hundred feet away, the science does not say that this is very likely. He said they could run this type of survey, slice and dice the whole neighborhood, and that it would be rather costly and logistically challenging, but that type of work would be what is required in order to nail this down. He said to the best of his knowledge, his scientific evaluation of this is that the water is likely to be a non-issue here.

Ms. McKeel said this helped to answer her question and that she learned a lot about some of the well problems in the County.

Mr. Evans said he would be happy to answer future questions.

Ms. Mallek said being rural and understanding that when their wells go dry, they are absolutely on their own and that no one is going to come to help, she thinks the unpredictability of the issue is what makes people anxious, as they do not show a model of this particular site. She said without this, there is really no way to say whether two wells in a big horizontal pool will be the ones they end up with, or

whether it will be one going down to a deep aquifer all by itself. She said the terms “likely” and “expected to” make she and the neighbors anxious, as they would like to have more certainty about what the consequences are and what will happen.

Ms. Mallek asked why they were choosing to have comparable wells a long way away rather than the ones that went dry right around the corner. She said she remembered this area, as well as Blenheim, being two areas in the 2003 drought that lost many wells, and people had to wait months for the new well drillers to get there.

Mr. Evans said he drew a 2,000-foot radius around the site, which actually encompasses more wells than specified by the ordinance. He said all the wells in his database were on his diagram. He said he did not go to the Health Department and re-research the whole thing.

Mr. Evans said to Ms. Mallek’s point, there is a fairly good representation of wells that are closest into the site itself, and that a few of those were zero-yielding wells, as reported in the database. He said the implication would be that if they drilled another well, it does not show up in the database. He said there are plenty of places to drill on the diagram and not hit any water, and there are places where they could drill and hit a very small pocket close to the surface. He said there was a huge degree of variability to it.

Mr. Evans said it is a very tough business he is in, in terms of advising people on this. He said because there is no certainty, there are no guarantees until one actually drills a well. He said this is what he always tells people, even if doing all the work. He said his best way to describe the geophysics process, which is rather costly, is that it enables one to make a better, informed choice as to where to drill, and that it plays out that way. He said he had a driller’s license for several years and would drill the holes himself. He said this has informed him greatly as to how this process works.

Mr. Evans said at the end of the day, he cannot guarantee for the Board that there will be no interference with a well that is on the other side of Black Cat Road from this project. He said he can say that if there is a wish to do so, if and when a well gets drilled on the Tiger Fuel parcel, he could run a test and determine right away, or in relatively short order, whether or not there will be interference by doing a pumping test. He said there are ways of further assuring oneself as to what the future holds, but until the wells are drilled, he is doing the best job he can with the most current data he can pull together within the specifications of the ordinance to advise the Board. He said there were no guarantees.

Ms. LaPisto-Kirtley said her understanding that the graphic Mr. Evans put up was from another location nearby and was something he received.

Mr. Evans said this was something he ran himself. He said this was a job that he did, and that he would not say specifically where the parcel was. He said it was nearby, and that he was asserting with his professional integrity that it is in the same geology.

Ms. LaPisto-Kirtley asked if, in actuality, no one has actually drilled down to see if there is an aquafer.

Mr. Evans asked if Ms. LaPisto-Kirtley was referring to the parcel in question.

Ms. LaPisto-Kirtley replied yes.

Mr. Evans said as far as he knew, there were no existing wells on the parcel. He said the soils have been checked for perking, he presumed.

Mr. Sutton said there is a well on the property that pumps 13 gallons per minute and is plentiful. He said in this use, they would only be using half a gallon a minute.

Ms. LaPisto-Kirtley asked if there was then an existing well.

Mr. Sutton replied yes.

Ms. LaPisto-Kirtley asked if it was known if this existing well permeates as part of an aquafer, and if they did not know where it goes out.

Mr. Evans said he did not know anything about that well. He asked if this was drilled recently.

Mr. Sutton replied that he believed it was drilled in 2004. He said the gentleman who drilled it would speak that evening. He said based on the geology and the science of the region, it was very unlikely that this resource is connected to the neighbors. He said this would require additional testing.

Mr. Sutton clarified that this well was on the same property with the same owner, but not on the 3 acres that he is talking about developing. He said they would have to drill another well, but that he wanted to share that there is a well on the property.

Ms. LaPisto-Kirtley asked if the well is on the adjacent 8 or 9 acres.

Mr. Sutton replied that it was about 11 acres zoned Agricultural on the backside, on the west side of the property.

Mr. Evans said this well was not considered in the Tier 3 report because it did not show up in the database, and he was not aware it was even there. He said this was good information to have.

Mr. Gallaway noted that for people listening in, earlier they announced the phone number. He said this phone number was 312-626-6799, and the Web ID is 82650812925.

Mr. Gallaway asked if a truck were to park overnight on the property, what Mr. Sutton would do as the property owner if this issue came up.

Mr. Sutton replied that they would have to run them off. He said they do have stations that operate 24-7, and they have surveillance cameras that have access to all the properties. He said if it became an issue, it would be something they would actively start to manage, as they certainly do not want to see that happen.

Mr. Sutton said one point that came up since Ms. Mallek asked her question is that the fuel truck that this property is designed to allow to access the property is actually much smaller than the typical tractor trailer truck. He said that fuel truck can barely access the property and make the appropriate radius to drop fuel. He said that further cements his confidence that this will not be an issue that they have to face. He said if it is something that remains a concern from the Board, he would be happy to make any sort of concession to promise that he would manage it appropriately. He said he was very much incented as an operator to not let this kind of thing happen.

Mr. Gallaway asked if Mr. Sutton agreed to do 5:00 a.m. to 10:00 p.m. with the full cutoff, he meant that everything would be shut down outside of that time, i.e. no fuel sales or anything otherwise.

Mr. Sutton replied yes.

Mr. Gallaway said that should take care of overnight traffic, meaning lights, parking, etc.

Mr. Sutton replied yes.

Mr. Gallaway asked if when Mr. Sutton mentioned the phrase "reforestation at the pumps," he was referring to the donation that the company accepts.

Mr. Sutton said at Tiger Fuel's existing stations, they give all their customers the opportunity to donate \$1 to offset the carbon footprint of their fuel purchase. He said if they donate \$3, they are given a free coffee and match the donation. He said this is something the company has done for years now and has raised a lot of money for reforestation efforts to help offset the carbon footprint from those purchases.

Mr. Gallaway said for those accessing the meeting with their telephone and who would like to speak towards SP201900006 Boyd Tavern Public Hearing, they should enter \*9 into their phone to give staff the indication they wish to speak.

Mr. Gallaway opened the public hearing.

Mr. Richard Jones, Rivanna District, said he was speaking in support of the Boyd Tavern Market. He said he wouldn't waste time repeating all the benefits that Mr. Sutton had presented to the Board and the concessions he has made that no other commercial user will make. He said he would speak as a local resident in this rural area.

Mr. Jones said he has lived in the Boyd Tavern area for 46 years. He said his first home was at the corner of Routes 616 and 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.

Mr. Jones 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 Marilyn ran a horse farm on the other side of the interstate. He said the market was a place to meet folks, chat, and buy gas. He said he used to buy the most delicious homemade pies 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, the wine shop, and the American Legion Post. He asked the Board to let the Boyd Tavern Market have a locally-owned market and gas station, too. He said it will never be the Boyd Tavern Market or White's, but it is the next best thing.

Mr. Jones said this property is zoned Commercial, 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. He urged the Board to do so as well.

Mr. Jones said that there is a point where so many restrictions on a business kills them. He said there have been four different ventures at the old Boyd Tavern since Charlie Boyd left. He said he wanted to see the new Boyd Tavern Market be a huge success and thrive.

Mr. Donnie Foster, owner of Foster Well Company in Charlottesville, said he has been drilling wells in Albemarle and surrounding counties for 35 years. He said he has drilled many wells in the Boyd

Tavern area, and in fact, he drilled the well in 2004 on the adjacent property, which is zoned RA, that Mr. Sutton is trying to build on. He said the well is 150 feet deep and makes 13 gallons per minute. He said this is a great well, producing 780 gallons of water per hour, and 18,720 gallons of water per day.

Mr. Foster said he has pulled the records on wells he has drilled within half to three-quarters of a mile of that piece of property, and the average yield on some of those wells is anywhere from 6 to 27 gallons per minute. He said these are good wells, and that he has drilled wells there that have been even better than that, but this is the average of what he has done there.

Mr. Foster said he did not feel as though the applicant would have a problem finding water on that piece of property, considering he drilled the well on the adjacent parcel.

Mr. Foster said many people do not understand a well. He said if they were to drill a well 300 feet deep that had 250 feet of static water level in it, meaning, this is how high the water would come up in the well, this would mean that this well would have 375 gallons of storage in the shaft. He added that if the well is making 1 gallon per minute, it would still make 1,444 gallons of water in 24 hours. He said if that well were making 6 gallons per minute, it would make 360 gallons of water per hour, or 8,640 gallons of water per day.

Mr. Foster said he was a firm believer that he does not see many wells, in the over 35 years of his time in drilling, that wells are connected whatsoever. He said this should not be a reason that Tiger Fuel should not be able to proceed with putting a nice facility on this piece of property. He said they are a local company, and he has been dealing with them for the 35 years he has been in business. He said most of the service stations that are now being built are using low-volume toilets. He said if someone had 700 gallons of water they could use in a day's time, it means they could have 466 people to come in and flush the toilet that is using 1.28 gallons per flush.

Mr. Foster said he was in favor of this application, and that it would be a great thing to approve this, since Tiger Fuel is a locally-owned company that has been in the area a long time and has great service at its facilities.

Ms. Helen Cauthen, President of the Central Virginia Partnership for Economic Development, located at UVA Research Park, thanked the Board for its service to the County in providing this forum tonight. She said this was an unusual time, and she appreciated the Board making public comment available. She also thanked Ms. Mallek and Mr. Gallaway for an earlier meeting that day and their support.

Ms. Cauthen said the partnership is a not-for-profit public-private partnership and serves as the regional economic development organization for 8 counties and the City of Charlottesville, joining business, local government, and higher education to pursue common goals, recognizing that local economic success depends on regional economic success. She said County Executive Jeff Richardson serves on their executive committee board and has been a great help.

Ms. Cauthen said Tiger Fuel is an excellent regional employer. She said they have a presence not only in Albemarle County, but in Charlottesville and the counties of Fluvanna, Nelson, and Orange, or in five of the partnerships nine localities. She said they currently employ 254 people, with an overall company average wage for hourly employees at almost \$20 (\$19.69 per hour). She said they offer top-tier benefits, including Care Team, primary care just for employees. She said significantly, during COVID-19, they have retained all of their employees, which is a feat in and of itself.

Ms. Cauthen said Tiger Fuel is also an employer that helps the County with its Project ENABLE Strategic Plan goals. She said Goal 1 is all about strengthening existing businesses and expansions, and Goal 3 is to lead the growth of existing primary businesses who import dollars from outside the region. She said Tiger Fuel is a strong example of such an employer, creating new income and additional spending power in the region's economy.

Ms. Cauthen said Tiger Fuel also participates in the County's Climate Action Plan to create meaningful change in the climate area, and sustainability. She said the County needs partners throughout the community, and that Tiger Fuel is exemplary in this area. She said for example, carbon offsets are an option for every gallon of gas sold. She said two of their existing locations have solar canopies that offset 40% of energy used, and they participate in the Green Business Energy Alliance through C3.

Ms. Cauthen said part of the mission of Project ENABLE is to enhance the County's competitive position and result in quality job creation and career employment opportunities. She said helping Tiger Fuel grow fits nicely with that mission. She said COVID-19 is causing many negative impacts to the community and its businesses. She said Tiger Fuel is willing to move forward, contribute new jobs, and increase tax revenues to the County, even in this environment.

Mr. Frayser White, Scottsville District, said he is the President of South Creek Investments, formerly Virginia Oil Company, Inc., and the owner of the Boyd Tavern property. He asked the Board to vote to approve the Special Use Permit for the Boyd Tavern Market.

Mr. White said when he purchased the property over 15 years ago, he paid a premium, as the property was, and continues to be, zoned Commercial. He said he has paid taxes for the past 15 years based on the high commercial value that the County places on this property.

Mr. White said the Zoning Ordinance recently changed and now requires a Special Use Permit to put a convenience store and gas station on this property. He said the Zoning Text Amendment is being challenged in the Albemarle Circuit Court.

Mr. White said he has been contacted many times by large national or regional chain retailers who desire to lease or purchase this property. He said this is not what he thinks will be the best for the community. He said it has always been his belief that local companies best serve local needs. He said he was sure that the community would be much better served with a local company such as Tiger Fuel developing this property.

Mr. White said Tiger Fuel is well known throughout the Albemarle and Charlottesville area. He said they offer quality stores with friendly service. He said they are community-oriented and always stay involved in civic activities. He said he believe they will be a good neighbor.

Mr. White said the Special Use Permit process has allowed the County Zoning department and the neighbors a good opportunity to participate in and shape final plans. He said Tiger Fuel has made significant concessions and worked with the staff in developing a plan that has staff approval. He asked the Board to vote to approve the Special Use Permit. He said if Tiger Fuel is unable to move ahead with the project, he would have no choice but to reopen discussions with the national and regional chain retailers who have by-right uses and will not need a Special Use Permit.

Mr. Matthew Bassignani, Scottsville District, said he is a physician who lives and works in Albemarle. He said he lives in Vista Court in Troy, which is approximately 1 mile from the proposed site. He said this project will directly affect himself and his neighbors, and he wanted to express his complete opposition to this proposal.

Mr. Bassignani said he lives in a beautiful place in the County that is quite close to Pantops in Charlottesville, which is 7 miles to the west, and Zion Crossroads, which is 7 miles to the 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 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, Zions, and other developed areas of Albemarle. He said in Troy, they are insulated from the traffic jams, noise, refuse and light pollution, car accidents, gasoline fumes, and road-raging drivers.

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 or fast food less than 7 miles from Charlottesville or Zions. He said they do not need the added traffic and pollution, or the drain of their water table. He said this proposal serves no practical purpose to the community of Troy or the surrounding community of Eastern or Southern Albemarle, given their proximity to Pantops and Zions. He said as far as he could tell, it only serves the needs of Tiger Fuel.

Mr. Bassignani said the proposal will increase all the negatives including noise, traffic, pollution, environmental impact, water wastage, etc. He said he could not state any more forcefully that he opposes the project. He said he was counting on the County and its elected officials to preserve his community as-is and place themselves firmly on the side of their constituents living in the potentially affected area who oppose the Special Use Permit.

Ms. Nancy Smaroff, 4640 Vista Court, Troy, said she is one-half mile south of the proposed tavern. She said she was not recruited, nor paid to speak. She said considering the first motto in real estate, "location, location, location," if this building of 4,000 square feet in size were built closer to I-64, it would end up on the eastbound ramp. She said after listening to the discussion about the numbers, even with 30% of the people coming off of I-64, which is about 45,000, they were talking about 13,500 more cars in that little spot during the course of the day. She said this is not a quaint tavern. She said it is an interstate hypermart.

Ms. Smaroff said comparable to this Tiger Fuel interstate hypermart is Sheetz at Zion Crossroads, and that Sheetz actually uses 4,507.5 gallons of water per day, compared to the nebulous, cherry-picked numbers provided in Tiger Fuel's proposal.

Ms. Smaroff said the one important thing not being mentioned was crime, even if there are no lights on after 10:00 p.m. She said bad guys are always looking for spots to conduct nefarious acts such as illegal drug transactions and human trafficking. She said this interstate hypermart would be a bad guy's dream spot for all kinds of illegal acts. She said the trees would create good hiding spots, and there would be no police surveillance. She said to keep in mind that this location lies halfway between two well-known trafficking interstates, I-81 and I-95, and if they should drive away without being seen with no police there, 3 miles east, they leave the jurisdiction.

Ms. Smaroff said water doesn't know political boundaries, and they are well aware of the water issues at Zion Crossroads, just 7 miles east. She said at this meeting on May 20, in the year of 2020, her hope is for 20-20 vision for best practices for land use and water resources in their rural community. She said she opposes the project.

Mr. Hays Lantz, Jr., 4640 Vista Court, Troy, said he opposes the Boyd Tavern Market based

upon almost two years of research. He said he was not recruited by anyone to speak. He said the proposed Boyd Tavern Market is not a rural market by any stretch of the imagination. He said it is an interstate market, pure and simple, with all the documented and associated problems.

Mr. Lantz said to imagine a building of steel, glass, and concrete consisting of 4,000 square feet located next to an interstate exit ramp and being situated on close to an acre of impervious surface of concrete and asphalt, along with 10 gasoline/diesel nozzles. He said even researchers and writers in the convenience store industry do not call this a rural market, but instead, call it a mini truck stop.

Mr. Lantz said the traditional convenience store, nationally, has a footprint of 2,400-2,500 square feet. He said convenience stores in rural areas across the country are usually 800-1,200 square feet, with no more than two gasoline pumps. He said because of the volume of traffic and the needs of interstate travelers, interstate-based convenience stores are heavy consumers of water, according to the Virginia Department of Environmental Quality. He said yet, Tiger Fuel estimates loosely an ever-changing 700 gallons per day at its tavern. He said this is little water, according to them, and yet they need a 2,500-gallon backup storage tank at this site.

Mr. Lantz said they have often talked about groundwater recharge on this. He said this was used to justify building on the site. He asked how they can recharge on 3.2 acres when an impervious surface of concrete and asphalt is on it. He said 10-15 years ago, this site had a dozen wells drilled. He said these wells turned out to be dry or such low yield that the applicant at that time decided not to build, and nearly abandoned the site. He said this can be verified by a number of neighbors. He said this scenario sounds quite familiar to this community.

Mr. Lantz asked who really benefits from this Boyd Tavern Market. He said it is not serving the community, and that the community will forever be negatively impacted. He said currently, they can drive 5-7 minutes either east or west on I-64 and find 10 such hypermarts or convenience stores. He asked why they need one more as some have argued tonight who presented few facts of support. He said for those who spoke in favor that evening, none of them live in the Boyd Tavern community.

Mr. Lantz said he will be writing a rebuttal to Mr. Foster and Dr. Evans, who needs to understand that the well that was drilled by Mr. Foster was drilled in a flat near the [inaudible] and therefore, they expect a greater yield. He said to keep in mind that what Dr. Evans presented was a hypothetical model that does not represent the site.

Mr. William (Billy) Baldwin, a farm manager in Keswick, just a few miles away from the proposed location, said he was speaking in support of the Special Use Permit for Tiger Fuel. He said this is a great, locally-run business that has many great outside initiatives in the community, such as the reforestation initiative. He said management also supports quite a few local charitable organizations as well.

Mr. Baldwin said this is a commercial site with by-right use, and as Mr. White mentioned, if they do not give the support to a local company like Tiger Fuel, they would be faced with the likelihood of another national chain that he would be in direct contact with. He said many of the concern's others have talked about here may be even worse with those chain stores, who do not support or give back to the local community.

Mr. Baldwin said for a company that has existed for 30 years, has a great following and food, and does a wonderful job in molding into the settings they choose and are allowed to have by the Board, they have done a fantastic job. He said it was his hope that the Board would support the initiative and the Special Use Permit for Tiger Fuel.

Mr. Scott Knight, White Hall District, said he had prepared three minutes of comments, but in light of the rescheduling on June 17, he would save the longer version for later. He said he supports the approval of the Special Use Permit.

Mr. Knight said as a pastor, he is impressed with companies that are not simply after money, but actually care about their communities. He said this does not describe many businesses, but it does describe Mr. Sutton's company. He said they go out of their way to be excellent employers and keep their sites beautiful and clean. He said they offer great food and listen to the communities in which they are found. He said Mr. Sutton's presentation was a testament to that fact, particularly his offer to adopt Route 616. He said they give back to the community in ways that do not benefit them financially, which he doesn't see in companies like this. He said this is the kind of company the County and community want to support and encourage. He said he looks forward to giving a fuller version next month.

Ms. Grace Jackson, 1628 Black Cat Road, said she and her family bought their house that sits on 2 acres of land three years ago. She said coming from the interstate, they are the first house on the right side of the road, just through the woods from the proposed gas station.

Ms. Jackson said like most of their neighbors, they oppose this project. She said just like their neighbors, they have concerns with the water and well situation, but that she would like to bring up a few other concerns that come with this gas station.

Ms. Jackson said she is worried about the road safety. She said in the three years they have lived there; they have lost six mailboxes and 30 feet of wooden fencing due to reckless drivers. She said with a gas station and the inevitable increase of traffic, she suspects the road will become more dangerous, leading to more property destruction. She said the road is riddled with litter, which would also increase

with the gas station. She said picking up litter from their yard is dangerous enough as it is.

Ms. Jackson said she assumed no one present lived next to a gas station, would want to, or would buy property next to one. She said that may end up who they become neighbors with. She said if they choose to leave or sell, they will lose money, as the value of their property would likely decrease. She said she has yet to hear from anyone who actually lives in this neighborhood that wants this gas station. She said she truly believed this community would not benefit from having the gas station at this location.

Ms. Stephanie Rhoades said she lives on Richmond Road, right around the corner from this location. She said she does live in the Boyd Tavern area, was born and raised in Charlottesville, and has seen Charlottesville and Albemarle County grow and change for many years.

Ms. Rhoades said she loves living in the Keswick area with its convenience to Charlottesville, but after moving to the Keswick area three years ago, she soon realized that they were in a dead area. She said none of the restaurants deliver there. She said there are no convenience stores or gas stations that are close by. She said when they need to grab a gallon of milk or gas for the lawnmowers or four-wheelers, they have to go either to Beaver Dam, which doesn't have gas, and has hit-or-miss hours, or back to Shadwell and deal with getting in and out in that corner on Route 22.

Ms. Rhoades said she was excited when she heard about Tiger Fuel brining one of their stores to her area, and feels it would be a huge benefit to the community to have an upscale deli/gas station that is local and family-owned in the neighborhood. She asked the Board to vote "yes" to Tiger Fuel at Boyd Tavern.

Mr. Michael Johns, Rivanna District, said he and his wife have lived on Clarks Tract Road for 36 years. He said he has listed all the pros, cons, and concerns of this project with the realization that all of those who live in the Keswick area are extremely concerned about growth, whether commercial or residential, and the potential effect on the rural character of the area. He said many of them, however, have also come to realize that growth will come, and hopefully at a pace and manner that is acceptable to those who live there.

Mr. Johns said his biggest concern is that any commercial growth anywhere in Keswick is done in a manner that is not overly intrusive to the residents, fits within the rural character of the area, and provides a service that contributes directly to the Keswick community. He said he firmly believes that Tiger Fuel, in working with both the community and the Board, has done everything it can to address those three specific criteria.

Mr. Johns said he was also encouraged that a locally owned and operated company, versus a national company, is looking to develop this location. He said as seen around the Central Virginia area, Tiger works diligently to build architecturally attractive locations, and maintains each of its locations very well. He said he shudders when he envisions national brick-and-mortar operations locating on that property that would ultimately become an eyesore on the beautiful landscape. He said with the current Commercial zoning being what it is, that nightmare could easily come to fruition.

Mr. Johns said the Special Use Permit application process is the best option available to the community to help shape the project and the development of the property to fit the Keswick area. He requested the Board vote "yes" on this project.

Mr. Paul Dierkes said he owns a local business that partners with Tiger Fuel. He said when he first met with Mr. Sutton to discuss their businesses, it was refreshing to hear him talking about building up the local community rather than just building up and selling their stores to regional and national chains. He said their investment not just in the jobs they are creating, but in supporting other local businesses like his and, more importantly, reinvesting their time into the community itself is refreshing. He said when he received a last-minute invite to the Big Brothers Big Sisters event last year, he was pleasantly surprised to see that Mr. Sutton was named "Big Brother of the Year" in the region.

Mr. Dierkes said he hears the concerns of the local constituents on the call and understands those concerns. He responded that it was not a Sheetz, truck stop, or fast-food mart. He said he gets freshly made sandwiches at Belair Market and friend chicken at the Preston location. He said unless the market is completely changing its business model, they will not want to create a hub of interstate commerce for large trucks that will become an annoyance and eyesore and disrupt the local community. He said their business is built around building a relationship with the location community and creating a community atmosphere in a place where most people don't expect to find that kind of atmosphere with a gas station or convenience store.

Mr. Dierkes said Tiger Fuel has clean stores inside and out, and the choices they make are mindful of their local customers and communities. He said most importantly, they support local jobs, local community, and local vendors, which means that the money is going to stay in the community rather than a Dollar Store, where that money will be given back to a large conglomerate.

Mr. Dierkes said Mr. Sutton and the Tiger family are just the kind of business the County should be doing everything it can to support. He said they are local, family-owned, and very clearly weigh community concerns in making business decisions, which is very hard to come by.

Mr. Dierkes said local businesses across the country have been absolutely devastated over the

last two months and are giving everything they can just to survive. He said as more of these local businesses close their doors or are unable to open over the next few months, the County will grow to regret missing opportunities like this to support local community-minded businesses that want to invest back into the local community and create jobs.

Mr. David Trecchariche, 6615 Saddleback Court, said he, his wife, and two children were all born and raised in the area and live in the Crozet District. He said he would be speaking in favor of the Boyd Tavern Market.

Mr. Trecchariche said from listening to the experts and professionals, including the Department of Health, it seems as though everything is favorable and that recommendations are being followed. He said he did not understand what everyone was so against. He said it seemed as if all the negative feelings towards it have all been opinion-based, whereas everything factual is in support of it. He asked the Board to use the facts that have been presented by professionals and experts.

Mr. Trecchariche said he has been taking a rough tally, and 10-11 other speakers are for the project while 3 are against it, with 2 of the 3 being in the same household. He said this is something that the community needs.

Mr. Trecchariche said although he lives in Crozet, he and his wife raised their son in the Exit 129 area before moving to Crozet, and that the project was something definitely favorable to the silent majority in that area. He said the residents there would love to have a positive place to stop. He said regarding "bad guys" in the area mentioned by another speaker, it seems to be an imaginative fallacy and not something that decisions should be based on, as it is an exaggeration.

Mr. Trecchariche encouraged the Board to make the right call and support its constituents by voting "yes."

Mr. Morgan Butler, Southern Environmental Law Center, said he would start with a personal note by saying that he likes the Markets at Tiger Fuel as much as the next person, and perhaps even more. He said from a personal as well as a professional standpoint, some of the design features the applicant has indicated they might include here, such as the solar panels and the EV charger, are commendable.

Mr. Butler said the call the Board must make, however, is whether this is the right location for this proposal. He said the County Code and Comprehensive Plan both make clear that it is not. He said the County Code lays out four factors the Board must consider when evaluating an application for a Special Use Permit, and that he would focus on two, first, how the proposal would change the character of adjacent parcels, and second, its inconsistency with the Comprehensive Plan.

Mr. Butler said it was clear that the primary draw of this location and the uses being proposed is its adjacency to the interstate. He said to his credit, Mr. Sutton has acknowledged to both the Planning Commission and the Board that he intends to have the business included on the interstate logo signs announcing a gas and food option at this exit. He said no matter what steps one might take on the site to reduce some of its impacts, these uses will draw significant new traffic off the interstate to this location, and that it is very difficult to see how that wouldn't significantly transform the character of adjacent parcels in the nearby area.

Mr. Butler said further, the Comprehensive Plan is very mindful of avoiding just that type of impact here. He said the Rural Interchange Policy, which is one of the big factors of the Planning Commission's unanimous vote against this proposal, is very clear that rural interchanges should not have uses that service stops for tourists traveling along the interstate. He said the policy goes on to state that some uses allowed by Special Use Permit may be appropriate at rural interchanges because they "provide a unique opportunity for agriculture and goods to be transported to markets outside of the County." He said this certainly envisions uses with a far more substantial connection to agricultural exporting than what is being proposed here.

Mr. Butler said the Comprehensive Plan is also very clear that building new structures for restaurant uses is not considered appropriate in the Rural Area, as what would be required here.

Mr. Butler said there is the plan's overarching policy of channeling new growth to the Development Areas as a key strategy for reducing sprawl and serving natural resources and allowing the County to provide services more efficiently. He said granting this request would undercut that policy and open the door to similar requests elsewhere in the Rural Areas.

Mr. Butler said there is always the threat that this parcel could be developed by right with another type of commercial use. He said SELC believes, however, that far greater damage would come if the Board votes to approve a use that is clearly inconsistent with the Comprehensive Plan, the document that embodies citizens' expectations about new development and is meant to serve as the Board's guide to decisions like the one at hand.

Mr. Sean Tubbs, Piedmont Environmental Council, said he would like to echo many of the comments Mr. Butler just made. He said this is a straightforward decision. He said the Comprehensive Plan states very clearly that some of the interstate interchanges are to be rural in nature, as that is what the people who live in that area want. He said the Board has heard some comments tonight from residents but have also received many emails from other constituents in the area and throughout the County who know how important the policy is, and how it has led to the County being the special place it

is.

Mr. Tubbs urged the Board to deny the Special Use Permit on the basis that this is inconsistent with the Comprehensive Plan. He said doing so is not a commentary on Tiger Fuels, who is a very good corporate citizen. He acknowledged their role in the community and that, from a personal perspective and during this pandemic, the market on Cherry Avenue has been one of the very few places he feels safe to travel, with great service.

Mr. Tubbs said the neighbors of this property who the Board has heard from that evening are also members of the community, and their comments align with the vision that is set forth in the Comprehensive Plan. He quoted from the Rural Areas chapter of the plan, "Interstate interchanges in the Rural Area should not be used as tourist destinations or tourist stops along Interstate 64." He said he disagrees with staff's interpretation that this would capture only local traffic, which is what the Planning Commission found as well.

Mr. Tubbs said he also found it hard to believe that this will not attract traffic from the interstate. He said as they have heard from so many that evening, the Market at Tiger Fuel is such a good corporate citizen, it attracts a lot of people. He said those who travel regularly to events at UVA will know what this is, and that he thinks this would be a destination for travelers.

Mr. Tubbs said PEC recommends the Board vote for denial in June.

Ms. Dana Tarrant, 4820 Mechunk Road, Keswick, said her road is almost directly across from the proposed site for Tiger Fuel's gas station. She said she would not say anything negative about Tiger Fuel, but that she would speak based on the facts that she knows of and she has observed.

Ms. Tarrant said she couldn't help but recognize that many of the recruited speakers that Tiger Fuel has asked to speak have come from Crozet, or people who may not have even traveled this road. She said the traffic along Route 616, Black Cat Road, is horrendous. She said the last traffic study was done per Mr. Sutton in February of 2017, and there has not been an update to this since all the houses were developed adjacent to Glenmore. She said many times, Route 250 is backed up in the mornings, and cars must turn around and go east in order to go east on the interstate and west into Charlottesville to their jobs.

Ms. Tarrant said this is a nightmare waiting to happen, as people come around that curve very quickly. She said there was more traffic on a daily basis, plus all the traffic from the lake uses that road. She said Mr. Sutton thinks no one would come off the interstate and asked why he would put signage on the interstate. She asked why he would announce that there is food and gas at the exit if he doesn't want to draw traffic off the interstate.

Ms. Tarrant recalled a remark about "bad guys" and a speaker suggesting this was an exaggeration. She said the last time she checked, Virginia was number 3 on the list of sex trafficking and illicit drug trafficking along interstates. She said she has personally picked up needles at the end of her road, so she was not exaggerating. She said it makes her very angry when someone who doesn't even live in the area and perhaps has never traveled that road makes that kind of an accusation.

Ms. Tarrant said another thing she is very concerned about is her well. She said despite the fact that everyone says the wells will be okay and that they will not draw from the same straw, from the same small pool, there is a history of a cone of depression for miles around areas that draw a lot of water. She said the pipe dream of thinking that 700 gallons is all that will be used per day makes her wonder what will happen when this runs out. She asked if there would be a shutoff, and if they would not be able to flush toilets or wash hands. She said it was unrealistic to think they would not be doing that.

Mr. Greg Wells, Samuel Miller District, said he is CEO of ACAC and a 40-year resident of Albemarle County. He said he would like to speak to the integrity of Tiger Fuel. He said they have already been a great corporate citizen to the community over the years. He requested that the Board approve the Special Use Permit. He said Tiger Fuel treats their employees extremely well, and their track record speaks for itself.

Mr. Ryan Whitlock said he was not only a member of the community, but also has the honor of serving as Tiger's Director of Human Resources. He said he felt his voice was important there that evening because he has a unique view. He said he is actually the one who deals with the issues and situations that were presented that evening, as well as advocating for the community and the great company he works with.

Mr. Whitlock said Tiger Fuel is a company that believes at its core that its people are the most important part of the business, where they can attest to never saying "working for" Tiger Fuel because it is not true. He said when people join the family, they become part of a 38-year tradition providing what they call "Tiger Way Service." He said this is what people who work with them and build careers with them think Tiger Fuel is all about. He said it is about providing amazing customer service to the communities that they serve. He said they take this responsibility very seriously.

Mr. Whitlock said it was no wonder that they have amazing people results that go along with that. He said they are proud of the fact that they have had some of the industry's best results and have been named as one of Charlottesville's best places to work. He said it is no surprise to know that they have an average tenure of almost seven years, with many of those averaging 20, 25, or even 30 years.

Mr. Whitlock said in 2019, they hired over 100 people, providing full-time benefits and the area's top wages, including an internal satisfaction score (ENPS) of 67. He said in simple terms, that means 73% of the staff who took that survey told them that they would recommend Tiger as a great place to work for a friend or family member.

Mr. Whitlock said they are different and a special employer. He said he wasn't saying this to brag, but because he feels that some of the comments and concerns brought up over the past 12 months are just not accurate. He said he has heard this project described as a "community invasion," with the idea that building this market will bring noise, crime, and bad guys hiding under trees. He said they have allowed the television version of what a convenience store in a bad neighborhood looks like to create a narrative that is just not the case.

Mr. Whitlock said he has gotten to know the Sutton Family very well, and in his time with their organization, he can say that they value the community. He said they respect the residents. He said they literally grew up across the street. He said the reason they stand before the Board that evening is because they want nothing more than to add a local, delicious gourmet market to the neighborhood.

Mr. Whitlock said he was recently fortunate enough to move to a new home that he could say firsthand that transitions like this come with many challenges, fear of the unknown, stressful real estate transactions, and excitement. He said shortly after moving into their new home, it was clear that they had moved into a community with amazing people, which was a great surprise. He said it was rare that one has the opportunity to literally choose their neighbors. He said that evening, and in June with a "yes" vote, the Board gets to do just that. He said these are neighbors who listen to their concerns, made sizeable changes to the project because of the County's feedback, neighbors who give back and will be there when needed.

Mr. Whitlock said hopefully, the Board would vote "yes" for the Market at Boyd Tavern.

Ms. Nicole Ganoe, Rivanna District, said she and her husband were opening the Old Boyd's Tavern Market Store. She said they transitioned the store and have been remodeling it since mid-2019. She said there are concerns about Tiger Fuel in the residential area of Boyd Tavern. She said one is about water concerns and the drain of the wells, which they showed that evening that it would likely not do that; however, there is still a fear, considering the area is so rural.

Ms. Ganoe said she would give some background about her. She said she and her husband are opening what is the Old Boyd's Tavern Market on Route 250. She said this is a historical landmark for the community and the Keswick area. She said before becoming the Boyd's Tavern Market, it was the Keswick post office that her great aunt used to work at. She said this area is very important to her, and she has family all around there.

Ms. Ganoe said this is an opportunity for them to make this store something that the last few individuals could not. She said they have put a ton of money into the store, creating a deck for a place for people to sit, eat, and enjoy the lake view out back; provide picnic tables, etc. She said they do have gas pumps, and they will be providing all the essential needs the community needs, such as gas, food, etc.

Ms. Ganoe said if Tiger Fuel opens a large convenience store in the area, it will congest and overcrowd such a small, limited area for this community. She said just a few miles down the road is Zion Crossroads, where one can get gas and food, pull off, and do everything that needs to be done. She said she believes that this residentially populated area, with a small two-lane road, does not need to have a large market, as her small market will be able to provide them everything they need.

Ms. Cathy Cornet, Rio District, said she has lived in the area for 12 years, but lived in Keswick for over 20 years. She said she thinks it will be a mistake to allow a mega gas/grocery/eatery in a rural area. She said it would ruin the integrity of the Black Cat Road area. She said Black Cat is a small country road. She said there would be many accidents on the road if the Board allows this project to happen. She said it would be a shame to do this to the neighborhood. She said Zion Crossroads and town is not that far away.

Ms. Lynda Sprouse, 4714 Black Cat Road, said she lives in Mechunk, directly across from the site of where Tiger wants to put the service station. She said getting off I-64, the site is on the right, and she is on the left. She asked how they got to be zoned Commercial while she is not.

Ms. Sprouse said also, when getting off I-64 and looking to the ramp headed onto eastbound I-64, one will see signs that say "No Parking," as trucks used to park there all the time. She said looking up Black Cat Road on the righthand side, there are "No Parking" signs, but that where there is a pull-off and at the proposed site, there are cars and trucks there all the time.

Ms. Sprouse said she has to pick up the trash on Black Cat Road. She said the wreckers that pull cars that have been in accidents on I-64 pull those cars onto Black Cat Road and Mechunk to be reloaded because they say it is unsafe to load them on I-64. She expressed that the residents are fed up.

Ms. Sprouse said the people who are in favor of the service station really don't live in the area. She said she opposes it.

Mr. Greg Duncan, Scottsville District, said he lives on Mechunk Road, directly east from the

subject property. He said this matter comes before the Board with the unanimous recommendation of denial from the Planning Commission, and for good reasons. He said the criteria the Board is required to consider as a matter of law militates strongly against this application.

Mr. Duncan said that, for instance, the proposed gas station is inconsistent with the Comprehensive Plan in both general and specific ways. He said the general matter is about growth being in growth areas, and that this is not a growth area. He said there could be clear lines of demarcation between growth areas and rural areas, and that putting a modern gas station there would eliminate those lines of demarcation forever.

Mr. Duncan said the Comprehensive Plan goes on to specifically state that interstate interchanges in rural areas cannot be used as tourist destinations or tourist stops along I-64. He said this is exactly what the applicant proposes to do, however. He said clearly, this proposed use is inconsistent with the Comprehensive Plan.

Mr. Duncan said that on somewhat of a side note, he noticed that in discussing the County's Rural Interstate Exchange Policy, the Comprehensive Plan correctly notes that views from I-64 may be the only visitor experience and memory of Albemarle County. He asked if the County wants that last memory to be of a gas station. He said he did not. He said putting a modern, 4,000-square-foot gas station in between farms with horses, residences, and historic places will stain the character of the neighborhood.

Mr. Duncan said staff tries to somehow justify the proposal as a country store, with gas as an accessory use. He said that was backwards, at best. He said this is a gas station, with a modern convenience store as accessory use. He said it will be the sale of gas that brings traffic off the interstate and into the neighborhood.

Mr. Duncan said it seems to him that from a land use regulations perspective, the precedent of granting this application in violation of the provisions of the Comprehensive Plan, would likely rumble through the County like an earthquake for a long time, affecting each and every district. He said while he wishes Tiger Fuel well, at the end of the day, this is simply the wrong place for this gas station. He said it is not needed and not wanted. He asked the Board to deny the Special Use Permit application.

Ms. Sarah Whitney said she has been a resident of Albemarle County for the last seven years. She said what is important in this process is ensuring a diversity of thought. She said she is a single 31-year-old female who has worked at the university for several years and has gotten to know many people personally within the County and City.

Ms. Whitney said Mr. Sutton is also someone she knows personally and should be commended for all his work, the factual research that has taken place, and all of the concessions that have been made to accommodate the County's concerns. She said the majority of the concerns are based on emotion as opposed to facts, in her opinion, and that there have been a number of people involved in the project, including County staff and VDOT.

Ms. Whitney said in her opinion, as someone who has worked at the university, they need to be focused on strategic development. She said they are in the midst of a pandemic and economic crisis, and that this opportunity would not only stimulate the economy but bring additional jobs to the area.

Ms. Whitney said her personal experience at the Market at Belair is that it was one of the first places she went to when she moved from Massachusetts, and that the people who work there are truly salt of the earth. She said she would much prefer to have an establishment where people truly know individuals by name and their personal stories as opposed to any kind of national corporation.

Ms. Whitney said the County has a responsibility here. She said many of the businesses at Barracks Road and Stonefield are going to struggle. She said this was a tangible opportunity for the Board to say "yes" to a project that can stimulate the economy and can generate over \$100,000 annually in tax revenue. She said this is something that should be based on facts, while she understands there are emotions. She asked the Board to think about the facts as they look at a long-term strategic development and growth opportunities, and what is happening in the wake of this pandemic.

Mr. Gallaway closed the public hearing and gave Mr. Sutton an opportunity for rebuttal.

Mr. Sutton said he would start by doing a better job answering Ms. Mallek's earlier question which referenced the Restore'N Station. He said he wanted to point out a detail that had been glazed over earlier, which is that the lighting requirements that they have agreed to as a part of the Special Use Permit are much more beneficial in the Board's view than the restrictions that the Restore'N Station was required to do. He said that Special Use Permit was focused on water, and he agreed, with the help of County staff, to make extra concessions that have even less light than what was seen there.

Mr. Sutton said Ms. Price had raised some concerns or questions about fumes and environmental concerns such as contamination. He assured that with regard to vapors and fumes, all the vapors are recovered from the fuel drop. He said it actually helps them drop the fuel faster. He said they reconnect the tube from the trailer to the exhale port on the tank to capture those vapors. He said this was something that used to be an issue in the past, but would not be an issue at this location, where they would have full vapor recoverability.

Mr. Sutton said they have been doing this for 38 years without any environmental spill or concern. He said all the employees are highly trained with spill kits and the capacity to handle those in the event that they happen. He said they also have the biofilter in place so in the event that something was to make it to that system, the media that exists in that system is designed to capture those contaminants and not be a problem for the neighbors.

Mr. Sutton said Ms. Smaroff made an outrageous assumption about the amount of traffic the gas station would pull off the interstate, pointing out that this was not based on any sort of fact.

Mr. Sutton said it also came up throughout the course of the conversation that Tiger Fuel or the Suttons don't think they are going to pull any traffic off the interstate. He said this was not true. He said there is a lot of local traffic that uses the interstate to commute that they would most certainly serve, want to serve, and pull to their location on their path to their job. He said his point was substantiated by fact and the professionals who are hired to assess these situations, which was that they are not a destination that would generate those extra trips. He said they would most certainly serve some people off the interstate, but that they remain a pass-by use.

Mr. Sutton said Mr. Lantz made some comments about the scale of rural stores. He said Tiger has many wonderful locations that they supply throughout the community that are in the 800-1,200 square foot range and that they are revolving doors. He said one cannot support an economically viable institution with that sort of square footage.

Mr. Sutton said he was sympathetic to the concern from the lady from Boyd Tavern. He said they have supplied over 12 different people at that location in the last 15 years. He said he had some stats on that he had shared with staff. He said they were clinging to some outdated model that was destined for failure, and that it is not a reasonable solution that they should be expected to hold themselves to. He said if they get handcuffed with those kinds of circumstances, they will most certainly fail, which will do anyone in the community any good.

Mr. Sutton said the impervious component of their project is designed with very solid and appropriate stormwater measures that Ms. Kelsey Schlein and Mr. Justin Shimp can speak to. He said the impervious water runs to the biofilter and percolates back into the water table, and this is how the recharge happens and how the system is designed to protect the waterways, which is something he is personally very passionate about. He said Tiger Fuel is very involved with the Chesapeake Bay Foundation and gives generously to them. He said he rejected the notion that the impervious surface that they are generating here was an issue.

Mr. Sutton said there was also a reference that the previous location failed because of 12 failed well-drilling attempts. He said this is not true. He said the reason the previous property did not go through was because they were in a place with their business at the time where it did not make sense to pursue. He said they were also proposing something that the Board, the County, and neighbors should have opposed, which was to the scale of the truck stop that exists now at Zion Crossroads, with over 12 dispensers and 24 nozzles that had a specific designation to attract and service interstate truck traffic, which he is aggressively rejecting.

Mr. Sutton said Ms. Jackson spoke with concerns about the road. He promised Ms. Jackson that the road will be much cleaner if this project goes through. He said there is currently garbage sitting on the property that will not be there when Tiger Fuel is there, and that they would love to extend the offer to adopt the entire roadway between the interstate and the bypass.

Mr. Sutton said Mr. Butler made some comments with regard to the Comprehensive Plan specifics. He said Mr. Butler was advocating that it would be better to let the national chains come in and do their project by right. He said if one looks at the architectural rendering Tiger Fuel has done and knows anything about the company, he would argue that they are much better suited to serve the rural nature. He said people like Mr. Baldwin, Mr. McMillan, who had hoped to speak that evening, and a couple others who run local farms are the people that the company is positioned to serve and can help facilitate and encourage the agricultural environmental. He said a national chain certainly would not do that.

Mr. Sutton said Ms. Tarrant had mentioned traffic concerns. He said the company would most certainly pull people off the interstate, but that it would predominantly be local trips who are using that thoroughfare anyway.

Mr. Sutton said with regards to the water, which he could not state clearly enough, that the science was clear that the water was not an issue. He said they have made the concession to put in a restrictor valve that would limit them to 700 gallons per day, or half a gallon per minute. He said they don't even need the full 700 gallons. He said they have nine other stores that they own and operate with a plethora of water data they have analyzed and shared with staff and the Board during the process, and that it was more realistic that they would use about 560 gallons a month, with the majority of this being non-consumptive and will go back into the drain fields. He said he wanted to be sympathetic and work with them, but that the water was not an issue because the science was clear.

Mr. Sutton said Ms. Sprouse had mentioned that many of the folks that spoke in favor were not local. He said this was not true. He said many of the people who spoke and wrote to the Board were very local.

Mr. Sutton said Mr. Duncan mentioned the Planning Commission's vote. He said they sent a

detailed document addressing everything that happened there, and that there was a lot of misinformation that had nothing to do with the application or its appropriateness. He said they feel this has been adequately addressed.

Mr. Sutton said he would like to give the project's engineer, Mr. Justin Shimp, an opportunity to speak to some of the items that came up that evening.

Mr. Shimp said he lives across the street from a gas station in Nelson County and has not found this offensive. He said while it is a service station where people repair cars during the daytime, he goes there every weekend to get gas for his mower and that it is convenient. He said he wished it had the amenities that Tiger Fuel does.

Mr. Shimp said he wanted to be clear that he designed the site so that only fuel trucks can get in. He said if a 62-foot truck tries to turn in there, they will make a 12-point turn to try to get out. He said it is really not suited for large trucks.

Mr. Shimp said some of the traffic concerns, in a way, are alleviated with this entrance in that a left turn lane is actually a traffic calming measure. He said they will restripe the road and create a sort of diversion, which will actually slow down speeding vehicles, adding that this is a documented traffic engineering principle.

Mr. Shimp said regarding water, the mechanical valve will cut them off at 700 gallons per day. He said if they leave the faucet running, it will cut off, as it cannot use more than the maximum amount. He said they were comfortable with this limit because they know they will not use it. He said it really does offer a level of protection.

Mr. Shimp said to also think of all the water pockets as ponds. He said every well connects to a pond, not a river. He said rivers are connected, but ponds stand alone, and if there are wells that fail, it is usually because they were not located in the right spots, as seen in the maps. He said they were sympathetic to those who have water problems and know they are real, but that they are there on a localized basis, with their problems being the result of that well itself and not a representation of poor water in the area.

Mr. Shimp said for all those reasons, the applicant believes the questions of water and impacts of traffic are not there. He said this is a good use and critically, with the proffers or conditions provided, the County would get an architecturally compatible project with the Rural Areas that they are under no guarantee to get if this simply goes the by-right route. He said the Comprehensive Plan perhaps does not call for this to be Commercial now, but that it was decided 40 years ago that it is Commercial, and that this is a development that is in keeping with the rural character of the area. He said Mr. Sutton has worked very hard to make it that way.

Mr. Gallaway said he would like to reopen the public hearing, as they had inadvertently missed one person who had signed up to speak.

Mr. Maurice Lamarche, White Hall District, said he is a proud resident of the County. He said he and his family moved to the area three years ago, and that he lives in Crozet with his wife and son. He said these are uncertain and challenging times for everyone. He said in his over 30 years working in retail, restaurants, grocery stores, and hotels, he has never seen a company more committed to doing the right thing by their team members, customers, and community than Tiger Fuel. He said he has found his home with Tiger and in Albemarle County.

Mr. Lamarche said they have had team members that have been with Tiger for over 10, 20, and even 30 years, which says a lot about them and Tiger Fuel. He said it is their people that makes Tiger such a great company to work with.

Mr. Lamarche said through the pandemic and as an essential business, they have followed all CDC guidelines and safety recommendations, were among the first to get signage and Plexiglass shields in place and require team members to wear gloves and masks to help keep everyone safe. He said they are proud to support the local heroes such as first responders and medical professionals, and that they donate to many local nonprofits, including Big Brothers Big Sisters, AHIP, and the C-ville Restaurant Fund.

Mr. Lamarche said Tiger Fuel is growing. He said they currently have over 250 team members and would like to add 24 more high-paying jobs with great benefits with the Market at Boyd Tavern. He said this property is zoned for commercial use. He said they believe they have addressed all the concerns and met all the requirements and are asking for a "yes" vote from the Board for their Special Use Permit application. He said a "yes" vote is a vote for strategic, responsible, and much-needed economic growth. He said a "yes" vote is a vote for Albemarle County.

Mr. Lamarche asked what message a "no" vote would send. He asked if the County was closed for local businesses. He asked if they should let people seeking jobs in the County to look elsewhere. He asked if he should tell his kid that he should look for a different place to call home, grow up, go to school, and raise his family that is more welcoming. He urged the Board to vote "yes" for Albemarle County by voting "yes" to the Market at Boyd Tavern.

Mr. Gallaway again closed the public hearing.

Mr. Sutton said he had worked with staff to see if he could have the County work with a geologist, but that they could not work through the details. He said Mr. Vincent Day was present at the meeting, who was brought in as a third party to verify all the water science. He asked if Mr. Day could have a couple minutes to address the Board.

Mr. Gallaway said the Board would know that Mr. Day is there and available, and if a Supervisor would like to call on him relative to the water questions, it would be appropriate to allow him to participate.

Mr. Sutton said he had a closing statement he would like to make if Mr. Day could address the group.

Mr. Gallaway said he would put the matter before the Board and that he would be asking questions relative to the June meeting. He said there would be additional opportunity and that any Supervisor could call on Mr. Sutton or Mr. Day.

Mr. Gallaway asked if Mr. Sutton was still comfortable proceeding to have the second public hearing on June 17 when the engineer is unavailable, rather than delaying to July.

Mr. Sutton replied yes. He said Mr. Shimp's partner can assist them at that hearing.

Ms. Mallek said she had a comment about the scale of the operation. She said she did some research on the four country stores in one market in the White Hall District, and that they are around 1,100-1,200 square feet with one or two pumps. She said the only one that has four is in Downtown Crozet. She said she has a different feel about what these country markets are, and the ones that have been in business between 30 and 110 years have some great longevity and their own loyal clientele who truly do live nearby. She said this is a concern when they are trying to describe this project in the same frame of impact to the community. She said she would be organizing all her notes and be ready to have more to say on June 17.

Ms. LaPisto-Kirtley said she wanted to make sure Mr. Day had an opportunity to speak.

Mr. Vincent Day, hydrogeologist with Cardno, Inc., said his company is a 4,000-employee international company that is owned in Australia and has a large presence in the U.S. He said he has lived in Albemarle County since 1995 and has been working in groundwater for over 30 years. He said this is what he does 24-7. He said he loves what he does, and that it is enjoyable work. He applauded Albemarle County for having the Tier 3 hydrogeological requirement, which requires the certification of a professional geologist to answer questions regarding these types of situations

Mr. Day said Cardno has contracts with both Fauquier County and Clark County. He said they review third-party technical review of hydrogeological work by others. He said they have found that Dr. Evans' work more than fulfills the requirements of Albemarle County.

Mr. Day said he would like to push forward the education about groundwater. He said there is so much misunderstanding about groundwater. He said that of course people are concerned about their water, as there is a good reason to be concerned about it, but that there is a good reason to be more educated in it and more understanding of it.

Mr. Day said after all the experience that he has had, as well as the work done in this particular case, the amount of water the applicant would use is paltry, insignificant, and negligible to what is being recharged. He said they could prove this, but based on his over 30 years of experience, it is not going to hurt anyone's uses. He said Dr. Evans was correct in his conclusions. He said although science isn't perfect, it gives an idea of how the natural world behaves, and that this is something his company does and is passionate about getting to the truth of things.

Mr. Day said in his conclusion, he felt that Dr. Evans' results were more conservative than they needed to be. He said if counting what is going into the drain field and through the biofilter, remarking this is a great thing, the water is not running off the site but is going back in, and that the applicant would really be using about 86 gallons per day.

Mr. Day said there is a good reason that people become emotional about water, but that he and his colleagues are certified, professional geologists and that they stake their reputation and truth to science on their results and conclusions.

Mr. Day said having an ordinance in place and requirements for a Tier 3 is where the conversation should end in terms of the issue of water unless the County wants to go through a third-party review. He encouraged the Board to consider that if this issue keeps popping up.

Mr. Gallaway thanked Mr. Day and let him know that he did receive Mr. Day's analysis that was sent earlier that day.

Ms. Price said it was important to hear from Mr. Day, as it was important that the Board meets its responsibility to ensure a fair and partial hearing, and that every applicant be given the opportunity to present whatever evidence they want in support of their application. She said in this case, due to an inadvertent error, they would have to hold a second hearing on this. She said some of Mr. Sutton's witnesses may not be available, and so she appreciated Ms. LaPisto-Kirtley making sure that Mr. Sutton

has had a clear opportunity.

Ms. Price said regrettably due to the error, they would be coming back in a matter of weeks and that, perhaps to Mr. Sutton's benefit, it will give him time to reevaluate some of the comments and see if there is anything else he wants to address.

Ms. Price said it was important that the constituents understand that it is not specifically an issue of whether Tiger Fuel is a good company, but it is a matter of whether this application is appropriate in that location. She said that is ultimately what they have to deal with. She said they are facing the issue of a Zoning Ordinance that has it zoned as Commercial, and a Comprehensive Plan with some inconsistencies, and that this is ultimately what the Board will have to wrap their heads around. She said she would withhold any further questions or comments until the next hearing, when those issues can be further addressed.

Ms. Palmer said she understood that they do not have a continuous aquifer and appreciated the information on water. She said now, she was looking at scale. She said she was sorry to the applicant that they had to have the second hearing.

Ms. McKeel said she had asked all her questions for the time being and apologized for having to come back again on June 17.

Mr. Gallaway asked Mr. Sutton to remind him how many employees Tiger Fuel has.

Mr. Sutton replied they have 254 employees.

Mr. Gallaway asked how many would be employed at the proposed location.

Mr. Sutton replied it would have 24 employees.

Mr. Gallaway asked Mr. Shimp if the conceptual drawings included any view from the interstate.

Mr. Shimp replied no. He said when the plan was submitted, a by right plan in 2017, they had an ARB meeting where they showed a cross section from the interstate to the store. He said it was determined that there was very limited visibility from the interstate. He said there is a gap about 1,000 feet down where one can catch a glimpse of the back of the store, but approaching more closely, there is a wooded buffer and topography that restricts visibility of the store from I-64.

Mr. Gallaway mentioned anecdotally that when he was considering moving to Charlottesville to attend UVA years ago, in asking people where he used to live before where some good places to eat were, a gentleman directed him to the market. He said for years, he didn't believe that there would be this kind of good food at a gas station, but that it was.

Mr. Gallaway said there would be an opportunity to ask further questions, as this matter would be coming back for another public hearing at the Board's second meeting in June. He said if there were speakers who did not get through, they could email the Board and that the second public hearing would be held. He said the Board would be watching for continued emails that they will use in making the decision.

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**Recess.** Mr. Gallaway recessed the Board at 9:23 p.m. The Board reconvened at 9:29 p.m.

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Agenda Item No. 14. **Public Hearing: VDOT FY 21-26 Secondary Six Year Plan.** To receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2021 through 2026 in Albemarle County, and on the Secondary System Construction Budget for Fiscal Year 2021.

The purpose of this public hearing is to receive input on the proposed Virginia Department of Transportation (VDOT) Secondary Six-Year Plan (SSYP), FY 21-26 (Attachment A).

The SSYP allocates funding for construction, maintenance, and improvement of roads in the state secondary system (roads with a route number of 600 or higher). The funds allocated to Albemarle County through the SSYP include state and federal funds for a variety of road improvements. The SSYP for Albemarle County is updated and approved annually and identifies the specific funding source, use, and levels allocated for the immediate fiscal year. The SSYP also identifies projected funding allocations for the next five fiscal years.

The Board supported by consent the proposed SSYP, priorities, and recommendations on April 1, 2020, with no changes requested. Attachment B is the Executive Summary and Attachment C is the Report on the Secondary Six-Year Plan Priorities and Recommendations from April 1, 2020. The FY21 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads, is included as Attachment D.

Since the Proposed SSYP was presented to the Board in April, the Department of Transportation provided an update on preliminary allocations, which identified additional funds available for future paving projects. This funding has been added as a balance in the future year FY 2026 without being assigned to any project as identified in the Proposed SSYP (Attachment A) under future unpaved account. As this

funding gets closer to availability, staff will identify paving projects for the Board to consider as options for this funding.

The SSYP outlines the expenditure of State/VDOT secondary road construction funds allocated to the County. The SSYP does not require the expenditure of County funds unless the Board directs additional funding from the County general fund be appropriated to a project, such as through the use of the revenue sharing program.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment E) approving the FY 21-26 Secondary Six-Year Plan and authorizing the County Executive to sign the FY 21-26 Secondary Six-Year Plan.

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Mr. Daniel Butch, Senior Transportation Planner, presented. He said this is the public hearing for the VDOT FY 21-26 Secondary Six Year plan. He said the plan allocates funding for the construction, maintenance, and improvement of roads in the State's secondary system. He said this is for roads in the County that have a route number of 600 or higher. He said this process is updated and approved by the Board of Supervisors annually.

Mr. Butch said there is approximately \$770,000 in FY 21 funds that must be appropriated to paving unpaved roads. He said project selection for paving these roads are based on the Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads. He said the County's preferred method for paving unpaved roads is through the Rural Rustic Road Paving Program.

Mr. Butch said at the April 1 work session, this was approved by the Board through consent agenda. He said the dedicated funding was to remain on the Rio Mills Connector project and make up the balance to complete it beyond the Smart Scale funding. He said the Board directed to continue to advance the following as top paving priorities for FY 21: Coles Rolling Road, Phase II; Wesley Chapel Road; and Reservoir Road. He said the Board also supported the FY 21 Albemarle County Priority List for Secondary Road Improvements of Unpaved Roads, and that \$2.2 million in future TeleFee funds that are currently dedicated to the Berkmar Drive Extended project, which was submitted for revenue sharing, will remain to that project.

Mr. Butch said in terms of projects on the Secondary Six-Year Plan, the Rio Mills Connector project's balance is funded through Smart Scale and has an estimated construction completion for 2023. He said the plan also includes Keswick Road, which is complete. He explained that completed roads do stay on the six-year plan until they have closed out. He said Preddy Creek Road is complete, as well as Patterson Mill Lane, the portion of Dick Woods Road from Route 151 to the Nelson County line, and North Garden Lane.

Mr. Butch said Coles Rolling Road Phase I was fully funded in FY 20 and that drainage work is in progress for Phase I. He said for Phase II, which would be fully funded in FY 21, the preliminary work is set for summer or fall of 2020. He said the paving of both phases are expected to occur no later than spring of 2021. He said they have had some public outreach about that, and because that road is broken up into two phases and two separate funding years, they had to wait to work on Phase II, which would occur after July 1 of this year. He said they do want VDOT to decide if they want to pave these together as one segment.

Mr. Butch said Wesley Chapel Road would begin preliminary work in the fall of 2020, as well as Reservoir Road.

Mr. Butch said after public comment, staff recommends that the Board adopt the attached resolution, Attachment E, approving the FY 21-26 Secondary Six-Year Plan and authorizing the County Executive to sign the FY 21-26 Secondary Six-Year Plan, as well as the Board vote to approve the final FY 21 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads, for the record.

Ms. Mallek asked if the only problem area on Wesley Chapel Road that needed to be addressed was the 1/10th mile stretch by the chapel that is causing all the dust.

Mr. Butch said this was correct.

Ms. Mallek said there would be concerns if people think the entire road was being paved. She explained for the public that there are several houses that are coated in dust all the time because of that one short section. She added she was surprised they had to wait, as she thought that local forces were going to take care of the issue that year. She said she thought it had already been budgeted.

Ms. LaPisto-Kirtley asked how and when all the roads had been determined, assuming that it had happened some time ago.

Mr. Butch replied roads that get on the secondary six-year plan were roads that were recommended through the public or by a Board member that made the Albemarle County Priority List for Secondary Road Improvements of Unpaved Roads, which was Attachment D. He said they have to meet the require for rural rustic, and that VDOT would evaluate these roads, since the Board prioritized rural rustic paving for the secondary six-year plan. He said if a road is petitioned or recommended by a Board member, VDOT evaluates it, and then it gets onto the priority list if it qualifies for rural rustic. He said if it does not, it gets on the regular paving list.

Mr. Butch said once a road is on the rural rustic priority list, it is ranked according to traffic volume, if it serves a development area, and by other criteria. He said this list is then put into the six-year plan.

Ms. LaPisto-Kirtley asked when this had been decided.

Mr. Butch replied that this occurs annually and is approved by the Board. He said roads are recommended every year, but that the two roads recommended that year did not meet rural rustic standards.

Ms. LaPisto-Kirtley asked what those two roads are.

Mr. Butch replied that on the unpaved road list were Rock Road and Rockfish River Road.

Ms. Price said some of her constituents had been asking about the Coles Rolling Road paving situation, and that she appreciated Mr. Butch's responses.

Ms. Palmer said the sheet in her packet did not include the last column with comments. She said for instance, she had the ever-present issue of White Mountain Road and the people who oppose it. She said in the past, when the Board has received these things, they have had notations in one of the columns that says, "Opposed by local residents." She asked if there was any reason why this was taken off, as she wanted to make sure that this is seen by everyone every year.

Mr. Butch replied that this would be noted within the Secondary Six-Year Plan itself, which is a VDOT document. He said in Attachment D, the last of the rural paving on White Mountain Road is Number 18. He said there is a description and comments portion, which does say, "Public requests/opposition to the project has been noted."

Ms. Palmer asked if the letters had gone out to the community yet regarding Red Hill School Road, or if this would happen next year.

Mr. Butch replied roads that are fully funded this fiscal year will be going to consent agenda for the Board to approve them as rural rustic roads, by July 1 of this year. He said these include Reservoir Road and Wesley Chapel Road, as well as Coles Rolling Road, which was resolutioned last summer and covered both phases. He said therefore, the Board would receive a resolution for rural rustic roads for Wesley Chapel and Reservoir Roads.

Ms. Palmer asked with respect to Red Hill School Road, which was out a few years, when the letters to the people who live on that road would go out. She expressed that this could be a matter that would be upsetting to some people, and so she wanted to get an idea of when the letters would go out.

Mr. Butch replied the letters go out once the road is funded in the coming fiscal year. He said they would be sending letters to Wesley Chapel and Reservoir in 2020.

Ms. Palmer clarified she was asking about Red Hill School Road.

Mr. Butch replied that the letters for Red Hill School Road would not be sent out in 2020. He said this would occur in the year in which they are funded, which would be about 1-2 years out.

Ms. Palmer noted that for Decca Lane, it said, "Public request at current ranking due to traffic count." She said she thought that this did not qualify for rural rustic. She said if there were no people opposing that in the record, she would need to correct that and get some letters specifically to make sure that he knows that people are opposing that.

Mr. Butch asked if this was in Attachment D.

Ms. Palmer replied yes.

Mr. Butch said this was under the unpaved roads selections that were removed by the Board of Supervisors. He said this was not on the rural rustic six-year plan and was not on the regular paving as well.

Ms. Palmer said it has "current ranking due to traffic count," and that she was trying to make sure the reasons for it being removed by Supervisors is there so that it does not come back at a later time.

Mr. Butch said he realized what happened. He said this description comment was likely written when it was in the rural rustic paving section. He said staff will update that description to say, "Removed by Board member."

Ms. Palmer recalled that staff had told her that they drove out there and decided it did not meet rural rustic road qualifications due to the narrow nature of some parts of the road.

Mr. Butch said he does not determine this, but VDOT does. He said VDOT determines which roads would be qualified to meet rural rustic via an engineering evaluation. He said there were two roads that did not qualify for rural rustic, but that they also have Decca Lane, which was removed by a Board

member.

Ms. Palmer asked Mr. Butch if he could check on that, as she has been told that sections of it are too narrow. She said she remembered who told her this, but she wasn't sure how the information came down. She asked if VDOT took a look at it, or if this happened in another way.

Mr. Butch said he would follow up on this.

Mr. Gallaway opened the public hearing. Hearing no speakers, he closed the public comment portion of the meeting and brought the matter back to the Board.

Ms. Mallek said she was clarifying on Decca Lane that if it wasn't, she or Ms. Palmer who took it off the list, it was Joel DeNunzio and VDOT. She said she was not trying to put it back on the list, but that they should be clear that it did not meet the requirements and would not be possible to be done with rural rustic. She said she did not want this misrepresented and did not want people to think the road would be paved.

Ms. Palmer said she definitely asked for it to be removed because she thought it was a terrible idea to do this for a variety of reasons. She said she was also told that it did not qualify, and so she wanted to get that information in the record.

Ms. Mallek **moved** that the Board approve the FY 21-26 Secondary Six-Year Plan and authorize the County Executive to sign the Secondary Six-Year Plan. Ms. McKeel **seconded** the motion.

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

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

Ms. Mallek **moved** that the Board approve the final FY 21 Albemarle County Priority List for Secondary Road Improvements - Unpaved Roads (Attachment D). Ms. Price **seconded** the motion.

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

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

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#### **RESOLUTION TO APPROVE THE SECONDARY SIX-YEAR PLAN (FY 21-26)**

**WHEREAS**, Virginia Code § 33.2-331 provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Plan; and

**WHEREAS**, the Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (FY 21-26), after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, local and regional representatives of the Virginia Department of Transportation recommend approval of the Secondary Six Year Plan (FY21-26); and

**WHEREAS**, the Secondary Six Year Plan (FY21-26) is in the best interest of the County and of the citizens of the County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby approves the Secondary Six-Year Plan (FY21-26), and authorizes the County Executive to sign the Secondary Six-Year Plan (FY 21-26); and

**BE IT FURTHER RESOLVED**, that the Clerk of the Board shall forward a certified copy of this resolution to the District Administrator of the Virginia Department of Transportation.

Secondary System  
Albemarle County  
Construction Program  
Estimated Allocations

Fund	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	Total
TeleFee	\$342,782	\$342,782	\$342,782	\$342,782	\$342,782	\$342,782	\$2,056,692
District Grant Unpaved	\$773,496	\$522,580	\$694,463	\$751,383	\$751,383	\$939,229	\$4,432,534
Total	\$1,116,278	\$865,362	\$1,037,245	\$1,094,165	\$1,094,165	\$1,282,011	\$6,489,226

Board Approval Date: May 20, 2020

Resident Engineer

County Executive

5/21/20



SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Culpeper  
County: Albemarle County  
Board Approval Date: May 20, 2020

2020-21 through 2025-26

Route	Road Name		Estimated Cost	Previous Funding SSYP Funding Other Funding Total	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count		
	Project #	Description				2020-21	2021-22	2022-23	2023-24	2024-25	2025-26		Scope of Work PHWA # Comments		
RL0712	113774	COLES ROLLING ROAD 0712-002-P37, N-501 S/F HIRED EQUIP. S NO PLAN, SECONDARY	ROUTE 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 713 1.40 MI. E. ROUTE 713 1.40	PE RW CON Total	\$15,000 \$0 \$363,000 \$378,000	\$0 \$378,000 \$378,000	\$0	\$0	\$0	\$0	\$0	\$0	150 VPD 05/02/2018  CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION RECEIVED 8/21/2019		
RL0712	113775	COLES ROLLING ROAD 0712-002-P38, N-501 S/F HIRED EQUIP. S NO PLAN, SECONDARY	ROUTE 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 713 1.40 MI. E. ROUTE 713 2.75 MI. E. ROUTE 713 1.35	PE RW CON Total	\$15,000 \$0 \$351,500 \$366,500	\$0 \$355,857 \$355,857	\$10,643	\$10,643	\$0	\$0	\$0	\$0	\$0	150 VPD 05/02/2018  CTB FORMULA UNPAVED >50 VPD / DISTRICT GRANT UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION RECEIVED 8/21/2019	
RL0671	115842	WESLEY CHAPEL ROAD 0671-002-P86, N-501 S/F HIRED EQUIP. S NO PLAN, SECONDARY	ROUTE 671 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 668 ROUTE 668 0.10	PE RW CON Total	\$0 \$0 \$55,000 \$55,000	\$0 \$55,000 \$55,000	\$55,000	\$55,000	\$0	\$0	\$0	\$0	\$0	270 VPD 07/26/2018  DISTRICT GRANT UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0702	115841	RESERVOIR ROAD 0702-002-P85, N-501 S/F HIRED EQUIP. S NO PLAN, SECONDARY	ROUTE 702 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) END STATE MAINTENANCE 0.97 MI. E. END STATE MAINT 0.97	PE RW CON Total	\$0 \$0 \$436,500 \$436,500	\$0 \$436,500 \$436,500	\$436,500	\$436,500	\$0	\$0	\$0	\$0	\$0	400 VPD 04/01/2015  DISTRICT GRANT UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0784	115840	BURNIT MILL ROAD 0784-002-P84, N-501 S/F HIRED EQUIP. S NO PLAN, SECONDARY	ROUTE 784 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 1009 ROUTE 600 0.72	PE RW CON Total	\$0 \$0 \$319,500 \$319,500	\$0 \$319,500 \$319,500	\$319,500	\$271,353	\$48,147	\$0	\$0	\$0	\$0	210 VPD 09/20/2018  DISTRICT GRANT UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Culpeper		2020-21 through 2025-26									
County: Albemarle County		Board Approval Date: May 20, 2020									
Route	Road Name	Estimated Cost	Previous Funding  SSYP Funding Other Funding Total	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count  Scope of Work FHWA # Comments
					2020-21	2021-22	2022-23	2023-24	2024-25		
RL0672 113778 S/JF HIRED EQUIP. S NO PLAN, SECONDARY	HAMMOCKS GAP ROAD 0672-002-P60, N-501 RTE. 612 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)  ROUTE 20 0.52 MI. S. RTE. 20 0.52	PE RW CON  Total \$10,000 \$0 \$170,000 \$180,000	\$0	\$180,000	\$0	\$180,000	\$0	\$0	\$0	\$0	170 VPD 04/10/2015 DISTRICT GRANT UNPAVED >50 VPD  RURAL RUSTIC PROJECT RESOLUTION NEEDED
0008.00 RL0720 113776 S/JF HIRED EQUIP. S NO PLAN, SECONDARY	HARRIS CREEK ROAD 0720-002-P35, N-501 RTE. 720 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)  0.25 MI. W. ROUTE 20 END STATE MAINTENANCE 0.36	PE RW CON  Total \$7,500 \$0 \$95,000 \$102,500	\$0	\$102,500	\$0	\$102,500	\$0	\$0	\$0	\$0	230 VPD 11/29/2018 DISTRICT GRANT UNPAVED >50 VPD  RURAL RUSTIC PROJECT RESOLUTION NEEDED
0009.00 RL0780 113779 S/JF HIRED EQUIP. S NO PLAN, SECONDARY	RED HILL SCHOOL ROAD 0780-002-P61, N-501 RTE. 780 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)  ROUTE 29 ROUTE 712 1.53	PE RW CON  Total \$15,000 \$0 \$360,000 \$375,000	\$0	\$375,000	\$0	\$191,933	\$183,067	\$0	\$0	\$0	130 VPD 11/19/2018 DISTRICT GRANT UNPAVED >50 VPD  RURAL RUSTIC PROJECT RESOLUTION NEEDED
0010.00 RL0633 113783 S/JF HIRED EQUIP. S NO PLAN, SECONDARY	COVE GARDEN ROAD 0633-002-P65, N-501 RTE. 633 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)  1.50 MI. E. RTE 29 3.00 MI. E. RTE 29 1.50	PE RW CON  Total \$20,000 \$0 \$300,000 \$320,000	\$0	\$320,000	\$0	\$0	\$320,000	\$0	\$0	\$0	80 VPD 04/01/2015 DISTRICT GRANT UNPAVED >50 VPD  RURAL RUSTIC PROJECT RESOLUTION NEEDED
0011.00 RL0633 113784 S/JF HIRED EQUIP. S NO PLAN, SECONDARY	COVE GARDEN ROAD 0633-002-P66, N-501 RTE. 633 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)  3.00 MI. E. RTE 29 ROUTE 712 1.50	PE RW CON  Total \$20,000 \$0 \$280,000 \$300,000	\$0	\$300,000	\$0	\$0	\$191,396	\$108,604	\$0	\$0	80 VPD 04/01/2015 DISTRICT GRANT UNPAVED >50 VPD  RURAL RUSTIC PROJECT RESOLUTION NEEDED







SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2020-21 through 2025-26												
District: Outlester												
County: Alleman County												
Board Approval Date: May 20, 2020												
Route	Road Name	Estimated Cost		Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete
PFMS ID	Project #			SSYP Funding		2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	
Type of Funds	Description			Other Funding								
Type of Project	FROM			Total								
Priority #	TO											
RL4005	Length											
99923	120405	PE	\$0									
	COUNTY-WIDE ENGINEERING & SURVEY	RW	\$0									
	VARIOUS LOCATIONS IN COUNTY	CON	\$10,140									
		Total	\$10,140	\$10,140	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
99999												MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.

Agenda Item No. 15. **Public Hearing: Ordinance to Establish Due Dates for Filing Certain Tax Returns and Paying Certain Local Taxes During the COVID-19 Disaster.** To receive comments on its intent to adopt an ordinance to extend the following tax-related deadlines: (1) the deadline to file returns for all items of tangible personal property and machinery and tools from May 1 to June 1, 2020 (ref. Virginia Code § 58.1-3518, County Code § 15-801); (2) the deadline for paying the first installment of taxes for real estate, tangible personal property, machinery and tools, and mobile homes for 2020 from June 5 to June 30, 2020 (ref. County Code § 15-101(A)); this extension does not apply to the first installment of taxes for public service corporations; (3) the deadline for paying business license taxes

from June 15 to June 30, 2020 (ref. County Code § 8-201(B)); and (4) the deadline to pay the transient occupancy and food and beverage taxes collected during the months of March, April, and May 2020 to July 20, 2020; this extension does not alter the time at which these taxes are collected, nor the deadline for reporting these taxes (ref. County Code §§ 15-902(F) and 15-1002(F)).

In a series of actions over the past two and one-half months, 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. The Governor's declaration was followed by a series of executive orders intended to reduce the spread of the COVID-19 virus. The COVID-19 pandemic has had adverse economic consequences.

On April 15, 2020, the Board of Supervisors adopted an emergency ordinance extending the deadlines to file certain returns and to pay certain taxes. Virginia Code § 15.2-1427(F) limits the duration of an emergency ordinance to not more than 60 days. A non-emergency version of the ordinance is proposed to extend the substance of the emergency ordinance beyond 60 days.

Under the proposed ordinance: (1) the deadline to file returns for all items of tangible personal property and machinery and tools would be extended from May 1 to June 1, 2020 (ref. Virginia Code § 58.1-3518, County Code § 15-801); (2) the deadline for paying the first installment of taxes for real estate, tangible personal property, machinery and tools, and mobile homes for 2020 would be extended from June 5 to June 30, 2020 (ref. County Code § 15-101(A)); this extension would not apply to the first installment of taxes for public service corporations; (3) the deadline for paying business license taxes would be extended from June 15 to June 30, 2020 (ref. County Code § 8-201(B)); and (4) the deadline to pay the transient occupancy and food and beverage taxes collected during the months of March, April, and May 2020 would be extended to July 20, 2020; this extension does not alter the time at which these taxes are collected, nor the deadline for reporting these taxes (ref. County Code §§ 15-902(F) and 15-1002(F)).

No budget impact is anticipated.

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

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Mr. Greg Kamptner, County Attorney, presented. He said this is the noticed version of this ordinance. He said the Board adopted the emergency version of the ordinance previously.

Mr. Kamptner reminded the Board that the ordinance would extend four deadlines and presented two of them. He said it would extend filing returns on certain personal property for a month, from May 1 to June 1. He said it will also delay the first installment of certain property taxes.

Mr. Kamptner said as far as the final two deadlines being extended, paying the business license taxes would be extended 15 days, from June 15 to June 30. He said as far as paying the food and beverage and Transient Occupancy taxes collected from customers, what Finance proposes is to not require the March, April, or May remittances to be paid until July 20.

Ms. Mallek said the second bullet point seemed to contradict the smaller print below it. She asked if they were changing it or not. She said it says, "The deadline will be extended to July 20," but then it says that it doesn't alter the time. She then realized that it was reporting in collection, but not payment, and that she understood.

Mr. Kamptner reminded the Board that the taxes are collected at the time of the hotel bill or the restaurant bill being paid, and then the restaurants and hotels hold those funds until they are remitted to the County.

Ms. Mallek said it looked like they still have to report them on time, but that they just didn't have to pay on time.

Mr. Kamptner said yes.

Ms. Palmer asked if the due date for regular real estate taxes was delayed.

Mr. Kamptner replied yes.

Ms. Price said it was June 30.

Mr. Kamptner said June 30 was correct.

Ms. McKeel said she has had constituents call her as they had not received their bills, and that staff said they would be billed at the end of the week.

Mr. Gallaway opened the public hearing. Hearing no speakers, he closed the public comment portion of the meeting and brought the matter back to the Board.

Ms. McKeel **moved** the Board adopt the attached proposed ordinance (Attachment A). Ms. Price **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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**ORDINANCE NO. 20-E(4)**

AN EMERGENCY ORDINANCE TO AMEND THE CONTINUITY OF GOVERNMENT ORDINANCE BY ADDING THE JEFFERSON-MADISON REGIONAL LIBRARY SYSTEM, AND MAKING OTHER MINOR AMENDMENTS, TO SECTION 4

**WHEREAS**, on April 15, 2020, the Albemarle County Board of Supervisors adopted Ordinance No. 20-A(6), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster; and

**WHEREAS**, the Board desires to amend Ordinance No. 20-A(6) to add the Jefferson-Madison Regional Library system, and to make other minor amendments, to Section 4.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that Section 4 of Ordinance No. 20-A(6) is amended as follows:

**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.

D. 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.
- E. 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.
- F. 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.

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Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said Item 6.1 was the revised language that Ms. Filardo emailed the Board that evening regarding the Appropriation of Funding to Support the Sheltering of Homeless During the COVID-19 Pandemic. He said the revision removed language from Number 1. He said the number remained the same, as well as for Number 2. He said the language was removed about the breakups of reimbursement to the ECC, then \$17,000 remaining for use for the item in Number 2. He asked if there were additional questions on that, or if there could be a motion to approve.

Ms. Palmer asked if this would be something the County could be reimbursed for through the CARES Act.

Mr. Kamptner replied he would look at that. He said he did not have his information about the CARES Act with him. He said it very well might be.

Ms. Palmer said she also wasn't sure if they could reimburse something they already spent.

Mr. Kamptner replied that it depends on which part of the CARES Act they are using. He said for some parts of the CARES Act, they cannot be reimbursed until they incur expenses beyond July 1. He said he would have to look at this particular scenario.

Ms. Palmer asked if this were the case if they could hold off on repaying the ECC.

Mr. Gallaway asked Mr. Kamptner about the timing issue.

Mr. Kamptner said he was not certain about that particular portion. He said the ECC portion was about \$65,000-67,000, and it was to reimburse the ECC. He said he didn't have the answer at that moment.

Mr. Gallaway said he could understand the rationale behind waiting to see, but he also did not want to have funds available for whoever needs them, as far as ECC using it for these elements.

Mr. Jeff Richardson, County Executive, said he felt certain that they need to go ahead and do the reimbursement back to the ECC pursuant to the understanding that they had. He said they would certainly pursue reimbursement through the CARES Act, as Ms. Palmer suggested and has several Board members have had questions about. He said he personally believed that there would be a higher-than-normal probability that if they are going to get reimbursed, that this will be something that will be near the top of the list. He said he was optimistic that they would be able to replenish this local grant.

Ms. Mallek **moved** the Board approve repaying the money to the ECC, which was withheld on the Consent Agenda. Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Ms. Palmer asked if the motion covered everything.

Ms. Mallek replied that it was corrected, then withheld from the consent agenda earlier, which is what she stated in the motion.

Mr. Gallaway asked Mr. Kamptner if he was okay with the motion.

Mr. Kamptner replied that he took the motion as approving the appropriation, and what Ms. Mallek was recognizing was that it had been pulled originally from the consent agenda and that it came back with the revised Executive Summary.

Mr. Gallaway moved on to other items. He said that Ms. Mallek had sent out an absentee ballot corrections letter, and a request to authorize him to put a letter out. He asked if there was any objection to it. He said he assumed he had all the information from Ms. Mallek.

Ms. Mallek said all the background information could be copied and pasted to provide the text if people care to include that. She said it gives good background on what the issues are and what people are reporting as concerns.

Mr. Gallaway asked if there were objections to this and heard none. He asked if a motion was needed.

Mr. Kamptner suggested taking a motion.

Ms. Mallek **moved** the Board authorize the Chair to sign a letter on behalf of the Board regarding the corrections to the absentee ballot. Ms. Price **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Gallaway asked if there were other matters to discuss.

Ms. LaPisto-Kirtley said regarding the tree donation she mentioned, it depended on what would happen with the pandemic. She said currently, it is just a proposal and is not set in stone until more is known. She said hopefully, it would turn out well and they would be able to get the trees. She said more information would be coming in the fall.

Ms. McKeel said two items on the agenda reminded her of two things that the Board talked about previously. She said the first was that they had asked staff at some point to give them some basic information about The Crossings, which is the facility the County operates with the City for the homeless. She said she understood that staff has been busy, but she didn't want this item to get lost. She asked Mr. Richardson if the Board could get a report back on that facility.

Ms. McKeel said her other item was that she was reminded when they were talking about Woolen Mills that there was a group of artists and entrepreneurs in the community that came to the Board, pleading desperately for the Board to think about space for them. She said they were worried about being priced out, and that the Board had all thought strongly at the time that they wanted to come back to that issue. She said she had no idea what they wanted to do about it, but when she saw the Woolen Mills item, she thought about those artists and entrepreneurs, and so she was putting this back on the table for the Board to think about.

Regarding an earlier meeting that day, Mr. Gallaway asked Ms. Mallek if there was a need for the Board to take action about the letter of support.

Ms. Mallek replied that there would be a template coming to Mr. Gallaway and Mr. Johnson in support of a grant application that the Piedmont Workforce Network will be making to Go Virginia for extra staffing to help with the proper response in getting the disenfranchised back into job training, relating to

massive layoffs. She said in early March, there were 70 applications for unemployment in the local area, and most recently, there were 3,500. She said the VEC is overwhelmed and doing their best, but the local group needs more staff, and they are trying to get money from Go Virginia to do it.

Mr. Gallaway said once they receive this, they will send it around and have it up for approval before sending the letter.

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Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said he wanted to make the Board aware of the fact that Mr. Gallaway, himself, and Mr. Trevor Henry would be participating the following day at TJPDC at lunchtime on a regional meeting that is hosted by Mr. Chip Boyles. He said Mr. Boyles will be talking to regional staff and elected leadership on what they are doing during COVID-19, as they move from Phase I and work with the Governor’s Office on moving towards Phase II, what it means in the organizations, and what it means with their connection to the community services they are providing.

Mr. Richardson said it would be about an hour and a half session where small and large jurisdictions will participate, adding that UVA has also been invited to participate. He said this will provide a better view of what is going on regionally with the individual organizations.

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Agenda Item No. 18. Adjourn.

At 10:03 p.m., the Board adjourned their meeting to a budget work session on June 3, 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.”

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Chair

Approved by Board
Date
Initials