

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 20, 2021 at 1:17 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

PRESENT: Mr. Ned Gallaway (arrived at 6:00 p.m.), 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 1:17 p.m., by the Chair, Ms. Price.

Ms. Price said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Ms. Price said the persons responsible for receiving public comment are the Board of Supervisors of Albemarle County.

Ms. Price 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.

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

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

NAYS: None.

ABSENT: Mr. Gallaway

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

Ms. Palmer said there was a lot of activity in the Esmont area. She said one of the many things going on is that there is a nonprofit called the Friends of Esmont, and they have recently produced a small booklet called The History of Esmont. She said this is an interesting reading about the quarries and all the activities that have gone on there over the years, and there are some posters. She said if anyone is interested, perhaps from the Esmont area, and wants to read up on the local history, they can Google "Friends of Esmont," and if they cannot find this, they can contact her, and she will send them that way.

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Ms. McKeel said in case people had not heard, she wanted to announce to the public, Albemarle County has passed the biggest hurdle they had had for Smart Scale funding around the projects at the Hydraulic/Route 29 intersection. She said VDOT staff has recommended Smart Scale funding for those projects, so funding for those projects will be going to the CTB (Commonwealth Transportation Board) in the spring.

Ms. McKeel said this is exciting because it means that they have really passed the biggest hurdle, and she is very excited when she looks at this package of projects. She said she could go over all the projects easily, such as the pedestrian and bicycle bridge, but they were all of the ones that were encapsulated at the Hydraulic/29 intersection. She said she was thrilled about clearing this first hurdle, which was very good news.

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Ms. Mallek echoed what Ms. McKeel just said in that they should have representation at the CTB meeting to speak in favor of this recommendation, when that time comes.

Ms. McKeel added that the meeting will be in May.

Ms. Mallek said this was wonderful. She said the other thing she wanted to add was more philosophically global. She said this is her fourteenth year as a Supervisor, representing more than 16,000 individuals in the White Hall District. She said she says "individuals" because of the very wide spectrum of opinions on every subject held by her voters.

Ms. Mallek said she takes hope and inspiration from the ceremony in Washington from the level of participation by all elected officials of different opinions, and especially from the eloquent words of

Amanda Gorman, the United States Youth Poet Laureate, who called everyone to take their history and make it better for the future.

Ms. Mallek said elected officials and citizens in Albemarle have work to do, and they have the heart to do it well. She said she looks forward to it.

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Ms. Price said she wanted to piggyback on what Ms. Mallek said. She said two weeks ago, the nation was in turmoil with what happened in Washington. She said they did have a peaceful transfer of power that day, but it was a reminder for everyone of the stress and anxiety that they are all facing. She said there are political and economic issues, as well as the pandemic.

Ms. Price said she would address some of this later as well, but she wanted to give a particular thanks to every single person at whatever level they have been involved who have been helping to bring the County out of these troubles. She said she especially wanted to focus on the pandemic. She said they are expecting to hear some information from the Health District later that day.

Ms. Price said one thing she thinks is important for residents to remember is that they have federal, state, and local government and organizations that are involved in all aspects of this, and everyone is working hard. She said there are things that are outside of the control of the local officials, however, and so they really need people to continue to have some patience as they work through these issues and get to the point where they can take care of everyone.

Ms. Price thanked Ms. Mallek for repeating some of those very inspiring words from the laureate that day.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Ms. Price noted for the public that they were still experiencing some technical difficulties in the building. She said there were some residents and citizens who had signed up to speak, but that there could be somewhat of a delay.

Ms. Price asked Mr. Travis Morris, Senior Deputy Clerk, if the technical issues had been resolved.

Mr. Morris said they would have to pause or have a brief recess while they get everything through.

Ms. Price said she wanted to tell the public that they are working very diligently, and a number of individuals in IT staff were working to resolve this so that they would be able to identify and hear from the speakers, as well as the speakers being able to know when they are called to speak. She said they would pause while they wait to get the issue sorted out.

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**Recess.** The Board recessed its meeting at 1:30 p.m. and reconvened at 1:34 p.m.

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When the meeting resumed, Ms. Price apologized to the public, noting that she believed staff was able to address and resolve the technology issue in the building. She asked Ms. Borgersen to introduce the first speaker.

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Mr. Gary Grant (Earlsville area, Rio District) said he lived in the district that was represented by the apparent rule-breaking Chairman. He said the Chairman seems to be a rule-breaker of the meeting rules that the Supervisors adopted unanimously. He said the alleged rule-breaking occurred at the January 6 meeting after Agenda Item #7, "From the Public." He said the Board rules state, "Back and forth debate is prohibited." He said the Chairman allegedly broke the unanimously adopted rule by critiquing what a speaker from the public said during that speaker's three minutes of their valuable time. He said that by doing so, the Board Chairman may have created back and forth debate, which the unanimously adopted rules state is prohibited.

Mr. Grant said the members of the public who speak during the "From the Public" segment during virtual meetings do not get a chance to break rules. He said the public's microphone is cut off, halting any potential backs to the rule-breaking force. He said at the in-person, face-to-face meetings, the Chairman can have a speaker from the public removed or arrested for disruptions.

Mr. Grant said he had a humble suggestion to prevent the Chairman or any Supervisor from potentially breaking their unanimously adopted rule against back and forth debate. He said the next time one of the Democrat Supervisors appear to break this meeting rule, they should have the microphone

immediately shut off, and then remove or arrest the offending Supervisor for disruption.

Mr. Grant said he had an even more equitable and inclusive suggestion. He said instead of breaking the unanimously adopted rule against back and forth debate, they could hold their comments for two weeks, until the next meeting, like the public must do. He said they could then rebut public speakers during Agenda #5, "Brief Announcements by Board Members," and they can critique the public all they want without breaking the unanimously adopted rule prohibiting back and forth debate.

Mr. Grant thanked the Board for spending taxpayer money to stream their meetings and for his less-than-three minutes of their Democrat time that day. He wished them a more productive and less technologically problematic meeting.

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Ms. Caroline Melton said she was making a statement on behalf of the community organization Indivisible Charlottesville. She said they were urging the Board to change the word "citizens" to "community members" in their mission statement. She said although the word "citizens" is technically defined as "membership in a community," this word has legal connotations that leave out many in the immigrant community.

Ms. Melton said many individuals who cannot claim citizenship are nevertheless an integral part of the shared community. She said they are friends, neighbors, and people who live there who work, worship, and go to school there, and they are impacted by decisions that the Board of Supervisors makes. She said they should therefore see themselves reflected in their mission.

Ms. Melton said that sadly, the country has a long history of leaving certain groups out of important conversations and spaces. She said changing the language in the mission statement will not undo that history or automatically achieve equity, it can go a long way in resetting minds and ideas about who belongs and who is a part of the community.

Ms. Melton said it is the organization's hope that the Board will choose that day to recognize all members of the community and make this change to the mission statement.

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Ms. Marta Keane, CEO of JABA (Jefferson Area Board for Aging), said she is a resident of the Rio District. She thanked the Board for the opportunity to update them and the residents of Albemarle. She said she wanted to thank the Board for the support they provided through the supplemental CARES grant to help JABA continue to keep staff and services available at the Adult Care Center and at Shining Star, which has suffered a drop in attendance because of COVID, yet for those who do need to attend, it provides a very important service so that essential workers can get to work and have their loved ones cared for.

Ms. Keane said that since the last time she was able to talk to the Board, JABA was able to open the Mary Williams Community Center for a while, for a small group of members who wanted to come back and safely socialize. She said they met at Darden Towe Park frequently and, occasionally, in a very large room. She said Scottsville and Esmont continue to get the remote support, as well as the members from Mary Williams who chose to wait until the vaccine.

Ms. Keane said they have learned a lot from COVID and what they have been doing during that time, and they have started up a new program called "At Home with JABA," which will be starting in January. She said they will be supporting home-delivered meals clients, providing a monthly calendar and activities, continuing with weekly check-in calls, and continuing with many activities by conference call (a few introducing Zoom). She said they hope to get the community centers back up and running by March 1, depending on what all the numbers look like at that point.

Ms. Keane reminded the Board that the Adult Care Center is needed more than ever, and they will be reopening February 1. She said it provides respite and support for caregivers in a fun, stimulating, and safe environment.

Ms. Keane said as always, all services and support continue. She said the Senior Helpline, options counseling, insurance counseling (which includes Affordable Care Act counseling), Ombudsman support, and every service that they provide is being done by phone. She said they continue to be open to help take care of the needs of seniors throughout Albemarle County. She thanked the Board for all they do to help JABA help seniors.

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Ms. Trish Phillips (Scottsville District) said she was seeking a special exception for the setbacks for a homestay. She said she and her husband bought their 5-acre property in 2007, at which time they built their barn and then their house. She said the barn has evolved over the years as their family has changed. She said they have two sons, and the barn started out as storage in 2007, then became a place for the boys to have sleepovers, family in over the holidays, and roommates home from college.

Ms. Phillips said that from the beginning, they have been good citizens and have adhered to the County's requirements for zoning permits and setbacks. She said now that the boys are gone, and it is just she and her husband, they thought that the barn space would make a nice homestay. She said the barn is small, and it will only accommodate one or two people. She said the setting is quiet, calm, and peaceful, and they thought it an ideal place for people that are coming into Charlottesville who are looking

for those same attributes.

Ms. Phillips said that although in 2007, they met the County setbacks for building the barn, they are aware that the County's homestay regulations specify them to meet the 125-foot setback, which is why they are asking for the special exception.

Ms. Phillips said should the Board approve their homestay, they would be happy to plant any buffer of vegetation necessary that would help shield their barn from the road, and also to help protect the integrity of the neighborhood. She thanked the Board for their time.

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Ms. Cynthia Neff said she knows a number of the Supervisors, and many of them know that she tends to be a bit of a busy body. She said as the vaccine rollout has begun, having one problem after another, she started talking to a lot of people to try to better understand. She said certainly, they can do this better, quicker, faster, and more effectively, and she was not sure she was seeing that, despite of many people working very hard.

Ms. Neff said she has a sense of urgency probably because she is old, and as she looks at this, people are dying. She said they need this sense of urgency.

Ms. Neff said one thing she has noticed is that her neighbors in the community are dying for information. She said that with UVA taking over the vaccines the day before, people started getting calls from UVA and had no idea why. She said the software was wrong, and it rejected people that day. She said there is no communication to people. She said they could have a once-a-week press conference.

Ms. Neff said that when she looks at it, she still sees a kind of mess, coming from a career in management. She said one thing that first struck her was Dr. Bonds having two jobs. She said not only is Dr. Bonds the Director of the Health District for the Blue Ridge, but she has also been filling in for many months in Fredericksburg. She said this makes no sense for her when they are having the biggest public health crisis they have ever had.

Ms. Neff said additionally, she is not sure that the Health District was really set up for this. She said they have a huge responsibility that is before the vaccine rollout. She said they have set up the tent, but they are doing about 150 tests per day. She said there have been funding problems and software glitches. She said one must have email to even register for an appointment, which leaves lots of people out. She said they read about the Spanish-speaking problem. She said all these things are going on, and the vaccinators are RNs, and they are still having to go through some trainings and skills proficiency testing, which she is not sure makes sense.

Ms. Neff said UVA has stepped in and helped make a difference. She said that yesterday, they did about 1,500 vaccines. She said she has brought up the parents of a friend of hers, Kat Emhoff, who has two parents who are both 91 years old and live at University Village. She said they have been trying for weeks to get an appointment, and the daughter and parents got one yesterday, late in the afternoon. She said today, she got a message that said she spoke too soon, and they got a time correction. She said they called, and after 20 minutes were told that due to a computer glitch, the record screwed up in the handoff from the Blue Ridge Health District to UVA Hospital.

Ms. Borgersen informed Ms. Neff that her speaking time had expired.

Ms. Neff said there was a lot to do, and she appreciated the Board bringing in the Blue Ridge Health District to have a discussion.

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Mr. Javier Raudales said he is a community member from the Samuel Miller District. He said he was speaking as a member of Sin Barreras, a local nonprofit that works to empower the immigrant community in Albemarle County and the surrounding areas through education, service, and advocacy.

Mr. Raudales said he wanted to speak to let the Board know that Sin Barreras strongly supports the initiative to change the County's mission statement to include all community members. He said they work with many immigrant families, mostly of Hispanic descent, that have a mix of status in their households, all who are not citizens under the legal designation. He said these people are friends, neighbors, and often family, and each of them is a valuable member of the community and a vital part of County life.

Mr. Raudales said they urge the Board to vote in favor of this change, as it includes and recognizes their need for unity, solidarity, and to build a stronger community in these troubling times, for today and for the future.

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Ms. Abigail Turner said she is a Samuel Miller District resident and a civil rights lawyer of 44 years who has worked on issues about adequate healthcare. She said she knows Ms. Price asked for patience, but in this time of people dying and many more predictions for more deaths and serious illness, she thinks that everyone should be impatient, and that all levels of government need to work together to resolve getting COVID shots in people's arms. She said Ms. Neff talked about the slow rates of the shots that were being done by the Health District, and UVA has stepped in to help.

Ms. Turner said because the Board are innovators and because she has seen and worked with them to innovate, she would urge them to partner with the Blue Ridge Health District and ask how they can help them. She said when the man speaks this afternoon, the Board should ask him what needs to happen to increase dramatically their ability to provide shots for people.

Ms. Turner said she thinks the solution is not to turn everything over to UVA, but to use this as an opportunity to work with the Health District to boost their power and ability.

Ms. Turner said she would suggest the Board ask the Health District how they can partner with them in resolving their serious management problems. She said the County has a lot of experience and resources in management. She asked what they can do to assist the Health District in their communication problems. She said Ms. Neff mentioned the language issues. She said 10% of the people who have applied for shots, as she understands, are Spanish-speaking. She said the Board has the responsibility and the expertise to meet the federal law requirements of providing language access.

Ms. Turner said she wanted to talk about what she has learned. She said unfortunately, she and her partner are old, and they have appointments, but the system to get appointments (as Ms. Neff mentioned) is all web-based and is very complex and confusing. She said when they tried to work it with their iPhones, it did not work.

Ms. Turner said there needs to be a real focus from the County to break these barriers down. She said she has represented and is concerned about all of those who do not have web access because they live in the wrong place or do not have money for a computer. She said she is concerned about those who cannot navigate these complicated online systems. She said if they can get online, they cannot wade through three layers of complex questions that have to be answered before finding an appointment.

Ms. Borgersen informed Ms. Turner that her speaking time had expired.

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Agenda Item No. 8. Consent Agenda.

Ms. LaPisto-Kirtley **moved** to approve the consent agenda. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Gallaway

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Item No. 8.1. SE202000020 Homestay Special Exception-Dean Kedes.

The Executive Summary forwarded to the Board states that, pursuant to County Code § 18-5.1.48(i), the applicant is requesting a special exception to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125-foot setback for an existing Homestay at 1045 Quail Hollow Lane to 40 feet +/- from the northeastern and eastern property lines (for the house and homestay parking) and to 118 feet +/- from the southern property line (for the house).

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

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

**By the above-recorded vote, the Board adopted the attached Resolution (Attachment G) to approve the special exception with the conditions contained therein:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SE2020-00020 DEAN KEDES HOMESTAY**

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

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**SE 2020-00020 Dean Kedes Homestay Special Exception Conditions**

1. The homestay use is limited to the existing two-bedroom basement apartment located within the existing dwelling.

2. Parking for homestay guests is limited to the existing parking areas depicted on the Parking and House Location Exhibit dated December 23, 2020.
3. The existing 20' planted buffer located along the northeastern and eastern property boundaries and existing 60'+ planted buffer located along the southern property boundary, depicted on the Parking and House Location Exhibit dated December 23, 2020, may not be disturbed and must be maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

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Item No. 8.2. SE202000017 Homestay Special Exception Plainfields Cottage (Train).

The Executive Summary forwarded to the Board states that, pursuant to County Code § 18-5.1.48(i), the applicant is requesting a special exception to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125-foot setbacks for an existing Homestay at 705 Mechums West Drive to 80 feet +/- from the eastern property line on Gillums Ridge Road (for the structure) and to 65 feet +/- from the southern property line on Mechums West Drive (for parking).

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

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception with the conditions contained therein.

**By the above-recorded vote, the Board adopted the attached Resolution (Attachment F) to approve the special exception with the conditions contained therein:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SE2020-00017 PLAINFIELDS COTTAGE HOMESTAY**

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

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**SE 2020-00017 Plainfields Cottage Homestay Special Exception Conditions**

1. Parking for homestay guests is limited to the existing parking areas depicted on the Parking and House Location Exhibit dated December 23, 2020.
2. The existing 20' planted buffer located along the eastern and southern property boundaries, depicted on the Parking and House Location Exhibit dated December 23, 2020, may not be disturbed and must be maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

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Item No. 8.3. Resolution to accept road(s) in the Foothill Crossing, Eastern Avenue, Subdivision into the State Secondary System of Highways. (White Hall Magisterial District).

**By the above-recorded vote, the Board adopted the attached Resolution to accept road(s) in the Foothill Crossing, Eastern Avenue, Subdivision into the State Secondary System of Highways. (White Hall Magisterial District):**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 20<sup>th</sup> day of January 2021, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Foothills Crossing Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 20, 2021**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Foothills Crossing Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 20, 2021**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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**Report of Changes in the Secondary System of State Highways**

Project/Subdivision: Foothills Crossing

Addition - New subdivision street §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
1915	Eastern Avenue	Rt 1250, Park Ridge Dr	0.04 Miles North to ESM	0.04		DB, 5393: 2 Pg, 420-432	
1915	Eastern Avenue	Rt 1250, Park Ridge Drive	0.234 Miles South To ESM	0.23		DB 5075; 2 PG 664-690	

Item No. 8.4. Resolution to accept Hillsdale Drive Extension into the State Secondary System of Highways. *(Rio Magisterial District)*.

**By the above-recorded vote, the Board adopted the attached Resolution to accept Hillsdale Drive Extension into the State Secondary System of Highways. *(Rio Magisterial District)*:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 20<sup>th</sup> day of January 2021, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Riverside Village**, as described on the attached Additions Form AM-4.3 dated **January 20, 2021**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Riverside Village**, as described on the attached Additions Form AM-4.3 dated **January 20, 2021**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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**Report of Changes in the Secondary System of State Highways**

Project/Subdivision: Riverside Village

Addition - New subdivision street §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
1059	Trailside Drive	Riverside Shops Way (PVT)	0.1 miles North to Trailside Court (PVT)	0.1	2	DB, 4632; PG, 180	55
1059	Trailside Drive	Rt 20, Stony Point Rd	0.02 North to Riverside Shops Way (PVT)	0.02	2	DB, 4632; PG, 180	55
1059	Trailside Drive	Trailside Court (PVT)	0.03 miles North	0.03	2	DB, 4632; PG, 180	55

Item No. 8.5. CARES Coronavirus Relief Funding (CRF) Summary Report, **was received for information.**

Item No. 8.6. Facilities and Environmental Services Report 4th Quarter CY2020, **was received for information.**

Item No. 8.7. Eastern Avenue South Alignment Study Results, **was received for information.**

Item No. 8.8. Albemarle Broadband Authority Quarterly Report, **was received for information.**

Item No. 8.9. Virginia Water Resources Progress Report 2020, **was received for information.**

Agenda Item No. 9. **Presentation:** Equity and Inclusion Annual Report.



The Executive Summary forwarded to the Board states that, in November 2018, Albemarle County Local Government announced the creation of the Office of Equity & Inclusion (OEI) to further demonstrate the County's commitment to the provision of quality services to our entire community.

The Office of Equity and Inclusion has been privileged to work with several community partners during its second year. The second-year report to the Board of Supervisors will include an overview of the collaborative and capacity-building initiatives we have shared with the community, as well as some quantitative analysis of the experience of well-being in Albemarle County.

No budget impact anticipated.

Staff recommends that the Board receive this report for information.

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Ms. Siri Russell, Director of Equity and Inclusion, said she would share the 2020 Annual Report. She said she would start with some words around the previous affirmation of commitment to an equitable and inclusive community. She said she would spotlight some of the work that has happened at Yancey, as well as some of the work around supporting the community during COVID.

Ms. Russell said she would be joined by some of their partners to preview the profile on wellbeing, but also to talk about community resiliency.

Ms. Russell said that during the 2019 Annual Report, which was Year 1 of the Office of Equity and Inclusion, the Board adopted a resolution that conveyed an expectation that they would support, through actions and partnerships, the promotion of an equitable and inclusive Albemarle County. She said she would begin her presentation with some examples of how they continue to demonstrate that commitment.

Ms. Russell said she wanted to be clear about the word "we" because while today, the report would be focused mostly on the work and partnerships of her office in particular, it was key to note that this organization has been invested and working closely in this work of promoting an equitable and inclusive Albemarle across multiple departments.

Ms. Russell said that when she started writing her notes, she thought about calling out in particular Public Safety and Social Services and all the amazing work they have been doing, but then her mind flew immediately to the Economic Development Office and their support for small and minority-owned businesses, and especially through their Lift grant. She said she thought about the Finance and Budget Office, who had their very first tax season with onsite interpreters. She said she thought about IT and broadband, Community Development, and all the work they have been doing to keep small businesses going now, but also looking forward at their plans and processes through an equity lens.

Ms. Russell said she believed there was a lot to be proud of in many different places, and she wanted to make this clear as she moves forward.

Ms. Russell said she would turn the conversation over to the topic of Yancey. She said the Board would not be receiving a recap of the entire Annual Report that day. She said if they had questions about it, she was happy to take them. She said that instead, the Board would hear a bit about what the community has been building in the Yancey Community Center.

Mr. Edward Brooks, Program Coordinator at the B.F. Yancey School Community Center in Esmont, said he was pleased to have the opportunity to talk about what the progress and impact have been since January 2020. He said they would talk about the "why" of Yancey, which had a dual meaning in this presentation. He said he would frame this by talking about the impact that they have had in the community and talk about this from the perspective of if people are engaging and are buying into what they are promoting as a conceptual idea for delivering services in a rural community.

Mr. Brooks said this breaks down to two points. He said the "why" of Yancey is not having to do it alone because if they are going to accomplish anything of measurable impact, they have to have people who are engaging and buying in. He said that ultimately, they want to show that they are collaborating around the principle of improving health and wellbeing.

Mr. Brooks said they kicked off one year ago that month with an event called "Family Skate Night." He said the fact that they ended up with 225 people in the building that night was a surprise and was impressive. He said more so, as he looks back on it, they had 25 people that showed up to help with putting on skates, selling refreshments, and monitoring what was going on. He said he looked back and said, "Wow, without those 25 people, this would have never been the success that it was."

Mr. Brooks said they came to March, and the world changed because of COVID. He said they have a strategic plan that has been laid out, but they had to change it and for the betterment because COVID is real, yet he was wondering how this would all turn out. He said the first thing was that they had a test site in May with people who showed up for that, which was in collaboration with VDH. He said they then had mask distribution, and it was not just this, but also distributing hand sanitizer and other personal care needs in collaboration with the African American Pastors Council.

Mr. Brooks said they actually had people who were willing to go and knock on doors to drop off

masks to people who could not come down and pick them up. He said there were people manning the tables. He said that again, he saw people were willing to step in and help out to get the job done.

Mr. Brooks said it was the same principle with the food bank. He said the food bank has had an exponential increase in residents that are using the services, but they cannot deliver 80-90 boxes during the months of November and December without an army of volunteers, which is what they have had. He said even that day, they were loading the boxes, and there are 10-12 people there stacking those to get them ready for the coming Friday to be distributed.

Mr. Brooks said there are always different people. He said there are some core volunteers, but there are also different people that connect to different activities. He said when spreading it all out, they probably have 100 different people helping with different parts of this.

Mr. Brooks said there was an event at Simpson Park that was in collaboration with the Health Equity, Access, and Rural Regions. He said they had 40 people show up to walk, and it was in collaboration with the Police Department and others as well. He said they have a new trail that they are proud of, and he wanted to thank Parks and Recreation for all they have done, as well as Ms. Palmer for helping to get this jumpstarted. He said they are excited for all that will come with health and wellbeing, and people walking like they have never walked before.

Mr. Brooks said in summary and conclusion, the picture on the slide was from the past Sunday of a Martin Luther King Service Day project in the community garden. He said the community garden has been everything felt and seen when talking about people getting out and working in a garden, but this particular picture came up because there was a reporter there from Resolve Magazine from Austin, Texas who wanted to be there to get pictures of the community garden. He said he sent this out Sunday morning in the hopes that he would get four or five volunteers. He said they ended up with ten volunteers.

Mr. Brooks said this picture was everything they were trying to show with Yancey. He said there is multigenerational representation, ethnic diversity, people who are indigenous to Esmont, and people who have moved there to make this their home. He said they have their hands upraised because to the left of the picture is the signature theme of the garden, which is a "Y" for Yancey. He said they thought they would take a play on that.

Mr. Brooks said this is why this place is important. He said when they can bring together people from all cross-sections, they believe they will come up with ideas and different ways of engaging that will come up with exceptional results, ultimately to prove the impact of what this type of community engagement and volunteerism means. He said they believe they have to have people touching every part of the community.

Mr. Brooks said it is significant that this is a Martin Luther King Service Day project because the UVA Department of Diversity, Equity, and Inclusion gave them 40 books to distribute for a community reading on Monday night, Dr. King's last book "Where Do We Go From Here? Community or Chaos". He said this is significant in this day and time, with a national divide. He said Esmont has political thoughts, too, but they are going to go the way of community, which is what is seen in the picture with the broad representation of everyone.

Mr. Brooks said they will achieve results that will be demonstrated in outcome measurements and numbers for improving the health and wellbeing of the community, and he has become convinced that this can only be done with a broad cross-section of people representing every demographic segment of Esmont. He concluded his presentation, thanked the Board for their time, and offered to answer questions about anything in the report.

Ms. Irtefa Binte-Farid, Coordinator for Equity and Inclusion, said she would share with the Board examples of how their office has been responding to the COVID-19 pandemic.

Ms. Binte-Farid said the pandemic has required everyone to adjust their priorities in how they operate, and their office is no different. She said yet even as they have adapted to the new normal, their focus has remained on serving the vulnerable in the County. She said the pandemic has exacerbated existing disparities in health, wealth, and wellbeing throughout the nation, and many members of their own community have suffered greatly.

Ms. Binte-Farid said their office has maintained a focus on initiatives that support the critical needs of the most vulnerable community members, whether it be financial relief, food security, childcare, or housing. She said she would give the Board a few examples of the initiatives the office has been working on with community partners.

Ms. Binte-Farid said the first example is the COVID wraparound services infrastructure. She said this is a model of community assistance led by the Charlottesville Food Justice Network and supported by the Blue Ridge Health District, City of Charlottesville Human Services Department, Equity Center at UVA, and other community partners. She said OEI is proud to be part of this united regional effort to offer wraparound assistance for individuals and households in the community who are diagnosed with COVID-19, but have difficulties isolating due to financial constraints.

Ms. Binte-Farid said the team came together at the start of the pandemic and still continues to serve the community. She said the goal of this model has been to assist COVID-positive community

members with their pressing needs so that they can stay home safely. She said that to that end, the team has delivered food boxes, prepared meals, PPE, prescribed medication when necessary, and other critical items, including things like diapers.

Ms. Binte-Farid said that along with funding and organizational support, OEI staff have been able to provide 130 hours of on-call service to this team during the months of September and October. She said while on call, staff did intake interviews to ascertain the needs of individuals and households in order to activate the necessary services provided by the wraparound team. She said that during this time, they had a chance to speak to some of the most vulnerable members of the community, and she wanted to share a couple of stories that stayed with her.

Ms. Binte-Farid said she spoke to a pair of seniors in their 90s who did not have any food at home at the time of their diagnosis and were worried about going hungry during their period of isolation. She said the wraparound team made sure to deliver food to them that they could eat, despite their many dietary restrictions, to help them during this time.

Ms. Binte-Farid said she also spoke to a new community member, and due to a language barrier, they spoke through a translation service. She said he was the financial provider for his parents and was worried about paying rent without a source of income during his period of isolation. She said the wraparound team was able to connect him to financial assistance to make it easier for him to stay home and keep the whole community safe.

Ms. Binte-Farid said that so far, the wraparound team has served more than 300 people, including 160 children, in the Charlottesville-Albemarle community. She said that since November, the Blue Ridge Health District has taken over the main operations during the wraparound team, and in that time, they have served 39 Albemarle County households.

Ms. Binte-Farid said another example of OEI's approach to dealing with the pandemic is the Migrant Farm Workers and Families Outreach Coordinator call. She said while small in numbers, the migrant population has been particularly vulnerable to COVID-19. She said there were already multiple groups in the region that worked to provide information and services to the migrant community members and to advocate on their behalf, but OEI recognized a need for more consistent communication and coordination between the groups during this pandemic. \

Ms. Binte-Farid said that operating on the principle on supporting the creation of robust service infrastructures for the most vulnerable populations, OEI brought these groups together into one call to help coordinate their efforts. She said the biweekly call includes organizations such as the Blue Ridge Health District, UVA Hospital's Latino Health Initiative, Central Virginia Farm Workers Initiative, Central Virginia Legal Aid Society, Sin Barreras, Albemarle County Public Schools Migrant Support Team, and others. She said this biweekly call allows the groups to coordinate their efforts to share up-to-date health information about COVID-19, in Spanish, including information about testing, diagnosis, and the basics of going back to work.

Ms. Binte-Farid said focusing on this theme of infrastructures of support, OEI also worked with the Albemarle County Department of Social Services and the Department of Finance and Budget to offer emergency support to local nonprofits that provide critical services to the community related to food, shelter, financial security, and childcare. She said similarly, they worked in close partnership with the Albemarle County Department of Social Services, the City of Charlottesville Department of Human Services, and the United Way of Greater Charlottesville to offer financial assistance to individuals and households in Albemarle that are suffering during the pandemic. She said the Board would get a chance to hear more about this effort from the partners at United Way later on.

Ms. Binte-Farid said the final example she wanted to leave the Board with was OEI's work regarding the distribution of Personal Protective Equipment (PPE) including masks, gloves, and hand sanitizers. She said Mr. Brooks had touched on this briefly. She said initially, they distributed masks to several community partners who, in turn, distributed it to their clients.

Ms. Binte-Farid said one of the office's operating principles, however, has been to meet people where they are. She said in pre-COVID times, this meant going out to the different parts of the County to meet residents and hear from them through the Equity Roadshow. She said while the format changed, they still focused on making sure they organized their PPE distribution throughout the geographic spread of the County so that community members could easily access them. She said the focus in particular was rural and other vulnerable populations.

Ms. Binte-Farid said she wanted to end by thanking the County staff who signed up to travel to these different sites and distribute the PPE, totaling an impressive 176 hours of effort. She said they helped to embody the mission and values, for which OEI is grateful.

Ms. Russell said the theme for 2021 for the Office of Equity and Inclusion is "Momentum." She said this is continuing to build and expand on what they started. She said part of this build includes the application of the Equity Impact Assessment, which was developed over the course of 2020. She said that during the next year, the Board can expect to see the Equity Impact Assessment applied to projects and policies coming forward to them with increasing frequency as the year progresses.

Ms. Russell said a critical aspect of the Equity Impact Assessment is the ability to make data-driven decisions. She said OEI is also continuing to work to mold the Equity Atlas into a workable tool for

staff to support that work.

Ms. Russell said OEI's partners in this, at the UVA Equity Center, are also their partners in the development of a quantitative profile of wellbeing in Albemarle County. She said this will be a full report to be delivered to the Board soon. She said this report is an exploration and examination of a key question that is directly tied to their mission, which is about the experience of quality of life and wellbeing in the community, and how equitably this is distributed.

Ms. Russell said today, the Board would be receiving a brief preview of the profile of wellbeing and of that report. She said she wanted to stress that this would not be possible without the incredible support, expertise, and continued partnership of their friends at the UVA Equity Center, and especially those people she would introduce. She introduced Dr. Michele Claibourn, Director of Equitable Analysis; and Mr. Sam Powers, Statistician and Data Visualization practitioner extraordinaire.

Ms. Michele Claibourn with the Equity Center at UVA said she was attending with her colleague, Mr. Sam Powers, to give a brief overview of the work they have been doing to support OEI's Equity Profile.

Ms. Claibourn said that as Ms. Russell had already centered on, and as she had heard multiple times in the meeting, she wanted to remind everyone that Albemarle County government's mission is to enhance the wellbeing and quality of life for those in the community. She said an equity lens asks to consider how wellbeing and life quality are distributed across the people within the locality. She said here, they follow Ms. Russell's lead in centering human development as the key concept.

Ms. Claibourn said as initially devised by Drs. Mahbub ul Haq and Amartya Sen and others as part of the United Nations Development Program, the Human Development Index was posited as a counter to GDP or size of the economy as a central measure of a region's welfare or success. She said Measure of America, part of the Social Science Research Council, adapted this index to apply to a democracy, creating the American Human Development Index (AHDH), which is what they are centering upon here.

Ms. Claibourn said the AHDH rests on the same foundations as the HDI in that it emphasizes the resources that expand an individual's choices, opportunities, and freedoms. She said the AHDH centers on the three fundamental dimensions of a long and healthy life, access to knowledge, and a decent standard of living. She said the slide on the screen offered what was entailed there, and today, they wanted to give a brief glimpse of what this would look like in Albemarle County.

Ms. Claibourn said the next slide showed the AHDH overall. She noted that the AHDH places each of these three components on a scale of 0-10 and takes the average. She said the range here is 0-10, where 10 represents very high wellbeing. She said one could see from the table on the slide that the County, as a whole, rates quite highly on this scale, notably higher than the Commonwealth or the nation overall, and higher than most of the localities that serve as comparative benchmarks.

Ms. Claibourn said wellbeing, as captured by the AHDH, also varies by geography, and so she would proceed quickly to the next slide, where what they were looking at was a measure of ADHI by Census tract as a proxy for neighborhoods, for context. She said the AHDH ranges from just under 5 in the tract that contains Oak Hill and Southwood, where 5th Street becomes Old Lynchburg Road, to a high of just over 9 near the very top of this scale in the tracts containing North Garden and Ivy. She said these were represented by the dark areas in the map inset on the slide, which are just west of the City.

Ms. Claibourn said there were many variants, and proceeding to the next slide, they add to this same figure the individual dimensions of a long a healthy life, access to knowledge and education, and a decent standard living (as median personal earnings). She said they see there is actually a lot of variation in each of the individual components as well.

Ms. Claibourn said that while some neighborhoods rate uniformly well or poorly across all three measures, these three components do not always move together. She said some places show high ratings on access to knowledge along with very low ratings on a long and healthy life (e.g., Earlysville and Crozet). She said the reverse is also true for areas containing the Monticello and Carters Mountain region. She said this is what she has started to look at and how this varies across the region, by neighborhood.

Ms. Claibourn said she would turn the presentation over to her colleague, Mr. Sam Powers, to talk briefly about these dimensions in more depth and with respect to racial differences.

Mr. Sam Powers said he is a Data Fellow with the Equity Center and has been working with Ms. Russell on preparing the report for the Board. He said moving to the next slide, he would start off by speaking about the dimension of health from the AHDH, and they would do this through the lens of life expectancy.

Mr. Powers said the average life expectancy for Albemarle County is 83 years. He said as Ms. Claibourn hinted at, this is higher than the average life expectancy of the U.S., which is 79 years. He pointed out that the opportunity for a long and healthy life, however, is not shared equally throughout the County.

Mr. Powers said they know that the County is majority white, and so it does not surprise them that

the average experience of whites in Albemarle is close to the average experience of all people across Albemarle. He said they do find it striking, however, that Blacks can expect to live about 5.6 fewer years than their white neighbors within the community.

Mr. Powers said they also find a maximum disparity between neighborhoods of about 11.6 years, between North Garden (at the highest end), and the Oak Hill and Old Lynchburg Road areas (with the shortest life expectancy). He said past research across the U.S. does suggest that neighborhood is one of the greatest predictors of health, and within Albemarle, they find this to be true.

Mr. Powers said the next area they investigated is access to knowledge within the community. He said specifically for the Board, he was highlighting educational attainment of adults aged 25 years and older, and so this is an implicit focus on adult populations, meaning these metrics are correlated to things like the potential for job advancement as well as the potential to aid students in the current School From Home Initiative.

Mr. Powers said generally, in Albemarle, they find that every three in five adults have a bachelor's degree, where fewer than one in 20 do not have a high school diploma. He said with this said, they do find significant variation by race and ethnicities across the County. He said comparatively, only one in five Black and one in three Hispanic and Latinx individuals have bachelor's degrees in the community, while 16% of Blacks and almost one in four Hispanics do not have high school diplomas.

Mr. Powers said that with significant educational institutions in the area, they do find the disparities in access to adult secondary education as well as professional certificates coursework to be a question of educational equity that they would like to explore further.

Mr. Powers said finally, contextualized most within the present moment, they believe that these current disparities affect educational equity for Albemarle's children as well. He said within the present School From Home, having a college-educated individual in or near the home is an important resource for the future that they know is neither geographical nor demographically distributed equally.

Mr. Powers said in moving on to living standards, the third component of the AHDI discussion, they are focusing on income, specifically within the context of Albemarle County itself. He said they do this through a metric called the Asset Limited Income Constrained Employed metric (ALICE), and unlike the federal poverty line, which is a standardized metric across the entire United States, the ALICE was specially created by the United Way, and it is calibrated to the cost of living in each County. He said they think of it as the bare-minimum cost of household basic needs necessary to live in the current economy, which includes housing, childcare, food, transportation, healthcare, and taxes.

Mr. Powers said that the graph on the screen showed how the ALICE threshold has changed between 2010 and 2018. He said the purple-shaded region was all incomes that meet the ALICE thresholds, whereas the blue line showed the median household income for all individuals in Albemarle. He said about 50% of households will fall with incomes beneath that line, and about 50% of households will have incomes above that line.

Mr. Powers said the first takeaway from the graphic is that in Albemarle, the ALICE threshold is about \$75,000 for households, which has grown by a full 50% since 2010. He said moving onto the next slide, they also investigate this demographically as aggregated. He said one could see that by aggregating by race and ethnicity, in general, the median incomes among Blacks, Hispanics, and Native peoples have been well below the ALICE threshold for the past ten years, with the threshold slowly overtaking the incomes of white and Asian populations as well.

Mr. Powers said to draw some conclusions from this, he would turn the presentation back to Ms. Claibourn.

Ms. Claibourn said they wanted to send this as a preview, and as Ms. Russell mentioned, there would be a full written report with this and more in it coming soon where they wanted to share with the Board and community where they are going with this. She offered to answer any questions then or later.

Ms. Claibourn said Mr. Powers had asked her to draw some conclusions, but instead, she would leave the Board with a final slide that was meant to provoke one's thinking. She said as a way of closing, they wanted to leave the Board with the visual shown, which showed a breakdown of the racial demographic of the county over time with one line showing the percentage of the population that was white and the other line showing the percentage that was not white in each decade. She said noting that the disparities in wellbeing across race and space that they have shown briefly, these themselves are outgrowths of the region's longer history. She said what they have shown so far are current snapshots, but it is important to keep that longer history and the things that have come before in mind.

Ms. Claibourn said the graph showed that the racial composition of the County over the course of the time in which they are categorizing these things (from 1790 to present), and that in Albemarle, 82% of the population is white. She said this has not been the full story, and there is a great deal of historical work that can explain this sharp deviation seen on the graph. She said they wanted to leave this with the Board as part of the context that they need to all be using as a framework to understand their current status.

Ms. Russell said if there were any questions for the Board specifically for Ms. Claibourn or Mr. Powers, there was time to address those before moving on to the next piece.

Ms. Price asked if any Board members had questions.

Ms. LaPisto-Kirtley said she was thankful for the presentation, which she thought was informative. She thanked the presenters for their hard work.

Ms. Palmer said while she had no questions for these presenters, she did have some questions on the previous presentation. She thanked them for the informative presentation.

Ms. McKeel said she would very much like to have copies of the slides in the presentation, as they were not included in the slides that Ms. Russell shared with the Board. She said she hopes that with this data, which she thinks of as part of the Atlas data, they will be coming back to have more detailed discussions about it at a future time. She asked if this was correct.

Ms. Claibourn replied that she was happy to, and she was sure they would be coming to talk about the full report. She said they were happy to talk about the Equity Atlas as well.

Ms. McKeel expressed her satisfaction in knowing they will have more discussions later.

Ms. Mallek said she was overwhelmed by all the information, as well as by the fact that there are many more micro-neighborhoods and pockets of communities that they have not even touched yet. She thanked the presenters for this start and said she looked forward to seeing more in the future.

Ms. Price said she had to say that some of the last slides shown caused her a great deal of distress as she looked at the disparities between all of the quality-of-life factors identified between both the geographic regions within the County as well as among the different demographic groups identified. She said the graph on the screen showed dramatic decreases in the percentages of populations of the non-white residents of the County, and they all know that up until shortly after the Civil War, much of this was the slave-holding population. She said they know that there were migrations to up north and the like, but this has continued for decades now.

Ms. Price said that one of the most recent previous slides before that one, she recalled that there was a 15-year life expectancy difference between a demographic group with the highest life expectancy versus the lowest, by racial identifiers, but they also know that there are economic identifiers. She said she was not sure if these exact words were used, but as they have heard and seen in other reports, one's neighborhood should not determine their life expectancy. She said the reality, though, is that it does.

Ms. Price said this is very informative information that will help the Board in order to better identify the resources that they need to provide to some of the most vulnerable populations. On behalf of the entire Board and County, she thanked Ms. Claibourn and Mr. Powers for the information they provided, and they look forward to continued work with them to improve the quality of life for everyone in the County.

Ms. Russell said to respond to Ms. McKeel's question, they will absolutely be coming back to the Board, and the Board will receive the full report. She said this information also connects directly to the Equity Impact Assessments that staff will be bringing forward project by project, policy by policy, where they are doing a close examination of who, where, and how these impacts are felt, and tying this to wellbeing as well. She said there would be much more on this to come.

Ms. Russell said she would transition to the last presenter for the day. She said earlier, they described the theme of "Momentum," but the goal for 2021 is really building on what they've started. She said she did want to take a moment to amplify what Ms. Price and Ms. Claibourn mentioned that the starting place was not last year's Annual Report, or 2018 (when they started the OEI), but a much longer history of cumulative effects and compounding inequities that they have to overcome as an organization and a community in order to actually achieve their mission of enhancing the wellbeing and quality of life for all. She said this will take increasing conviction and courage, and even stronger will.

Ms. Russell said importantly, it will take more than what they are doing right now. She said they will not be able to do this alone, and they will need their partners even more than they have in the past.

Ms. Russell said on that note, she would introduce the next partner who would be presenting, who is the CEO and President of the United Way of Greater Charlottesville, Ms. Ravi Respeto, who will be speaking to the disparate impacts that have been felt in the community from the COVID pandemic, as well as some of the work of the United Way.

Ms. Respeto said that as she has presented in the past, the United Way is focused on helping economically vulnerable families in the community and striving to ensure they can reach a stable financial position. She said the organization's mission is for a strong and equitable community, where every person can thrive.

Ms. Respeto said that to that end, the United Way has developed a five-year strategic vision that by 2026, they will be able to lift 1,800 families out of poverty. She said specifically, they are looking at 133 Black head-of-household families. She said there are some deep disparities that exist in earning potential between white families and Black families in the community, and this means increasing the annual income of a family of three to a survival income of \$45,000, which is a number taken from the Orange Dot Report, meaning that one can have affordable housing, transportation, and childcare. She

said that to do this, they are greatly expanding their direct service programs and partnerships, some of which they would talk about that day.

Ms. Respeto said that across the Planning District, poverty has been pervasive and challenging, and it has been difficult to change the number. She said 12,000 people currently live in poverty, and this is people who fall within 200% of the Federal Poverty Level. She said to give some context, this is about \$54,000 for a family of four to survive on each year. She said 30% of the children within the Planning District are eligible for free and reduced meals.

Ms. Respeto said poverty is a challenge in the community, and with the COVID pandemic impacting the community, she will present what they have seen this year in terms of the families that needed emergency support, then talk about some of the interventions that United Way is working on with their partners and what the data looks like related to that.

Ms. Respeto said first, she would talk about the CERF (Community Emergency Response Fund) Fund. She said this was a partnership that arose as an emergency response stopgap fund to support families impacted by the pandemic. She said in the first week of March, everyone was wondering how the pandemic would impact the community. She said that by the second week in March, most were working from home, if they were lucky. She said many people could not work from home, and many in the community work in service jobs. She said they have one, two, or sometimes three part-time jobs. She said many of them were laid off, or their hours were greatly reduced.

Ms. Respeto said to try to combat that economic tsunami they were seeing, the Community Foundation reached out to the United Way, and they reached out to the City, County, and Charlottesville Community Cares nonprofit to form what they call the CERF Partnership.

Ms. Respeto said the Community Foundation was very successful in raising about \$4.5 million, and each played a role in dispersing these emergency funds out into the community. She said as seen on the slide, 17,866 individuals were helped by this fund. She said this was pulled together in about eight weeks, starting in the third week of March and finishing around the end of May. She said a little over \$4 million went out into the community.

Ms. Respeto said there were weekends where they would receive over 1,000 calls, and so the need was palpable and intense. She said in looking at who was requesting resources, the Planning District was highlighted, but Albemarle County was actually number one in terms of need, with 1,702 individuals reaching out for help, with the City of Charlottesville closely following at 1,460.

Ms. Respeto said in looking at where the greatest need was, the County has led the need for CERF emergency funding, and this trend continued when talking about the Pathways Program.

Ms. Respeto said when they look at who was looking for funding, Black African American families were the highest-need group at 2,238, followed next by white families at 1,231. She said again, there is a fairly large gap in the families that needed support.

Ms. Respeto said Pathways funding was another way that the United Way was able to support the community. She said after the CERF fund was retired, there was about a month gap, and that is when they started talking to the County of Albemarle (specifically, Ms. Phyllis Savides and Ms. Russell), as well as Ms. Gretchen Ellis and Ms. Kaki Dimock's team with the City, on how they can continue to support families who were trying to recover from the pandemic. She said they became part of the team that has been dispersing funds out to families and localities, and she wanted to show the Board what it looks like in terms of Albemarle, adding Charlottesville's data for comparison.

Ms. Respeto said as it stands now, the United Way has dispersed \$862,122 for the Pathways funding, and when they look at the racial breakdown for Albemarle County, 429 of those individuals were Black African American, with Charlottesville being 436. She said again, there are deep disparities in the families that need support, with 51% being the overall number for African Americans in the County and 18% being white families. She said what these trends are saying is that the most economically vulnerable individuals are predominantly Black African American families.

Ms. Respeto said the other program the United Way has been involved in dispersing is the Rent and Mortgage Protection Program. She said they have been doing this as a subgrantee with the Thomas Jefferson Planning District. She said they have given a little over \$1 million to this program, with \$800,000 having gone to County residents and \$294,850 to City residents.

Ms. Respeto said this program was a stopgap to ensure that people were not evicted from their homes. She said the majority of calls that came in were for people who were renting properties, and there were many types of stories. She said sometimes, people would be renting a room and often, they could not get a lease agreement, so the organization was unable to help them. She said they had families who were literally ready to be evicted knocking on their door and trying to seek support. She said this program filled a huge need during the pandemic.

Ms. Respeto said in terms of the racial breakdown, in Albemarle County, there were 225 Black African American individuals that applied for the program. She said for Charlottesville, it was 113. She said 55% of individuals were Black, while 26% were white.

Ms. Respeto said in thinking about all of this broadly, the question is to what to do and how to

provide interventions to support the most economically vulnerable families, particularly Black and brown families which, as seen in the data coming out of the pandemic, have been disproportionately impacted. She said one of the things they look at are social determinates of health.

Ms. Respeto said while the United Way no longer focuses on health, she wanted to include the slide shown because Dr. Ebony Hilton, who is on the board, is an anesthesiologist who has been working in the COVID unit at UVA Hospital since the pandemic hit, and she was recently written up in an article in The New Yorker. She encouraged the Board to read the article, in which Dr. Hilton talks about what she saw in the community.

Ms. Respeto said one thing that was striking to her was that out of the ten initial COVID patients that passed away in the community, seven were Black. She said Dr. Hilton's big concerns were that they are not getting out into the communities of Black and brown families with testing, with messaging around how to protect their families, particularly within the local Hispanic population; and that these families are not in positions where they can work from home, as they are often frontline workers without that level of protection.

Ms. Respeto said it is important when thinking about quality of life in the County for everyone to enjoy the same type of quality as it relates to health and wellbeing.

Ms. Respeto said another big area where the United Way has seen some disparities is around virtual learning and families having to teach their children at home. She said they have their Santa Fund for schoolkids, which has given out \$230,000 worth of resources to families in the community. She said specifically, they have pulled data on the support they have been able to offer to residents of Albemarle County, and out of families that accessed the fund, 47% were Black African American.

Ms. Respeto said they have done work with the schools to try to provide intervention. She said one thing that seems simple but has made a huge difference is providing 350 laptop docking stations to County Schools, mostly for 1st through 3rd Grades. She said many of the kids on free and reduced lunch were struggling with coming to school with having laptops charged, and there was no way to get that many laptops charged in the classroom. She said the United Way was able to provide 350 docking stations, which allowed kids to have their laptops charged. She said the little things sometimes make a huge difference.

Ms. Respeto said these were little examples, but water bottles were another issue. She said children could not use the water fountains because of COVID, and these children did not have water bottles, so they would come to school and did not have water to drink. She said providing water bottles was another example of the interventions the United Way has provided.

Ms. Respeto said mostly, what they have seen is that there is a gap in families that are economically disadvantaged not being able to get internet in their homes, or they have internet that has been turned off. She said the United Way helped multiple families turn back on their Comcast and are providing support for that. She said they have had multiple families contact them who do not have Comcast at all because they are in rural areas, and so they are providing hotspots to those families. She said again, the data they are seeing is that predominantly, black and brown families are the ones with the highest level of need in these categories.

Ms. Respeto said the Family Investment Program is something they launched a couple of years ago as a pilot program. She said it is in its third year and is starting to have some real success stories. She said it is a program that basically walks with a family over two years and provides up to a \$10,000 investment in helping them achieve a financial plan. She said many families are looking to improve their incomes and credit scores. She said many are looking to buy their first home. She said the United Way provides a lot of interventions, whether it be childcare scholarships, support with buying an affordable vehicle at a low interest rate, and support for getting a degree such as a CNA.

Ms. Respeto said one of the families that is a County resident, whose name is Jerminia, has just graduated from the program. She said the United Way partners with Habitat for Humanity with the Pathways program, and Jerminia was able to complete the program and get her first home with Habitat. She said Jerminia is a single mom with four children who grew up in West Haven, graduated from PVCC (Piedmont Virginia Community College), and went on to work with Sentara Martha Jefferson, where she has recently been promoted and has increased her wage earning by 56%.

Ms. Respeto said she would talk about preventative programs to close the gap. She said programs like the Family Investment Program are proving to be very successful in terms of providing long-term sustainability and families achieving financial stability.

Ms. Respeto said lastly, she wanted to share the Early Learner Scholarship Program. She said this was probably one of the number one programs the United Way has been able to employ for workforce development. She said they allow a family to get up to \$12,500 a year to ensure that their child can attend early quality preschool programs. She said from the racial breakdown of which families are accessing the program, one could see that Black African American families are accessing the scholarships at 56% overall. She said the average income of the families who apply for these scholarships is \$21,220 a year.

Ms. Respeto said as one could see from the data points she provided, this does not leave much for everything else. She said this is \$5,620 per year in rent, utilities, food, transportation, clothing, and



insurance. She said this program has been highly successful and one that they continue to grow.

Ms. Respeto said the takeaway from her presentation is that this is the data they are seeing that is coming out of the community, and specifically, she was highlighting what is happening in Albemarle County. She encouraged everyone to think about the disparities that exist in the community for black and brown families, be intentional in how they look to provide interventions and support, and work together collaboratively with nonprofits partners and other government agencies to look at how they can increase the numbers they are seeing with these disparities.

Ms. Price thanked Ms. Respeto. She addressed the Board, noting that between the technical difficulties experienced that day and with being 15 minutes over the time allotted for the totality of the presentation, they would have to expedite going through their questions. She asked Ms. Russell how much longer she anticipated her presentation would be before moving on to the action item on the mission statement revision.

Ms. Russell replied that this was the end of the presentation.

Ms. Price asked the Board if they had any questions for Ms. Respeto.

Ms. Palmer said that with respect to people who own their own home, there are a variety of people who are very low-income who have to come up with their property taxes, and the County can only help people who are elderly or handicapped as far as trying to reduce their tax burden. She asked if this was considered in the work that was done.

Ms. Respeto asked Ms. Palmer if she was referring to the Rent and Mortgage Program.

Ms. Palmer replied that she meant helping people who were in any of the programs in terms of people who were trying to pay their taxes.

Ms. Respeto replied that this was not a common request. She said the common request they had was for rent. She said predominantly, they had people calling who needed rent assistance, and very few people had a mortgage. She said if it was not rent, it was typically about groceries and prescriptions.

Ms. McKeel said she did not have any questions about the last presentation. She asked if she could ask a couple of questions in general, as she assumed that they were ending this agenda item.

Ms. Price asked Ms. McKeel to proceed.

Ms. McKeel said she was thrilled to see that they are looking at an Equity Impact Assessment for the projects and policies that will be coming to the Board. She said she had a quick question, perhaps for Ms. Russell. She asked if this assessment would not simply be a checkbox.

Ms. Russell replied no. She said it was not a checkbox, but more of a full response to each of those questions. She said it would not, for instance, be a question like, "Have you considered equity?" but rather, "How will this affect particular people or places?"

Ms. McKeel said this was great to hear and that she liked this. She said she hopes the assessment and looking through this lens will include, for example, rezonings and land use as well as other issues the Board deals with.

Ms. Russell said yes. She said the Community Development Department has been a key partner, and OEI is working with them to build this into that as well.

Ms. McKeel said this was perfect and wonderful. She said she looked forward to more discussion around these topics.

Ms. Mallek said she would commit to more homework, and she also especially appreciated the impact analysis for the land use decisions. She said other than just the ReStore'N Station, which impacted the entire neighborhood of Freetown, which had been there since 1814, there are many more options that they need to do a much better job.

Ms. Price thanked Ms. Respeto for her presentation. She said she would ask that she also look at her data from a slightly different point. She said on a couple of the slides, Ms. Respeto showed Pathways and CERF percentage of beneficiaries, for example, with one being 51% of the beneficiaries were white, while 18% were Black. She said when looking at the difference between the percent of population in the community that is white versus Black, instead of looking at the total percentage that received it, they should look at the percentage within each demographic.

Ms. Price said this will demonstrate that the actual percentage of Black families who required financial assistance is even substantially higher because if 15% of the total beneficiaries were Black, but only 18% of the population is Black, what it really means is that the Black population is suffering economically at an even greater percentage. She said she would simply ask that when the data is looked at, that they also break it down by demographic group, not just in terms of total group.

Ms. Respeto agreed. She said this is actually an item the United Way is working on. She said they pulled the data for the presentation that day, and it was the first time they have had it all collected

since it has been happening in real time. She said this was definitely an item on their list.

Ms. Price said she would also like to give another thanks in total to Ms. Binte-Farid, Mr. Brooks, and Ms. Russell for everything they have done to bring this together. She asked Ms. Russell if this was the end of this section.

Ms. Russell replied that it was, and they just had the action item remaining.

Ms. Price thanked everyone who made the presentation possible, and as informative as it had been.

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Agenda Item No. 10. **Action Item:** County Mission Statement Revision.

The Executive Summary forwarded to the Board states that Albemarle County Local Government's current mission statement is "to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds."

Local government leadership recently added the organization's first new core value in more than 20 years. The new core value is reflective of the organization's commitment to working to integrate equity, diversity, and inclusion into the way we serve our community. The wording of the current mission statement is not well aligned with this priority.

According to the United States Census Bureau 2019 population estimates, Albemarle County's population of foreign-born persons was 10.4%. According to the Charlottesville International Rescue Committee, since 1998, our region has welcomed more than 3,000 refugees from over 32 countries into our communities. The University of Virginia has long been an attractor of diverse professional and academic talent from all over the world who have made Albemarle their home.

Albemarle County is a vibrant and thriving community with a diverse population of engaged residents and with over 70 languages spoken in households across the county. Revising the mission statement by replacing the word "citizens" with "community members" would allow the County mission to better reflect our commitment to serving each and every member of our community. The proposed revised Albemarle County Local Government mission statement would be, "to enhance the well-being and quality of life for all community members through the provision of the highest level of public service consistent with the prudent use of public funds."

No budget impact is anticipated.

Staff recommends that the Board approve revising the Albemarle County Mission Statement by replacing the word "citizens" with "community members".

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Ms. Siri Russell said the next item was an action item in reference to the County Mission Statement. She said the County mission statement reads, "To enhance the wellbeing and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds." She said she was asking the Board to make a small, but meaningful, change to the verbiage of the mission statement and replacing the word "citizens" with "community members" to reflect the vibrancy and culture of all community members in Albemarle County, including those who are not currently legal citizens.

Ms. LaPisto-Kirtley said she absolutely supported the modification.

Ms. Palmer said it sounded good, and she was all for it.

Ms. McKeel said absolutely.

Ms. Mallek said she supports this and often uses the word "residents" instead of "citizens," but "community members" is much better.

Ms. Price said it was clear that a number of community members paid attention to what the agenda was, as they did have some commentary that showed support from the community as well. She said she concurred with the other Supervisors.

Ms. Price asked Mr. Kamptner if a motion was needed.

Mr. Kamptner replied yes.

Ms. LaPisto-Kirtley **moved** to approve the revised Albemarle County Mission statement by replacing the word "citizens" with "community members." Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Gallaway

Ms. Price thanked Ms. Russell and everyone who assisted her in her work for this presentation and important change to the mission statement.

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Agenda Item No. 11. **Action Item:** SE202000021 Homestay Special Exception Milton Ridge Properties (Phillips).

The Executive Summary forwarded to the Board states that, pursuant to County Code § 18-5.1.48(i), the applicants are requesting a special exception to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125-foot setback for an existing Homestay at 1819 Milton Road to 100 feet +/- from the front western property line and to 35 feet +/- from the southwestern property line.

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

Staff recommends that the Board adopt the attached Resolution (Attachment H) to approve the special exception with the conditions contained therein.

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Ms. Lea Brumfield, Senior Planner, said that per the Board's direction, staff did submit two homestay special exception applications to the Consent Agenda, which were approved an hour earlier. She said staff did bring this one homestay special exception to the Board as an action item, as they did receive a letter expressing concern from a neighbor, which they would address later in the presentation.

Ms. Brumfield said this was Special Exception SE202000021 for the Milton Ridge Homestay Special Exception. As a reminder, she presented on the screen a list of the homestay regulations for Rural Area parcels of a minimum of 5 acres in size. She said this special exception was received for a Rural Area parcel exactly 5 acres in size. She said it is in an accessory structure that was constructed in 2012, with one guest bedroom and no currently requested whole-house rental.

Ms. Brumfield said Rural Area parcels of this size can apply for two different types of special exceptions: use of accessory structures built after the adoption of the homestay ordinance, and the reduction of the required 125-foot setback from all house or parcel boundaries. She said this application is requesting a reduction in the 125-foot setback from the southern and southwestern parcel boundaries.

Ms. Brumfield said factors to consider in a special exception are that there is no detriment to abutting lots and no harm to health, safety, or welfare. She said the Board may approve a special exception with or without conditions to mitigate impacts or may deny a special exception.

Ms. Brumfield said the map on the screen showed the location of the 5-acre parcel off Milton Road. She said the homestay request is for the structure in the left bottom corner of the parcel, with the green roof. She said staff did receive two letters of support for the application from the two neighbors denoted in green asterisks.

Ms. Brumfield said staff did also receive one letter of concern from the neighbor whose parcel location was highlighted with the red asterisk. She said the concerns were focused on proximity of the homestay structure to the road and the applicant's building permit status. She said upon staff's confirmation, the structure did actually receive all required building permits and meets the by-right accessory structure's required setbacks. She said the neighbor expressing concern did say that she was not as upset about it and largely rescinded her comments.

Ms. Brumfield said the exhibit shown on the screen was rotated from the previous view to allow view of the actual building without trees blocking it. She said it showed setbacks the applicant has requested to be exempted. She said the neighbor most directly impacted on the homestay is Parcel 76C-1B1, which is directly across the road from that. She said the map showed the driveway going into the trees, and that this neighbor did write a letter of support for the applicant.

Ms. Brumfield said staff recommended the Board approve the resolution in their packets. She noted that the resolution that was uploaded in the agenda had the reverse order from the order it was written in, so the original resolution was Attachment G, and the buffer exhibit was Attachment H, in case there was any confusion about that. She said staff recommended the Board approve the resolution in their packets, with conditions to limit homestay parking to existing parking areas and to require a vegetative buffer be planted between the homestay and Milton Ridge.

Ms. Brumfield concluded her presentation.

Ms. Price said this was an item in her district, and so she would address this later. She asked the Board if they had any questions for Ms. Brumfield.

Ms. LaPisto-Kirtley said Ms. Brumfield mentioned there would be vegetation between the building and something else that was inaudible that she could not hear.

Ms. Brumfield said she would share the buffer slide. She presented on the screen the proposed location of the buffers that would be required in the conditions, as described.

Ms. LaPisto-Kirtley stated that she had no further question.

Ms. Palmer asked if since this is a 5-acre lot, they could have up to five rooms in this building. She said there is just one now.

Ms. Brumfield replied that the building could, theoretically, be expanded to not decrease any additional setback. She said there is not space in the building right now for five rooms. She said the main structure of the home itself does actually meet the 125-foot setback requirements, so if they wanted to have additional bedrooms to rent out, they could put additional bedrooms in the main home.

Ms. Palmer asked if they could add onto the structure under discussion that only has one room and if they would need to come back to the County.

Ms. Brumfield said they would not need to if it does not decrease the setback with the addition. She said currently, if they could build toward the house but not away, it would not be increasing the impact at all.

Ms. Palmer said they could build not just toward the house, but in looking at the picture toward the bottom of the slide, north.

Ms. Brumfield said this would be north. She apologized for the rotation, noting that there were so many trees to the south.

Ms. Palmer said they could fill in that triangle with an additional building and have a much larger homestay operation without coming back to the County because they would not be decreasing that setback.

Ms. Brumfield said this was correct.

Ms. Price said she did not have any questions. She reminded the Board that Ms. Phillips was one of the speakers during Matters From the Public Not On the Agenda for a Hearing.

Mr. Kamptner asked Ms. Brumfield if she could clarify the second condition that she showed in her presentation. He said it is worded slightly differently than the way the condition was worded in the resolution. He said it did not appear to be a substantive difference, but a clause that refers to the purpose for the buffer, which was in the slide on the screen.

Ms. Price asked Mr. Kamptner to help clarify that, as she was confused to what the significance of that was.

Mr. Kamptner said it may not be, but he wanted to be certain that if the language that is shown on the slide is what Community Development wants to be the condition, then the Board should adopt a resolution with that condition, too.

Ms. Price thanked Mr. Kamptner for clarifying this. She asked Ms. Brumfield if the language, as contained on the slide, was the actual proposed resolution.

Ms. Brumfield replied no. She said the language in the packets was the one that was approved by the County Attorney's Office.

Ms. Price asked if the Supervisors had any questions. She said if not, she believed it was clear that what would be approved or disapproved was what is in their packet, not what was on the screen.

Ms. Palmer asked if she could ask a question for clarity. She said she understood Ms. Brumfield was saying about what was approved by the County Attorney's Office, but wanted to know if Ms. Brumfield preferred what was on the slide. She noted that Mr. Kamptner was sending the Board a message. She asked what Community Development would prefer.

Ms. Brumfield replied that she had no objection to the change from the County Attorney's Office.

Ms. McKeel asked if they were referencing Attachment H in the packet.

Mr. Kamptner replied yes.

Ms. Price asked if there was any further discussion by any Supervisor.

Ms. Price **moved** that the Board adopt the resolution (Attachments D and H) to approve the homestay special exception, subject to the conditions contained therein. Ms. Palmer **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Gallaway

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**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SE2020-00021 MILTON RIDGE HOMESTAY**

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

\* \* \* \* \*

**SE 2020-00021 Milton Ridge Homestay Special Exception Conditions**

1. Parking for homestay guests is limited to the existing parking areas depicted on the Parking and House Location Exhibit dated December 23, 2020.
2. A vegetative buffer at least 20' wide must be planted and maintained in the general locations shown on Attachment H - Buffer Exhibit, with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

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Agenda Item No. 12. **Presentation:** 2021 Real Estate Reassessment.

The Executive Summary forwarded to the Board states that Albemarle County Code §15-700 requires all real estate in the county to be assessed annually as of January 1st each year and requires the County Assessor's Office to conduct a new reassessment. The Constitution of Virginia, Article X, Taxation and Finance, Section 2, Assessments dictates that "all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law." Also, State Code §58.1-3201 requires all real estate assessments to be made at 100% of fair market value.

The Real Estate Assessor's Office has completed the annual reassessment process for the 2020 Tax Year and notices are scheduled to be mailed to property owners on January 29, 2021. Among the information traditionally provided by the County Assessor's Office is the average overall change in assessed value. At this time, we are still completing our quality control on the county's more than 47,000 parcels.

Property owners who wish to request a review of their annual reassessment to the County Assessor must do so by February 28, 2021; this level of appeal is referred to as an Administrative Review and is allowed by County Code §15-702. Appeals may also be made to the Board of Equalization, if filed by March 30, 2021 or 30 days after the County Assessor has rendered their decision on a previously requested Administrative Review, whichever is later.

Preparation of mass appraisals that result in fair and equitable assessments requires the work of competent, well-trained personnel in the Real Estate Office in their application of assessment principles and best practices, adherence to Virginia Code and Albemarle County Code, compliance with regulations promulgated by the Virginia Department of Taxation and guidelines established by the International Association of Assessing Officers (IAAO). The focus of the Assessor's office in 2020 was to continue the review of as many properties as possible, updating property descriptions as needed, to create more accurate assessed values. This is the third year of a five-year plan to update all property data in the county to include an updated sketch of each residential property to ensure our records reflect the proper square footage of each home. Our focus on property reviews has greatly improved the quality of our overall assessments. The more accurate the improvement data in our records, the better our valuation model and assessment results and the more fairly the tax burden is spread across the population of the county.

The County Assessor will present to the Board of Supervisors regarding the reassessment process and outcome for Calendar Year 2021 which will highlight statistical information about the reassessment results by magisterial district and the change in value for the "average" homeowner, as well as other useful statistical information. A Frequently Asked Questions document (FAQ) has been prepared by staff for distribution to property owners and will be included in the mailing of assessment notices. A copy of this FAQ sheet is included as an attachment for your reference.

While there is no direct budgetary impact specifically related to this information, the results of the 2021 reassessment process provides important information for the current (FY 21) Budget and the FY 22 budget development process.

Staff recommends that the Board receive the CY 2021 Real Estate Reassessment report as presented. There is no formal action required.

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Mr. Peter Lynch, County Assessor, thanked the Board for allowing him a few moments to talk about both the 2021 Reassessment results and the 2021 operations in the Assessor's Office.

Mr. Lynch said as a reminder, the three primary functions of the Assessor's Office include the annual reassessment in which, out of all the properties in the County, they review 20% each year. He said they thus try to cover all of the properties, over a five-year period, to make sure the data is up to date. He said the office validates all sales transactions that take place, and they update the descriptions of the properties based on new information.

Mr. Lynch said they then update the valuation model for residential properties and for commercial properties, and they use this to create the new assessments. He said he would go into more detail about the reassessment momentarily.

Mr. Lynch said his office also picks up all new construction and buildings that are completed. He said they pick them up when they are 100% complete at any time during the year, but they also pick up any structure that exists as of January 1 based on the percent completed at that time.

Mr. Lynch said they also administer the Land Use Program, and as part of that, they conduct a biannual revalidation. He said the next revalidation is the 2022 revalidation, which actually starts in 2021. He said the first phase of the revalidation is the paperwork phase, when they provide forms to the participants in the program, and they return those forms with all the information that the office needs to validate the use they have on their properties. He said they also review new applications for the program annually.

Mr. Lynch said he also wanted to talk about the Assessor Office's achievements in 2020, and he was excited about this because they have been able to achieve a lot during that year. He said one achievement was a technical matter in the assessment process, but something they have been working on over multiple years, which basically speaks to the way they have their data organized for the assessments. He said in the past, they had too many neighborhoods, or groups of properties, in the data, and over the last three years, they have been trying to narrow this down to group properties in the larger groups. He said it makes it a much more efficient process and helps with their accuracy and to organize the properties, which helps quite a bit in operations.

Mr. Lynch said accuracy is also improved based on staff sketching the properties in their appraisal software. He said they have talked for at least three or four years about the project to sketch properties off of a hand-written card and into the program that they use to value the properties. He said this allows them to make sure that the sketch is accurate, the square footage is calculated properly, and in the process also allows them to make sure that the information on the properties is up to date.

Mr. Lynch said when he spoke to the Board last January, they had a goal for 2020 of sketching 4,000 more properties in the system. He said that in the process during 2020, they actually sketched more than 14,000 properties and far exceed their expectations. He said much of this was due to being locked in and not being able to do a few other tasks that they would be doing, but it is a great milestone to have reached. He said they are almost complete with all of their single-family residential properties now, and this is a huge step forward.

Mr. Lynch said in terms of better results, the next item was land use. He said they hired a Land Use Administrator, and two years ago, they had this position added to the budget and hired someone toward the end of 2019. He said this person has been working diligently. He said they have had great results and are making sure that properties that are in the land use program are properly qualified based on legal requirements and use, and so there are two parts of it that must be followed.

Mr. Lynch said the slide on the screen showed that the office worked 135 rollbacks for more than \$975,000 in rollback and tax dollars. He said they have reduced the deferred assessments of over \$34 million worth, going forward. He said to give some perspective, in an average year, they would do 38 rollbacks, and so this is a huge improvement over that.

Mr. Lynch said other than a large parcel being converted from farmland to a new development, the number one reason why they would roll back a property is because for a property of any size (whether 20 acres or 5 acres) that is enrolled in Land Use that is vacant, then has a house built on it, they roll back the area for where the house then sits, the change in use from Agricultural or Forestry to that residential use; or, in some cases, it causes the entire parcel to come out of compliance, as they no longer meet the minimum acreage, and the whole parcel gets rolled back.

Mr. Lynch said this is a huge achievement in aligning the Land Use Program to the level that they want it to be.

Mr. Lynch said there is a lot to the reassessment and a lot of ways to break it down. He said the slide on the screen only showed the overall change of the tax base, based on the reassessment. He said this is an overall change in the year-over-year assessment levels, and it indicates that they have gone up 1.4%. He said this is from the end of 2020 to the beginning of 2021.

Mr. Lynch said this year, he included this slide to show a history of the annual overall increases, based on the reassessment. He said this goes back to their first year of annual reassessment in 2008. He said prior to that, it was the biannual reassessment. He said it shows the financial crisis and what happened to properties through there, then the recovery afterwards.

Mr. Lynch said once one starts looking at the reassessment in different ways, one sees different

results. He presented a slide with the breakdown by magisterial district which, in looking at the different districts, they vary widely. He said as they would see in upcoming slides, this is primarily due to the mix of commercial and residential properties within each of those districts.

Mr. Lynch presented another breakdown, by state code that breaks properties down between residential, commercial, and multifamily. He said this provides another look at how these properties are changing. He said as seen on the slide, overall, commercial properties are going down 5.5%, which is a huge driver in this year's reassessment.

Mr. Lynch said they had not really talked in detail about commercial properties before, but this year, because they stand out so much from the overall picture, he wanted to provide some perspective. He said the properties that were affected the most by the economic impacts of the COVID situation were hotels and shopping centers, and it is reflected in their values. He said these were average changes, and those properties were in excess of 20% decreases, on average, for that property class.

Mr. Lynch said offices were reduced, but not as badly, and they still have to see where offices are going to go based on what is going on with the current climate, with office versus working at home. He said mini-storage is still doing well. He said he included the residential overall change as a comparison.

Mr. Lynch said the overall change, as shown on the previous slide, was 2.8% for residential properties. He said the slide on the screen further broke this down between the different value ranges so that the Board could see how well the lower-end properties are doing as compared to the higher-end properties. He said the lower-end properties are seeing larger increases than the top end of the market. He said typically, there is much more demand on those lower-end properties.

Mr. Lynch said on the higher-end properties, he has been seeing some difficulty with homes that are larger than 4,500 or 5,000 square feet, and so this has been putting some pressure on the top end.

Mr. Lynch said at the bottom of the screen, he showed that the median home value is now \$354,500 in Albemarle County. He said in an email to the Board that morning, he provided a sample notice, and it reflects the median value and the change that would affect that house at that level, based on the 3.2% average for that group of homes or value range. He said he hoped the Board found this useful in terms of the effect on the average person and how much more in taxes they would pay.

Mr. Lynch said the next slide was showing that when his office does the reassessment, even by property class, it is not as simple as everybody in a group going up 3%, down 2%, or the like. He said when they changed the valuation model and they apply this to any changes to properties that they find during the year, it results in a wide range of value changes. He said the slide showed that the majority of properties fall within the 0-10% range. He said they are mainly in that average increase amount. He said there is a group that decreased, up to 10%, and a smaller group that increased over 10%.

Mr. Lynch said one of the reasons for decreases is that land use values have decreased this year, from 10-20%, based on the class of land that is included. He said larger rural properties could be affected, especially if they are not improved and do not have homes on them, so they would more likely fall in this range.

Mr. Lynch said he always likes to talk about support because when they come out with these values and talk about their valuation model, the model is only as good as the information that goes into it. He said one important aspect of making this model work well is the updating of the data he talked about earlier. He said it is also about having enough sales to use to calibrate the model and make sure that it is working property.

Mr. Lynch said that earlier in 2020, they were a little concerned about the number. He said they saw that prices were going up, but they were concerned about the number of sales they might have. He said in the end, however, they ended up having almost as many sales as they have had in the last two years, and certainly on average with the last four years. He said there was a substantial sales volume to support the work they have done.

Mr. Lynch said they are required to assess at 100% of market value, and this means that when they take an assessment-to-sales-price ratio on all the sales that took place (2,089 sales), they basically need the middle one to be at 100%. He said this is an easy standard to reach, but he provided the variance column on the slide because this really shows how tight around that 100% all of the sales are. He said it does not matter if one sale it at 100%, and this does not mean that they have done a good job. He said the fact that they have all those sales ratios in a tight group around that 100%, however, is an indication that they did a better job.

Mr. Lynch said the slide showed that over the last five years, they have reduced the variance almost in half, which they are very proud of. He said he did include on the slide the state ratio studies, and they were the only ones available at that time. He said he wanted to explain this because if one will hear that the state says that the County's ratio was 95% in 2018, or whatever it comes to be in 2019, there is a difference between the way they calculate the ratio and the way the County does. He said they are calculating their 2021 values based on 2020 sales. He said the state will look at 2021 sales to determine the ratio of the 2021 values, so it is after the fact, after the County has determined the assessments.

Mr. Lynch said the state also does not include new houses in their calculation, and so there are

some differences in the way those numbers are calculated.

Mr. Lynch said the County's numbers are good for the use that they have, and it shows the support for what they are doing. He said he just wanted to point out those difference.

Mr. Lynch concluded his presentation and offered to answer any questions.

Ms. LaPisto-Kirtley said she learned a lot and appreciated the presentation.

Ms. Palmer said she had a question about the hotels. She asked what this had been doing in the last few years and if Mr. Lynch could give information on whether or not drivers (such as homestays) are driving that number down.

Mr. Lynch replied that over the last several years, prior to 2020, hotels were doing fine, with one exception that he could think of. He said the values of hotels had been slowly climbing over time. He said this was just a huge hit to their operations where normally, hotels in the County's area are occupied maybe 60-70%, on average, for the year, and they have been seeing 20-30% occupancy.

Ms. Palmer said it is COVID related, and so they would expect that in another year, this will start going back up.

Mr. Lynch replied that they absolutely do expect this to go back up, and it is just a matter of time.

Ms. McKeel said this was an excellent presentation. She said to add what Mr. Lynch and Ms. Palmer were just talking about, through the CACVB, they have learned that while the hotels have taken a huge hit, the hotels are doing better than many in the state. She said it might be interesting at some point for the Board of Supervisors to get information from the director of CACVB on some of these topics.

Ms. McKeel said that as noted in a recent email, Mr. Lynch normally provides the Supervisors with their own magisterial data. She asked if he would be sending this out to them.

Mr. Lynch replied yes. He said he had thought Ms. McKeel was referring to the average change for the district in the slide that he showed, but he does provide the Board with a list of residential neighborhoods and the average change for each neighborhood. He asked Ms. McKeel if this was what she was referring to.

Ms. McKeel replied yes.

Mr. Lynch said he has been working on this for the last couple of days and would get this out to the Board.

Ms. McKeel said there was no rush, but she wanted to make sure that they continue to receive this. She said the only other comment she would make is that for those who might be listening, assessments will be mailed the last week in January.

Mr. Lynch said this was correct, and thanked Ms. McKeel for reminding him to say this. He said on Friday, January 29, they will be mailing the notices, so people will have them in their mailboxes starting the next week, in the beginning of February.

Ms. Mallek said she had three short questions. She said looking at the values in White Hall going up 2.5%, she would assume that this would be related to lots of new construction in Crozet, primarily. She asked if this would be a good assumption.

Mr. Lynch replied no, not directly. He said these numbers he is reporting are reassessment only and do not include new construction. He said the demand out there that is driving that new construction is the same demand that is driving the increase in assessments on existing properties, so it is connected in that way.

Ms. Mallek said it was with a different metric.

Mr. Lynch replied this was correct.

Ms. Mallek said when Mr. Lynch talked about the rural land values going down, she wanted to know if this was related to the SLEAC (State Land Evaluation and Advisory Council) numbers he is given for the land use values per crop, or if this is something else.

Mr. Lynch replied yes. He said it is the SLEAC land use values and not the market value on land in the County.

Ms. Mallek said this is a state agency determined value that the County uses.

Mr. Lynch said yes.

Ms. Mallek said her last question was about the 4.02 variance label. She asked Mr. Lynch if he could describe what this means.



Mr. Lynch replied that it works like a standard deviation that a certain percentage of properties fall within. He said it is not exactly like this, but similar to it. He said if 100% is the center and what they are shooting for, 60% or so are within 96% and 104% of the ratios, and then 95% are within 90-110% ratios. He said the ratios on an individual sale, when comparing the assessment-to-sale price, not all of them will be exactly 100%, and there is no way to ever do that. He said they will get ratios of 90-110%, and they are hoping to get a majority of properties in that range.

Ms. Mallek said the smaller the variance number, the better they are doing related to state certification.

Mr. Lynch replied yes. He said the guidelines for assessors indicate that they should be less than 15% on that number.

Ms. Price thanked Mr. Lynch for the presentation and said she had two comments. She said the first was that it is interesting that the only classification of commercial property that actually saw their values increase was commercial property that does not itself generate any sort of product or services, which is mini-storage. She said she thinks this has demonstrated the impact of the pandemic, as more and more commercial enterprises are recognizing that they can have their workers perform their services or duties from home, or from another remote location. She said as Mr. Lynch indicated on hotels, fewer people are traveling based on the pandemic.

Ms. Price said some of these things are likely to improve once they get through the pandemic, while others may not so much. She said this is an important aspect for the County to take into consideration as they look to the future on where the tax dollar income will be generated.

Ms. Price said her second comment was that with regard to the variance figure improvement, she sees this as a win-win, a win for the property owners and a win for the County. She said for property owners, it means they can have greater confidence in the accuracy of their tax assessment because if or when the property goes on sale, this should be close to where the sales price would likely be. She said for the County, it is a win-win because it means they are neither collecting too much nor too little based on the assessed values. She said she wanted to give a lot of credit to Mr. Lynch and his staff for being able to improve those figures.

Mr. Richardson said he realized Ms. Price was trying to move them and get them back on track, so he would be brief. He said he appreciated the Board's supportive comments of Mr. Lynch and his division as part of the Finance and Budget Department. He said one of the things that excites him every time he sees Mr. Lynch speak to the Board is that he can show them and the community where they have been and where they are, with a roadmap for continuous improvement. He said it is data driven, with data measurements.

Mr. Richardson said if he were to walk in Mr. Lynch's office right now and ask him what they would be doing in two years that they are not doing right now, Mr. Lynch has a vision for that, and this is a vision that is tied to him with the broader improvement work going on in a number of internal service departments. He said Mr. Lynch is internal service, but external-facing, and the good work that he and his team do benefit the community members every day.

Ms. Price thanked Mr. Richardson, noting that this was important not just for the Supervisors, but for the rest of the staff and, most importantly, constituents to hear.

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**Recess.**

Ms. Price recessed the meeting at 3:33 p.m.

At 3:46 p.m., Ms. Price called the meeting back to order, noting for the public that the meeting was still experiencing a few technical difficulties. She said they would go ahead and move forward, however, with the next presentation.

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**Agenda Item No. 13. Presentation: Q2 FY 21 Albemarle County Economic Outlook.**

The Executive Summary forwarded to the Board states that, with a goal of giving the Board a sense of the current state and future direction of the county's economy, staff have reported quarterly on a set of economic indicators. After a hiatus in 2020 due to the impact of the pandemic on staff resources, this quarterly report resumes. These indicators include:

1. Specific General Fund revenues that correlate with changes in regional Gross Domestic Product (GDP);
2. U.S., Virginia, and Albemarle unemployment rates;
3. The total number of jobs, by sector, in the County;
4. Average weekly wage data for Albemarle; and

5. Regional house price index information for the Charlottesville Metropolitan Statistical Area.

These quarterly reports also have contained analyses of global and U.S. macroeconomic conditions that could have a significant impact on the county's economy and, by extension, Albemarle's fiscal health. The current economic outlook report is being delivered in presentation form, as a precursor to the County's annual budget process.

This presentation examines the state of the county's economy as of December 31, 2020 and offers insight into the county's likely economic trajectory in the coming twelve to eighteen months. Topics of discussion include:

1. County, State, and U.S. unemployment rates during the past year; interpreting the meaning of these numbers; and the likely direction of the County's unemployment rate in the near-term;
2. The relative performance of job sectors in the county during the pandemic, and prospects for growth in these sectors in coming quarters;
3. The ongoing impact of the Coronavirus pandemic on the U.S., state, and local economies, and the extent to which vaccinations might help improve the economic outlook;
4. U.S. household survey data regarding consumer sentiment, expected household income, net worth, and spending behavior and the related implications for the local economy.
5. Impact of U.S. fiscal and monetary policy on Virginia and Albemarle County; and
6. Results of national surveys of economists (e.g., NABE, Wall Street Journal) regarding U.S. economic conditions and what these survey results might portend for the county's economy.

The presentation and discussion of these topics seeks to clarify the economic opportunities and challenges Albemarle County will face between now and the end of Fiscal Year 2022 (FY 22).

There is no direct budgetary impact related specifically to this information. Current and anticipated economic conditions, however, provide insight into the likely direction of the current year (FY 21) General Fund budget and offer critical information for the development of the FY 22 General Fund budget.

As the Q2 FY 21 Economic Outlook report is a presentation, there is no formal action required.

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Mr. Steve Allshouse, Manager of Forecasting and Performance, Department of Community Development, said he wanted to preface his quarterly report with a few statements. He said he would keep this at a very high level, and he was focusing on two very specific metrics that deal more with business cycles. He said listening to the equity and inclusion presentation earlier that day, it was clear that there are many structural issues that affect Albemarle County. He said he was not focusing on those in his report, however, as his was more of a business cycle report.

Mr. Allshouse said one other thing he wanted to say in prefacing this report is that economic forecasting in this era is very difficult, mainly because the last time there was a pandemic in the United States was in 1918, and at that time, economic data was not being kept very carefully, or was nonexistent. He said economists today are being challenged by doing forecasting without having a good historical context to look at.

Mr. Allshouse said with this being said, they have seen that in Calendar Year 2020, Albemarle's real estate market had some categories that performed well (i.e., residential), while others performed less well (i.e., some categories of commercial). He said similarly, the County's economy in the last year has had many unfortunate things happen to it, but also interspersed with some hopeful signs, which he would talk about later.

Mr. Allshouse said currently, his assessment is that the County's economy is improving, to a certain extent, but he would caveat this statement by saying he would expect this winter to be especially harsh with what they are seeing going on with the pandemic. He said he does, however, expect that in the spring and summer, as vaccines roll out, they should see a more consistent recovery taking place.

Mr. Allshouse said one thing he would note, which is true of any recovery, is that they will probably see something that looks very bumpy, going forward. He said the reason he says "bumpy" is that they will see lots of good news mixed with lots of bad news, which is typical when looking at recoveries. He asked the Board to expect that when they hear something negative in the media about the local economy, they are also likely to hear positive things going on.

Mr. Allshouse said the focus of his presentation would be on the jobs base, unemployment rates, and other variables that have implications for the economy moving forward.

Mr. Allshouse said he wanted to first talk about jobs. He said jobs, in this context, are reported by place of employment, which is typically the headquarters where a firm is located. He said the jobs data includes both part-time and full-time data as well as temporary and permanent positions. He said they are not by full-time equivalent, so they have to be careful when interpreting these.

Mr. Allshouse said the other problem that he frequently runs into is that the jobs data from the U.S. Bureau of Labor Statistics and the Virginia Employment Commission typically runs two quarters behind, and so the most recent data he has is from June 2020.

Mr. Allshouse presented a line graph on the screen, noting this was what they were looking at in terms of the past year for which data is available. He said in the quarter that ended June 2020, they saw a contraction in the jobs base of about 10%. He said this is consistent with the United States figure, which declined during that same time period, between these two quarters, by about 11%.

Mr. Allshouse said the sectors of the job market that were most impacted were, not surprisingly, Accommodation and Food Services, which lost about 2,000 jobs or saw a 44% decline. He said Accommodations include hotels and motels, and Food Services include restaurants.

Mr. Allshouse said another sector that was adversely affected disproportionately was Arts, Entertainment, and Recreation. He said this last piece (Recreation) includes sports clubs, and so that sector was also very heavily hit.

Mr. Allshouse said finally, the Retail Trade sector took a major hit as well. He said they were down about 700 jobs for a 12% decrease.

Mr. Allshouse asked the Board to keep in mind that these three sectors accounted for about 65% of Albemarle County's private sector job loss, so clearly, these sectors were very heavily hit.

Mr. Allshouse said other sectors, however, were not heavily hit, and there were a couple of sectors in the local economy that actually experienced some very modest increases in their numbers. He said one of them was the construction industry. He said that between the two periods of Spring 2019 and Spring 2020, what they saw in construction was an increase of about 4% (or 98 jobs). He said that in the Finance and Insurance sector, they saw a very modest increase of 1.2% (a total of 12 jobs).

Mr. Allshouse said something he wanted to point out about these sectors that were very heavily hit (Accommodations and Food Services; Arts, Entertainment, and Recreation; and Retail Trade) is that these tend to be low-paying sectors, and they tend to include a lot of part-time jobs. He said what this should be saying is that the lowest-earning sectors of the population were the hardest hit. He said these sectors will eventually come back, but to keep in mind that this is a very differential, uneven impact of the COVID pandemic on the local economy.

Mr. Allshouse said looking forward, he has done some projecting, and he wanted to first orient the Board to the graph on the slide. He indicated on the slide to the actual and projected numbers of jobs. He said the two indicated numbers were actuals that were seen on the last slide. He said these two numbers in Quarter 1 of FY 21 and Quarter 2 of FY 21 are estimates, and the last four quarters are projections.

Mr. Allshouse said the way he has done this work is to look at what economists at the national level, through surveys he follows, are saying about job growth in the United States economy, and then translates those numbers or percentage changes into the local level. He said he has identified a functional relationship that seems to exist between jobs at the national level and the local level. He said this relationship is observable and though not always constant, it does give him an idea of where jobs should go in the future.

Mr. Allshouse said one thing that is interesting is that in Q2 of FY 21 (the quarter that ended in December), he estimates that they probably got about 40% of their jobs base back from the trough (shown on the slide) that occurred in Q4 of FY 20. He said moving forward with the projection, his thought is that by the second quarter of FY 22 (which is halfway through the next fiscal year), they should be seeing about 60% of the jobs returning. He said this is not a full recovery by the end of the first half of the next fiscal year, but he does believe that they will eventually see the total job numbers come back to where they were pre-pandemic. He said this will take a while, however, and will be a very slow process, in his estimation.

Mr. Allshouse said he wanted to talk next about the County's unemployment rate. He said there were, again, caveats that he should throw into these numbers. He said the unemployment rate measures people who are still in the labor force who are looking for work. He said this is a key concept because a number of people in the last year have dropped out of the labor force. He said looking, in fact, at the U.S. Bureau of Labor statistical data between November of 2019 and November of 2020, approximately 1,400 people dropped out of the Albemarle County labor force. He asked the Board to keep this in mind when he talks about the unemployment numbers.

Mr. Allshouse said he wanted to begin with the next chart, which came from the Federal Reserve Bank of St. Louis. He said it shows the unemployment rate in Albemarle County, going back about 30 years. He said the vertical bands on the graph indicated recessions. He pointed out that unemployment tends to be a very backward-looking indicator because the peak of unemployment related to each recession actually came after each recession was over, according to the National Bureau for Economic Research.

Mr. Allshouse said when looking at the 9% figure they saw in April 2020, one may be asking, "Would that be the peak? If we get out of the recession, are we going to see something worse than that?"

He said he did not think they will, and this gives an idea of how strange this period has been in Albemarle County's economic history.

Mr. Allshouse said what they see on the slide is a rate of 9% in April of 2020, going down to 3.6% in November of 2020. He said this is a dramatic drop, but as he mentioned earlier, there was also a contraction in the labor force. He said if he were to put back in the 1,400 people that he mentioned who dropped out of the labor force during the course of the past year, the unemployment rate in the County would be more like 6%. He said if he were to put in just half of the people who dropped out of the labor force, the County's unemployment rate would probably be more like 5%.

Mr. Allshouse said that based on historical data, he did not consider 5-6% to be full employment, and yet, this headline number would seem to indicate as such. He said he thinks they must be very careful when looking at that number.

Mr. Allshouse said that moving forward in the next several quarters, he estimated what the unemployment rate was in the second quarter of FY 21, at about 3.7%. He said as the Board would recall, it was 3.6% in the month of November. He said he did not have December data, which is why this was an estimated number. He said going forward, he is looking at numbers ranging from 3.5% in the third quarter of FY 21 down to about 2.3% in the last quarter of the next fiscal year (FY 22). He said this is a very long-range forecast, with lots of things that could happen between now and then that could either reinforce the trend he is expecting or could work against it.

Mr. Allshouse said because of the number of people that dropped out of the labor force in the County, the 2.5% and 2.3% numbers would probably represent more of a full employment scenario than what he has talked about in the past. He said he has appeared before the Board before and said that 3.5% is what he estimated to be full employment in the County, given the historical data. He said he is loathed to say, however, that they would be reaching full employment as of Quarter 3 of FY 21 for the very reason that he mentioned earlier, which is the contraction in the number of people in the labor force.

Mr. Allshouse said moving forward, there are some items he is looking at in the financial media and in his surveys of fellow economists that are positive, and they should be hopeful for the future. He said one thing is that the Coronavirus vaccinations are now being rolled out. He said they will take time and have a positive impact on the economy as people feel more confident that things are getting back to something resembling normal.

Mr. Allshouse said there were also things going on that he wanted to talk about, but he wanted to come back to the fact that the contraction they have experienced in the local economy in the last nine months has had a differential impact. He said when he says that the consumer confidence is increasing, he has to temper that statement by saying that there are large numbers of people in the community who are not confident at all. He said they may have worked in the hotel industry or lost a business during this recession.

Mr. Allshouse said when he looks at the national numbers, however, overall consumer confidence seems to be increasing. He said if he extrapolates down to the County's level, what this says is that overall, he expects consumer confidence, overall, to be increasing. He said that for the future, if consumers are feeling more confident, they are likely to consume more and get the economy kickstarted and moving forward.

Mr. Allshouse said similarly, looking at U.S. data from the Federal Reserve System, the U.S. savings rate in the last year has increased, and household net worth has increased. He said again, these are aggregate numbers, and they do not speak to individual segments of the populations who have been adversely affected. He said that when economists look at these numbers and see the U.S. savings rate increasing from 7% in October of 2019 to about 13% (a doubling in the savings rate) over the course of one year, by October of 2020, this tends to suggest that there may be some pent-up demand in the economy that could translate into more consumption, moving forward. He reminded the Board that these were overall numbers and U.S. data that he was citing, but it gives him hope for the local economy as well.

Mr. Allshouse said the last thing he wanted to talk about was proposed federal stimulus spending. He said President Biden has proposed \$1.9 trillion in an additional fiscal stimulus. He said to put this in context of the U.S. economy, this would be the equivalent of about 9% Gross Domestic Product (GDP). He said for those not familiar with the concept of GDP, this is the total dollar value of all goods and services that the U.S. economy produces in a given year. He said talking about that level of stimulus at the national level, this would tend to indicate a solid positive for the economy, both nationally and at the local level.

Mr. Allshouse said that for those reasons, he remains hopeful, but there are other reasons that give him cause for hope. He said recently, he looked at a survey that was conducted among members of the National Association for Business Economics (NABE). He said NABE is a professional organization that he belongs to, and every quarter, there is a survey that is done. He said in the most recent survey (which, admittedly, did take place in December, before the full extent of this new Coronavirus variant became apparent), the thinking among economists was that the median estimate for GDP was an increase of about 3.4% in Calendar Year 2021. He said granted, they had a very difficult time in the U.S. economy in Calendar Year 2020, so this is a rebound period, but it is hopeful.

Mr. Allshouse said that in a previous presentation he was hearing that afternoon, there was some

talk about GDP and another measure of wellbeing called the Human Development Index, which is something else that is valid and gets at the issue of quality of life. He said when economists are talking about the national economy and whether it is growing or not, however, they are looking at GDP figures. He said he wanted to make that distinction because there are other measures out there that can be looked at. He said that in terms of GDP, economists are generally seeing some solid growth in Calendar Year 2021.

Mr. Allshouse said 73% of the respondents in the survey that was done by NABE in December thought that the U.S. economy would return to pre-pandemic levels by the second half of Calendar Year 2021. He said he is not necessarily saying this is wrong but given what has happened in the last month or so with the increase in cases and this new mutation of the virus, he is a little more cautious than that, although he thinks that Calendar Year 2021 will be good. He said he did not think they would necessarily return to the pre-pandemic levels of economic activity that they saw in the pre-virus era, however.

Mr. Allshouse said another survey that was done in December was the Wall Street Journal Survey of Economists. He said many economists who answered in this survey also participated in the NABE survey, so there is some overlap. He said the Wall Street Journal indicates about a 3.7% expected growth rate in GDP in Calendar Year 2021, and about 3% in Calendar Year 2022. He said these are solid growth rates, but they are coming off the heels of a very serious contraction, which the Board must keep in mind. He said they are starting from a low base.

Mr. Allshouse said also in the Wall Street Journal survey, economists were expecting inflation to run around 2%, a little more in Calendar Years 2021 and 2022.

Mr. Allshouse said that in terms of how he would summarize the presentation of this data, he is estimating that they have gained about 40% of the jobs that they lost in the past year. He said he is expecting modest growth over the next year in terms of the jobs base. He said in terms of unemployment, they had what he thinks will be the peak, which was 9% in April of 2020. He said as of November 2020, they are looking at a 3.6% rate. He said he thinks full employment could be expected by June of 2022 (i.e., the last half of FY 22).

Mr. Allshouse said there are positive indicators out there such as the U.S. savings rate, net worth, and consumer confidence, which have gone up during this time period. He said there is the ongoing impact that he believes will be positive of the vaccination efforts, and there is a thinking among many mainstream economists that are forecasting positive GDP growth in the next several quarters.

Mr. Allshouse offered to answer any questions.

Ms. Price asked Ms. LaPisto-Kirtley if she had any questions. Hearing no statement from Ms. LaPisto-Kirtley, she said she knew she was watching, but that part of the technical difficulties was Ms. LaPisto-Kirtley's ability to speak.

Ms. Palmer said she had a question on the jobs coming back. She said she knew Mr. Allshouse was comparing this on a national scale and trying to extrapolate Albemarle County. She asked if there is a particular sector that he thinks will be the slowest or fastest coming back.

Mr. Allshouse replied that there was. He said he talked to Mr. Roger Johnson and Ms. Courtney Cacation of the CACVB, and he thinks the Accommodations and Food Services industry will make a comeback. He said he spoke with Ms. Cacation, and she mentioned that typically, after a downturn, tourism does snap back quickly. He said his concern, however, is that some of what takes place in the hotel/motel industry reflects activity that is dependent upon business travel, which he thinks will take a longer time to come back. He said he thinks businesses have become used to doing remote meetings. He said that tourism in the area is very strong, and he does think it will come back.

Mr. Allshouse said that in terms of restaurants, he thinks these will be slow to readjust. He said in terms of the Arts, Entertainment, and Recreation sector, he thinks this will come back as people get more confident in going outside of their homes and perhaps back to their sports clubs.

Mr. Allshouse said generally, he would look for those three sectors to recovery the most slowly, but he was going through some speculation because he did not have a good answer for that. He said he did not know the microdata, at this point, simply because they did not have microdata available from the U.S. Bureau of Labor and Statistics, at that point.

Ms. Palmer asked if there was a tally of local businesses that have folded during this period of time.

Mr. Allshouse replied that he had data going back to December. He said in the Quarterly Census of Employment and Wages (QCEW), which was where he got the jobs data from, there was a contraction of 2% between the fourth quarter of the prior fiscal year and the fourth quarter of 2020. He said this number has likely gone up, as a number of businesses like restaurants have gone out of business in the community, but he did not have more current data than that. He said he thinks this number will likely increase as they look at more recent data.

Ms. McKeel said this was a good and interesting report. She said she could only imagine how challenging it is to do what Mr. Allshouse was doing. She said it certainly does appear that the stock market is divorced from all of what is going on, and many businesses are tied to the stock market. She

said the other thing is that it is hard to predict anything because seems like a K recovery, and some people are doing very well while other people are doing horribly. She said that in her opinion, for those who are in the upside, it is hard for them to appreciate how the downside is, and it makes it very complicated. She asked Mr. Allshouse if he had any thoughts.

Mr. Allshouse replied that he had a number of thoughts, but in the interest of time, he would be brief. He said there is some talk about the K-shaped recovery where a segment of the population, as Ms. McKeel pointed out, is doing very well. He said one of the things that he mentioned was household net worth, and the fed is tracking this. He said overall, this is going up, in part because people who have 401(k)s and pensions are benefitting from the stock market. He said many people in the country, however, do not have that advantage.

Mr. Allshouse said it is a bifurcated recovery, and it will take a very long time for the hardest-hit segments of the country and community to come back. He said he was speaking in very general terms about the health of the economy and direction, and to keep in mind that there are differential impacts across income groups.

Ms. Mallek said Mr. Allshouse mentioned how jobs are coming back (40%). She asked if the returning jobs were in the same income level as people used to have, or if they are giving up a sustainable job to take a part-time job just because they have to. She asked if there is any information about that.

Mr. Allshouse replied that there is. He said with the QCEW data, one thing that he has looked at is the average weekly wage, and he actually broke down job losses by sector. He said as he mentioned, the hardest-hit sectors tend to be the least well-paying. He said as they get additional data, he will know more. He asked Ms. Mallek to keep in mind that the 40% figure of jobs recovered is an estimate on his part and is an aggregate. He said he would clearly know more, once they have more recent data, and he will also be able to say which sectors (in terms of average weekly wages) are coming back, and whether that wage has gone up or down.

Mr. Allshouse said one thing he can say, which is a quirky piece of information, is that when they had the contraction or sharp drop-off in jobs, the average weekly wage in that quarter actually rose, which is counterintuitive. He said when thinking about it, it makes sense because what was happening was the lowest-paying jobs and temporary jobs were the ones that were being lost, and the jobs that remained tended to be higher paying. He said again, one must be very careful when interpreting economic data. He said it can be tricky sometimes.

Ms. Mallek said Mr. Allshouse mentioned about 2% year over year business closures. She asked how this compares to a regular cycle of business closing. She said she remembered the Chamber talking about businesses close all the time, and there needs to be a pipeline of new ones coming in to replace the ones that are naturally going away. She said she did not know if 2% was greater or about the same.

Mr. Allshouse replied that in any given year, he would not expect to see a net drop of 2%. He said over time, between any two points in time, he would expect to see an increase. He said this was the number of business establishments, meaning the number of firms that are reported as being covered under unemployment insurance in the County of Albemarle. He said going forward, he would expect this number to turn around and head into positive territory.

Mr. Allshouse said he did not have a good sense, because this downturn or contraction has been so crazy, of how this would compare with what they saw during the Great Recession during its first year. He said he could look this up, but he did not have a good figure at that point.

Ms. Price said she believed they had reconnected communications with Ms. LaPisto-Kirtley, and she asked her if she had any questions.

Ms. LaPisto-Kirtley said she did not. She said as she was in and out of the meeting, she would hopefully get the slides that Mr. Allshouse had so that she could go over them.

Ms. Price said she did not have any questions but would continue to express her support and appreciation for Mr. Allshouse's report. She said Ms. McKeel may have been the Supervisor who mentioned that many wage earners are suffering substantially, whereas investors are doing quite well. She said she appreciated the data Mr. Allshouse gave them that broke down where the most hard-hit segment of the economy and County residents happen to be right now.

Mr. Allshouse said he had one more slide, which was a segue into Ms. Nelsie Birch's segment, where she would talk about how the economic context impacts the budget process going forward and for FY 22.

Ms. Nelsie Birch, Chief Financial Officer, said she wanted to take a moment because the Board and the public have received significant information, and she wanted to pause to go over the slide on the screen. She said she wanted to share how it is that staff is taking the information that Mr. Lynch (County Assessor) and Mr. Allshouse provided and building it into the framework that the Board will be undertaking under the next few months. She said they deliver the proposed budget at the end of February, but there are many decisions that will be coming in front of the Board over the next six weeks. She said she did not want the public to be confused by some of those decisions. She said she would offer more context on that momentarily.

Ms. Birch said when she looks at both Mr. Lynch's and Mr. Allshouse's presentations, Mr. Lynch's presentation represents a little more than 50% of the revenue that supports the General Fund (the operating budget), which is where the majority of spend comes out of (outside of capital). She said what is fascinating to her and what she took away from this, in the context of how to plan for next year, is this was the slowest growth that they have had since the Great Recession.

Ms. Birch said Mr. Lynch had shown a chart that went back to 2008, and the County is only growing 1.4%. She said the great thing about this is that it is positive, but the challenging part of that is that it represents the majority of the County's revenues, and it is the slowest rate of growth they have had since 2013.

Ms. Birch said she thinks about this, and she also thinks about putting this in with Mr. Allshouse's presentation, where he talks about how they have learned a little about the economy and while they do not know a lot, what they do know is that it is unstable and unpredictable. She said this represents what she would call the next "tranche" of money, which is about 20% of the budget, which is all of those economically sensitive revenues (such as sales taxes, transient occupancy taxes, meals taxes, etc.).

Ms. Birch said in talking with Mr. Allshouse and the Revenue Team is that they have some areas where they can be optimistic, but for FY 22, they are going to have some real challenges with respect to building a bigger base. She said they are probably not going to see anything close to full restoration until at least FY 23.

Ms. Birch said she wanted the Board to understand the context for what they just heard, but also know that they do have one-time funding available to them that they have been discussing, and staff will be bringing this to the Board and looking at how they can still invest in financial foundation, economic stability, and workforce stabilization. She said these are the lenses through which they are looking at what they need to do as a government with what they know how, and how to keep the financial foundation protected, knowing that the community has been hit so inconsistently with the current economic climate.

Ms. Birch said that what the Board would be seeing over the next few months is how they can use their one-time funding very strategically to shore up what was shown in the pyramid diagram on the slide, to strengthen their foundation and to support the community and County workforce that needs and depends on them.

Ms. Birch said that in the next budget, which will be presented at the end of February, they are making decisions through that lens. She said that while they do have areas of optimism, FY 22 is still very much a transitional year where they do not know enough to make some investments that really rise the base because 20% of the budget is unstable, and the largest chunk of the budget is only growing at 1.4%.

Ms. Birch thanked the Board for letting her have a moment to hopefully wrap up what the Board heard and how staff is translating this into action when the County Executive presents his budget recommendations to them in February. She offered to answer questions, adding that there would be many conversations over the next few months, so questions could also be addressed later.

Ms. Price said she wanted to give all Supervisors an opportunity to ask questions or make comments on those important words Ms. Birch just shared.

Ms. McKeel said she appreciated Ms. Birch's taking the time to do this. She asked her if she could say in a few sentences or phrases some words to help the community understand what the County means when they talk about one-time monies. She said this is a phrase that people are often used to hearing as it relates to budget and expenditures of monies.

Ms. Birch replied that one-time funding is when something unexpected either did or did not happen and creates a savings. She said the budget is just a plan, and they start the year off hoping they manage that plan very well so that at the end of the year, they do not have to draw into their savings account. She said usually, when there is one-time funding, it is because they have fund balance policies, which is like their savings account. She said anything above that, they can use because it is not needed to meet the policy guidelines. She said this is one way that they can have some one-time funding.

Ms. Birch said the other piece of this that will be coming up to the Board in a few weeks is the funding that they set aside in the Capital Budget. She said the Capital Plan is traditionally when they put cash into it, which is also called pay-go, and this is one-time funding because they are paying for a project. She said the Board has set aside some Strategic Priorities money to the tune of \$3.6 million. She said this is another piece of one-time funding that they can use once. She said they cannot spend it multiple times.

Ms. Birch said there are a few other funds that the Board has set up. She said Economic Development has a fund. She said unless it is replenished, if they spend the money, it is not going to come back unless they do something with it. She said one-time funding can only be spent once, and it is either typically a conscious decision by the Board to set it aside for something, or it is because they had savings in a budget year. She said the paper reported about a \$7 million positive variance, or over their policy for FY 20, that the Board has an opportunity to do something with to advance what they need to do in the community.

Ms. McKeel said the only thing she would add is that for all the reasons Ms. Birch just gave, the Board would never use one-time funding for salaries.

Ms. Birch said this was correct. She said this is not a prudent use of one-time funds, and ongoing funds need to be used for that.

Ms. Mallek said she appreciated the caution and husbanding of the County's resources that Ms. Birch described, as it gives her comfort.

Ms. Price said she would follow up with perhaps what Ms. McKeel was talking about. She said that with FY 22 still being a transitional year, and with it being FY 23 before they can expect full stability, and with the pandemic morphing (which raises even greater uncertainty, with its unstable, unpredictable economy), it raises concerns about how the Board considers and then may want to utilize these one-time funds. She said it could be that they have an even worse economic situation next year, depending on what happens with the pandemic.

Ms. Price said as Ms. McKeel and Ms. Birch were just discussing, this one-time money is something they have to be extremely cautious about, as they may find themselves next fiscal year in an even tighter situation than this one. She said this was not so much a comment towards Ms. Birch, but a follow-up to Ms. McKeel's commentary for constituents to understand that it is not as if the Board simply has money in the bank to spend. She said they have absolutely no idea how things could work out in the future, so they must continue to be very conservative in their expenditures while, at the same time, trying to achieve those goals.

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Agenda Item No. 14. **Presentation:** Rivanna Water and Sewer Authority (RWSA) Quarterly Report.

Mr. Bill Mawyer, Executive Director of RWSA, presented. He said the picture on the slide was a picture that RWSA took of the Ragged Mountain Reservoir at night with a drone that flew over it.

Mr. Mawyer said the RWSA was created in 1972 by the Board of Supervisors and City Council, and the RWSA's charge is to manage the water supply reservoirs, of which they have five; water treatment plants, for which there are six; and wastewater treatment plants, of which there are four. He said the RWSA is doing this with an operating budget this year of just over \$37 million. He said they have a five-year CIP of about \$132 million, and they have 93 employees.

Mr. Mawyer said in the Rivanna Solid Waste Authority (RSWA), which was created by the Board and City Council in 1990, the charge is to manage refuse disposal and recycling for the community. He said this is done at the Ivy MUC and McIntire Recycling Center, as well as the paper sort facility on Meade Avenue. He said RSWA operates with an operating budget of about \$5 million and 19 employees.

Mr. Mawyer said they talk in terms of billing and services about the urban area served. He said on the map shown, the pink area is what they call the Urban Water Service Area. He said there are three water treatment plants that serve this area: North Rivanna (near Camelot on 29 North), South Rivanna Water Treatment Plant (behind Hilton Heights and Walmart), and Observatory Water Treatment Plant (which is on Observatory Mountain, owned by UVA). He noted that Crozet is not in the Urban Service Area, nor is Scottsville.

Mr. Mawyer said when talking about the urban wastewater system, however, they have the same area that the pink area on the previous map had shown (shown on the next map in blue and yellow), but for wastewater, they do include Crozet in the urban wastewater system, and the pump and pipe all the wastewater from Crozet back to Moores Creek for treatment. He said Scottsville is not in the urban service area, nor is the Glenmore Wastewater Treatment Plant.

Mr. Mawyer said the five reservoirs they manage are South Rivanna; Sugar Hollow, in White Hall; Ragged Mountain, which is the largest reservoir and holds 1.4 billion gallons; Totier Creek, which serves Scottsville; and Beaver Creek, which serves the Crozet water treatment system. He said collectively, they have about 3.3 billion gallons of water stored in the reservoirs when they are full. He said they all are full now, thankfully, albeit Sugar Hollow is a little low because there is a construction project that has lowered it on purpose.

Mr. Mawyer said there are six water treatment plants: South Rivanna; Observatory (noting how Scott Stadium was shown in the background of the picture on the slide); North Rivanna; Scottsville, which has its own water treatment plant; a small plant in the Red Hill area; and the Crozet Water Treatment Plant, which is under construction.

Mr. Mawyer said the major plant for wastewater treatment is Moores Creek, adjacent to I-64. He said this is in the Woolen Mills and Belmont area of the City. He said they treat about 10 million gallons of wastewater per day at Moores Creek, which includes wastewater from Crozet.

Mr. Mawyer said Glenmore has its own smaller treatment plant, as does Scottsville. He said additionally, they have a very small package plant at Stone Robinson Elementary School.

Mr. Mawyer said there is currently a construction project underway at Sugar Hollow that will



replace the rubber gate on top of the concrete dam. He said this gate inflates with air, and it adjusts to maintain different levels of water in the reservoir. He said this is currently under construction and, as mentioned, the water level is a few feet down at Sugar Hollow because of that construction, which will be completed in Fall 2020.

Mr. Mawyer said for most of the construction projects, the Albemarle County Service Authority (ACSA) funds 52% of those costs, and the City funds 48%, with a few exceptions.

Mr. Mawyer presented a photo of the Moores Creek plant at night, taken with a drone. He said there is a project underway at Moores Creek to improve site lighting and to comply with Albemarle County zoning requirements for lighting. He said they are asking the RWSA Board next week to award a construction project that is going to finish replacing light fixtures with cutoff fixtures that comply with the Albemarle County zoning requirements, which should be finished by February of 2022.

Mr. Mawyer said much of what RWSA spends its time on is what they call Community Water Supply Projects, and as many may be familiar, with the drought of 2002, when the community was threatened, they may run out of water, 10 years later, the community crafted a water supply plan in 2012. He said this plan said they would build a larger dam at Ragged Mountain, which is complete; that they would renovate the South Rivanna Water Treatment Plant, which is currently under construction; and that they would renovate the Observatory Treatment Plant, which will follow the construction at South Rivanna and is currently under contract.

Mr. Mawyer said the fourth project is that they have two old pipes that have ended their service life that bring raw water from the Ragged Mountain Reservoir up to the Observatory Treatment Plant. He said they plan to replace those two pipes with one new pipe in the 2023-2026 timeframe. He said as well, they will build a pump station that pumps the water from Ragged to Observatory, and they will also eventually pump water back to the South Rivanna Treatment Plant from the Ragged Mountain Reservoir.

Mr. Mawyer said the fifth project is what they call the Central Waterline. He said this is treated water that they need a larger pipe that will go down through parts of the City and strengthen water infrastructure for the City as well as for the County. He said they are working with the consultant, City, and ACSA now on where that pipe might be located.

Mr. Mawyer said the gorilla in their plan is the purple line shown on the map, which is the pipeline from Rivanna Reservoir to Ragged Mountain Reservoir. He said it is about 9 miles along, and the estimated cost is about \$80 million. He said RWSA is in the process of acquiring all the easements for the pipe, and they have had some success. He said they have built a mile of this pipe adjacent to Birdwood Golf Course, and the plan is to get started no later than 2027 with construction of the rest of this pipeline, to be complete in about six years.

Mr. Mawyer said this would allow them to transfer water from Rivanna Reservoir to Ragged Mountain Reservoir, on its way to the Observatory Treatment Plant; or from Ragged Mountain to the South Rivanna Treatment Plant. He said it gives them a great deal of flexibility and redundancy if they were ever to have any problem with the reservoir or with the major treatment plants.

Mr. Mawyer said lastly, the Water Supply Plan said they would raise the water level at Ragged Mountain 12 feet vertically and add 700 million gallons to Ragged Mountain.

Mr. Mawyer presented a few pictures on the screen. He said the South Rivanna plant is under construction. He indicated on the photo to the South Rivanna Reservoir. He indicated to a picture of the Observatory Treatment Plant and to Scott Stadium in the foreground. He said they are expanding the Crozet Water Treatment Plant from 1 million-gallon-per-day (mgd) treatment capacity to 2 mgd, and this will be finished in the next month or two. He said this will be a big addition to their inventory.

Mr. Mawyer presented another slide about the pipeline from Rivanna Reservoir to Ragged. He said the green part shown on the map was the part he mentioned was already constructed, next to Birdwood Golf Course. He said this project will be funded 80% by the ACSA and 20% by the City. He said this was an agreement crafted in 2012 and what the parties agreed to, and so they will be following this funding on that project.

Mr. Mawyer said RWSA does borrow most of their money to build their projects, then charge the debt cost to the City and to the ACSA, which they then translate into their retail rates to their customers.

Mr. Mawyer presented a diagram, noting that pipes will be replaced from Ragged Mountain Reservoir up to the Observatory Treatment Plant. He said this will start happening in a couple of years, and they are in detailed discussions with UVA now about an easement to put this pipe on Observatory Mountain.

Mr. Mawyer said the Central Waterline will be through the center, or some portion, of the City to strengthen infrastructure for the City and for ACSA.

Mr. Mawyer said Beaver Creek has a major project that the Board has probably been hearing a lot about, where RWSA needs to modify the dam spillway so that it will pass more water during a significant storm and prevent the dam from being washed out. He said part of that project is that they need to relocate the existing raw water pump station that pumps water from the reservoir over to the Crozet Water Treatment Plant. He said they are looking at five sites along the western bank of the

reservoir. He said this reservoir is owned by Albemarle County, and RWSA expects that the pump station will be located on County property. He said they have been coordinating with the County's Parks Department on these sites.

Mr. Mawyer said this is a project for which RWSA hopes to get 65% federal funding, and they are working with the Natural Resources Conservation Service (NRCS) federal agency in the Department of Agriculture to review their design, how they will do the project, and the cost.

Mr. Mawyer said the Board probably heard and read about the discussion from the neighborhood that when they are working on this dam, the Brown's Gap Turnpike would be out of service. He said the concept of building a detour road that would go around the entire dam to maintain traffic while the dam is under construction is part of the discussion RWSA is having with NRCS and the community. He said they are required to have public meetings to tell everyone about what the planning is. He said they had their first meeting virtually in December, and 30-40 residents did join that meeting. He said RWSA is working hard to come up with a good plan for Beaver Creek and support the Crozet community.

Relating to solid waste, Mr. Mawyer presented a picture of the newer transfer station that was completed in 2018, fully funded by the Board of Supervisors. He said the pastures in the photo shown are closed cells where, for years, refuse was buried, and all the areas are cells that contain refuse that have been capped. He said there is no refuse buried in Albemarle County now, as they transfer all the refuse to Amelia County. He said they also have a small recycling center that the Board of Supervisors funded, which opened last summer.

Mr. Mawyer said there have been several initiatives supported by the Board of Supervisors to increase the amount of tonnage that comes through the transfer station. He said the orange line on the graph on the slide represented the daily tonnage that was shipped out in 2018. He said the yellow line is what they are shipping out now, and so they are almost at 120 tons per day as of December 2020, compared to 28 tons per day in December 2018. He said that by increasing the number of days the transfer station is open from five to six days a week, and by reducing the fees from \$66 to \$52 per ton, as evidenced by the yellow line, this strategy has worked, and they have quadrupled the amount of refuse they are shipping out.

Mr. Mawyer presented a photo of the McIntire Recycling Center, noting this is where most of the recycling facilities are located. He noted that RSWA transferred 30,000 tons of municipal waste and construction debris from the Ivy facility last fiscal year, and they recycled almost 2,200 tons of recyclable products like paper, cardboard, glass, metal, and plastics. He said RSWA has aggressive programs that are well-used by the community, and they appreciate the support that the Board of Supervisors has provided, particularly for the transfer station.

Mr. Mawyer offered to answer any questions.

Ms. LaPisto-Kirtley said she had no questions. She said she loved learning and has actually been around three of the reservoirs with Ms. Palmer, which was a good learning experience. She said it was good to see what they were doing.

Ms. Palmer said she knew they did not have much time, but she wanted to know if Mr. Mawyer could say a few words on what Rivanna is doing for equity and inclusion. She said the Board had a report that day from their Equity and Inclusion department, and so she thought a couple of sentences about what Rivanna is doing on this might be helpful.

Mr. Mawyer replied that they do most of the normal things that everyone does, but as far as a few different things, they recruit from the Department of Corrections, which has a Wastewater Operator training program. He said RWSA has hired several people who have been released from the Department of Corrections as Wastewater Operators. He said they have also reached out to several of the Latino churches and community groups to recruit at those locations.

Mr. Mawyer said one of their more successful programs has been an employee referral program in that they give a small bonus to employees who refer good employees to Rivanna. He said if they are hired and stay with them a number of months, there is a small bonus for the employee who made the referral. He said this has significantly increased their women and minority employees at the Authority.

Mr. Mawyer said there is also annual diversity training for all staff. He said all 112 employees receive diversity training each year. He said this would be a quick snapshot of what they do.

Ms. McKeel said she appreciated the excellent report.

Ms. Mallek said as always, there was more to learn each time the Board hears this report. She said she did want to emphasize, because Mr. Mawyer mentioned it very quickly, the adoption in 2012 of the Community Water Supply Plan. She said in 2002 or 2003, Albemarle County had already stopped accepting any building permits about six months earlier when UVA was about nine days away from sending all the students home because there was not enough water for consumers. She said it took from way before 2002 all the way to 2012 to get that water supply plan adopted, with monthly continual meetings and efforts by a cast of hundreds.

Ms. Mallek said this is why it is so important that they continue on with the elements of this plan and not be scared off by the price tags, as it is an absolutely essential part of the success of the

community.

Ms. Price said she would piggyback on Ms. Mallek's statements. She said having lived in a couple of areas that came very close to running out of water, the expansion, flexibility, and retention of these construction projects, with the foresight of looking at what they need to have in the future, is superb. She said she is very appreciative of that.

Ms. Price said in terms of the solid waste disposal in Amelia County, she wanted to know if Mr. Mawyer could briefly comment on how long the contract is for that.

Mr. Mawyer replied that RSWA bids out a contract for a firm to collect the refuse at the transfer station, and they decide where they want to take it. He said Thompson Trucking was the low bidder, and they decided to go to Amelia County as their partner in that transaction.

Ms. Price asked how long this contract is.

Mr. Mawyer replied that it is a five-year contract.

Ms. Price asked when it will expire.

Mr. Mawyer replied that he believed it would expire in approximately three years.

Ms. Price said she believed the Board was very pleased with the information Mr. Mawyer provided. She thanked him and his staff for the great work.

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Agenda Item No. 15. **Presentation:** Albemarle County Service Authority (ACSA) Quarterly Report.

Mr. Gary O'Connell, Executive Director of ACSA, said ACSA is the retail water provider to Albemarle County. He said he would go fairly quickly, and while he had sent the Board a fairly detailed report, he wanted to highlight two or three things.

Mr. O'Connell said he wanted to thank Albemarle County for being ACSA's partner in applying for COVID relief for ACSA customers that are behind in paying their water bills. He said this is federal CARES Act grant funding at over \$180,000 to assist customers directly. He said so far, they have nearly 200 customers who have applied, and ACSA is still being very proactive in calling and mailing customers that they know are eligible to encourage them to participate.

Mr. O'Connell said the next item he wanted to touch on was customer surveys and feedback. He said one method they have used is surveys both online and writing. He said they did one two years ago that set the stage for their strategic plan, and there are two big items that are about to come to fruition. He said one was that over 97% of customers said they wanted water leak notifications, and so the AMI project he would talk more about later will do that.

Mr. O'Connell said the second area customers wanted was improvements in the online bill payment. He said ACSA actually received some negative comments about this, given how outdated it is. He said they are kicking off a project early in the spring where they will be introducing a new online bill payment system that is state of the art.

Mr. O'Connell said ACSA also did a survey at the end of 2020 to get feedback on their operations during COVID to see if they could discover any unresolved issues or concerns that were there. He said they received high rankings, at nearly 95% or more satisfaction with the service that customers have received during COVID and the information ACSA has been providing in terms of office closures and giving people other options (such as appointments online, calling, payment drop-off boxes).

Mr. O'Connell said the Advanced Metering Project (called AMI) is the first of the My Water Projects, which is the use of technology for customer service improvements. He said the testing phase is currently underway, with positive results with all the software and communications equipment. He said they will complete the communications equipment installation in February. He said this will be a near-real-time meter reading system that will allow ACSA to give customers leak notification and lots of information about their water accounts.

Mr. O'Connell said ACSA will be sending letters and cards in advance to the affected customers. He said the first rollout will be in early March for about 500 meters, and then the remainder of the 20,000 customers will see new meters in late 2021 and into 2022.

Mr. O'Connell said he had a detailed report attached about capital projects. He said there are over 40 projects that are underway for over \$7 million in capital improvements. He said ACSA is doing what they can to keep the system up to speed so that they can be a reliable water provider.

Mr. O'Connell offered to answer questions and provide further details.

As there were no questions, Ms. Price thanked Mr. O'Connell for providing great services and for looking out for customers who are currently struggling.

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Agenda Item No. 16. **Presentation:** Blue Ridge Health District (BRHD) COVID-19 Update.

Mr. Ryan McKay, Senior Policy Analyst with BRHD, said Dr. Denise Bonds was also present and would start the presentation.

Dr. Bonds said she would give the Board an update on COVID-19, then spend some time talking about the vaccination numbers. She said Mr. McKay would finish up with the plan.

Dr. Bonds said to give an update on where the BRHD is, it has been a rough few weeks with regard to cases. She said they definitely saw a very large surge in the community. She said as of that day, the district had just over 9,800 cases of COVID so far, since the beginning. She said in Albemarle, there have been 3,600 cases. She said total hospitalizations are now over 400, and Albemarle has 150 of those 400. She said they have had just under 100 fatalities, and that 99 people so far have died from COVID. She said in Albemarle, that number is 34.

Dr. Bonds said when looking at the graph on the slide, the daily case count from the beginning of December on has been quite high and in surge mode. She said this is reflected when looking at the cumulative and steep curve seen at this point in time. She said this is reflection of what is happening around the country and in the state. She said that during the holidays, lots of people got together, and there were lots of cases and outbreaks.

Dr. Bonds said they continue to see disproportionately representation amongst communities of color with both cases in the Black and Latino populations. She said this is even more significant in hospitalizations and fatalities. She said it continues to really impact those groups.

Dr. Bonds said they continue to do a lot of testing in the community. She said some may have noticed if they have been to a testing site in the last few weeks, the testing is now being done by the National Guard so that the BRHD could use their nurses to provide vaccines. She said they had a couple of National Guard individuals join them, and they have been great partners to do that testing.

Dr. Bonds said the positivity rate is now actually coming down. She said it reached a high in the district earlier in the month of 10%, and they are now down closer to 6%, which is good. She said she hopes this means the surge is beginning to taper off, but it is quite concerning when looking at the graph's blue bars at the number of positive cases.

Dr. Bonds presented a screenshot of the Pandemic Dashboard, showing that not just the community, but the entire state, is in a very high activity level, with a high burden, substantial activity, and a mostly upward trend. She said this is a reflection of what is happening in the state and across the country.

Dr. Bonds said there have been a number of outbreaks in Albemarle. She said all of them were in long-term care facilities. She said the ones that are pending closure mean that some administrative paperwork needs to be done so that they can close them out. She said there were none that were active at this point in time in Albemarle, but one could see that there have been a large number of cases associated with these outbreaks and, regretfully, many individuals have died.

Dr. Bonds said there is a lot of cases going around and lots of people being impacted. She said hospitals are full. She said there is really no change over the past month except for perhaps a little bit of tapering, and hopefully, the surge is beginning to tail off.

Dr. Bonds said she wanted to spend a couple of slides talking about the COVID vaccine, as she believed everyone was excited about this. She said the vaccine they have is a brand-new type of vaccine, but this does not mean that there has not been a lot of research. She said there has actually been years of research on mRNA vaccines, but these are the first vaccines that have made it to widespread use.

Dr. Bonds said an mRNA vaccine works by taking a small amount of the messenger RNA, which is the blueprint in the virus, for a particular protein. She said slide showed this for Pfizer, but Moderna is very similar. She said it is taking just a little bit of that mRNA that codes for that spike protein. She said to manufacture it, they put it in a lipid particle so that it can get into the body's cells, and cells use that mRNA to make the spike protein, which then triggers a response by the body's inflammatory system to generate the antibodies.

Dr. Bonds said it is not the full blueprint, and so one does not get COVID by this vaccine. She said it would be the equivalent of cutting out the blueprint for the bathroom, for example, from house plans. She said one could not build the whole house from it, but one might be able to build that bathroom. She said it is the same concept.

Dr. Bonds said both the Moderna and Pfizer vaccines are very effective and in the mid-90s with regard to effectiveness after having the two shots. She said there are side effects associated with it, mostly because the body is producing an immune response, which is what it wants to be. She said they have actually not seen too many people have serious side effects from those who have been vaccinated with their first shot. She said they are about to start the second shot next week. She said people do complain of sore arms, and there has been some fatigue and headache, which are all very expected side effects.

Dr. Bonds said she is very excited about the vaccines. She said they are a little finicky in regard to delivering them. She said there are some precise instructions on how they have to be handled and prepared before they are injected into someone's arm. She said the BRHD is doing lots of training for all the people who are working to inject those vaccines.

Dr. Bonds said as the Board can imagine, with a vaccine that promises an end to all of the restrictions, there is significant demand for the vaccine. She said it is a brand new vaccine, and those companies, while they are working as hard as they can, cannot produce enough vaccine for the world, essentially, and certainly not even enough for the United States.

Dr. Bonds said this required the government to come up with a phased rollout system. She said the CDC met using a lot of principles, including principles of equity and the impact of COVID, and came up with a tiered system.

Dr. Bonds said Phase 1a is healthcare personnel and residents of long-term care facilities. She said healthcare personnel could be people who work in a hospital, and it is not just doctors and nurses, but anyone who is interacting with patients in a hospital and runs the risk of being exposed. She said healthcare personnel outside the hospital are included, including primary care providers, dentists, and anyone who works to keep people healthy.

Dr. Bonds said residents of long-term care facilities, as seen from the outbreak sheet, have been particularly impacted by this virus. She said it has devastated individuals and communities that have that congregate living facility. She said the federal government came up with a plan with pharmacies (CVS and Walgreens) to provide vaccination for staff and residents of long-term care facilities. She said this is ongoing right now in the community and is not moving as fast as they had anticipated, so it will likely be March before all of those individuals have been vaccinated. She said it is taking a while to get through those long-term care facilities, but it is happening right now.

Dr. Bonds said Phase 1b is frontline essential workers, meaning individuals who are critical to keeping society going. She said these include police, fire, hazmat units, schoolteachers, people who bring food to the table (such as agriculture and grocery workers), and other people who are critical. She said additionally, a recent change is that it includes individuals over the age of 65, people aged 16-64 with an underlying medical condition that puts them at particular risk for a bad outcome from COVID, and people living in other congregate living situations that put them at higher risk (correctional facilities, homeless shelters, and migrant labor camps).

Dr. Bonds said the Governor has said that the state should be in these phases (1a and 1b). She said BRHD was instructed not to have a hard stop before entering the next phase and that it was always going to be an overlap. She said there are individuals in Phase 1a that qualify because they are healthcare personnel who have not been vaccinated, and BRHD is aware of this. She said there is some overlap between one phase and another, and when they likely get down the road to Phase 1c, there will similarly be an overlap where they will still be trying to pick up individuals that meet the 1b criteria while starting with other essential workers.

Dr. Bonds said this is challenging, and they know that this is very frustrating for some healthcare providers because they feel like they have not had an opportunity to get a vaccine, and they are already moving into other groups. She said BRHD and hospitals are working to try to pick up those healthcare personnel to get them vaccinated.

Dr. Bonds said that once they get through Phase 1, they will move to Phase 2, which is the general public. She said the hope is that by the time this happens, they have other vaccines that are available that require less fussiness, and that they have more community providers, pharmacies, and other individuals that can vaccinate for them, to help them get a vaccine to all the citizens who want one. She said this is the plan at the state level.

Dr. Bonds said now comes a difficult conversation, and she had some news on the slide, as well as some additional news she received right before the presentation started. She said it is critical that everyone understand that there is a limited amount of this vaccine, and she does not believe this was messaged well earlier on. She said she wanted to clarify this.

Dr. Bonds said the state gets about 100,000 doses each week of first-time shots only, for the entire state. She said of the doses that have been received so far, they have gotten just under a million (about 950,000). She said 50% of those went to hospitals to vaccinate healthcare personnel, and the plan had been to have hospitals assist with the vaccination of unaffiliated healthcare personnel (people who are not their employees, but other medical personnel). She said this has worked with variable success across the state.

Dr. Bonds said those vaccinating at long-term care facilities (Walgreens and CVS) have received about 25% of vaccines to date, to vaccinate the residents and staff of long-term care. She said this was taken out of the allotment.

Dr. Bonds said public health (health districts like Blue Ridge) have received 15%, with the remaining going to some local pharmacies, other healthcare providers, correctional facilities, and other individuals that were guaranteed an allotment by the state.

Dr. Bonds said 15% of 950 is not a lot, and it is spread amongst all the health districts.

Dr. Bonds said that up until this week, or starting next week, BRHD ordered a week in advance, and so they had to predict what they were going to do the next week on the Tuesday of the week prior. She said this fell apart when, for this week, the state received twice as many requests for vaccines as they actually had vaccines. She said some very difficult decisions were made about who got what.

Dr. Bonds said as one can imagine, it is very difficult to plan clinics. She said many Supervisors received calls from their constituents saying that they are eligible and cannot find an open clinic in the health district, or anywhere, to get a shot. She said this is because the BRHD was reluctant to open additional slots until they knew that the state was moving to a fixed allotment system. She said the state has now done this, which is the difficult part they need to talk about now.

Dr. Bonds said using a strict population formula, BRHD will get just under 3,000 doses of vaccine every week. She said they will actually get 2,950 doses. She said some of this will be Pfizer, and some of it will be Moderna. She said this is all the district gets, and there is no additional allotment for hospitals at this point in time, and no additional allotment for pharmacies. She said they get 2,950, and they have to figure out how this is spread around the health district.

Dr. Bonds said she just found out this information immediately before the call, and so they have to sit down and think about what an equitable way to distribute it to all the localities is, and how they can meet all of the various conflicting priorities that they have been given. She said it will not be an easy task, and people will be unhappy.

Dr. Bonds said she was very, very sorry. She said she wishes she had infinite supplies of vaccine so that everyone who wanted one could get one now. She said eventually, everyone who wants a vaccine will be able to get one. She said right now, however, they are only getting 2,950 doses a week, and they have to figure out the best way to distribute those to have the maximal impact in the community. She said there will need to be some hard thoughts about that, and so she did not have an answer to that question that evening, but she would keep the Board apprised as they move forward.

Dr. Bonds said BRHD will be sending out this information in their weekly newsletter so that it will be widely available. She said they will probably post it on their website as well so that people are aware. She said it does not include second shots, which is a separate allotment, and so if one has received their vaccine, they will get their second shot.

Dr. Bonds said Mr. McKay would go through some of the other metrics and plans, and they could then answer any questions from the Board.

Mr. McKay said the slide on the screen starts to address BRHD's approach and strategies for distribution and dispensing of the vaccine. He said much of this was not only based on the availability of the vaccine, but the infrastructure that goes with it. He said what they were posting was the ideal, so if they had all the vaccine that they want to provide to everyone who wants it, this would be the approach for 1a and 1b.

Mr. McKay said starting with the tent on Hydraulic Road, which is the primary location for dispensing the vaccine, they are focusing on trying to wrap up the Phase 1a healthcare that are not necessarily addressed by the two healthcare systems, and Phase 1b (65 and above, and 16-64 with underlying health conditions). He said that while right now, someone may log in and not be able to find an appointment, BRHD has the ability to reserve slots for individuals in this grouping. He said they will go through the surveys they received from interested individuals and communicate directly with those individuals to set up appointments when the time is operational.

Mr. McKay said starting next week, to the extent possible, they will be open six days a week to provide access to the vaccine.

Mr. McKay said as they go through the list to wrap up Phase 1a healthcare and include Phase 1b frontline workers, the approach is to go through the order with which VDH has set. He said there are 8 groups set within 1b and types of essential frontline workers that they can work through.

Mr. McKay said with that, provided the availability of vaccine, they can open what they call specialty points of dispensing. He said there are some organizations they can partner with who have staff that can administer vaccine, provided they have taken the appropriate training and have gone through a skills check with one of the BRHD's public health nurses. He said an example of this would be public and private schools who, for the most part, have school nurses but also have facilities the BRHD can use. He said this particular approach is advantageous to the community as a whole because it allows for more people coming to the tent and to other, fixed locations to receive the vaccine. He said ideally, this will create space and more opportunity for access.

Mr. McKay said that through a partnership with UVA Health, BRHD was able to take survey responses from individuals 75 and above and shift those to UVA, where they will administer the vaccine to those individuals using vaccine that they had had on hand, but were not administering to staff. He said this is a huge lift off of BRHD's shoulders and supports the community, particularly that age group, which is vulnerable to severe reactions from COVID. He said UVA Health will continue with that approach in administering vaccine to individuals 75 and above within their system.

Mr. McKay said Sentara Martha Jefferson will obviously continue to vaccinate their healthcare personnel, and they have also offered to vaccinate healthcare personnel and 1a that are unaffiliated with their system.

Mr. McKay said these are a couple of the partnerships BRHD has developed where vaccination is actively occurring. He said yesterday was the first day that UVA began vaccinating the 75-and-above group, and Sentara is already open to other unaffiliated personnel in Phase 1a.

Mr. McKay said there are operations occurring at fixed locations throughout the localities, in weekly clinics. He said in terms of the second dose, which is a question they have been receiving, for individuals who already got their first dose, BRHD will communicate with them the day that they can come, based on when they received their vaccine, to get their second dose. He said for example, when they opened up to Phase 1a on January 4, they had people get vaccinated there in their health department on Rose Hill Drive, and those individuals will be scheduled for an appointment on February 1, which is 28 days later.

Mr. McKay said this approach obviously requires a lot of infrastructure. He said they have built up their vaccination capacity so that they have approximately 40-45 nurses who can vaccinate. He said working through a partnership with UVA, they are sending vaccinators to BRHD, and they are checking them off on the skills list.

Mr. McKay said BRHD has recruited Medical Reserve Corp volunteers, and they are also recruiting, through a partnership with Albemarle County Fire Rescue and Charlottesville City Fire, to train EMS providers to become vaccinators. He said building this capacity helps them at the Hydraulic location, but it also allows them to open up the specialty points of dispensing where they can oversee the cold chain management process that utilizes vaccinators from schools and from Chief Eggleston's team to be able to expand access not just to schools, but to other individuals in the community, if they can make this more of a mobile site, too.

Mr. McKay said that this partnership has been very important to BRHD. He said last week, they handed off some of the planning for developing sites for schools and local government to the Regional Emergency Operations Center (EOC). He said in working with Chief Eggleston, Mr. Sonny Saxton (EOC Director), and Ms. Emily Pelliccia from Charlottesville Fire, they have provided that planning and organization support that BRHD could not do on their own. He said an important part of this is that it is a whole community response. He said BRHD is working with community partners to help develop those plans, as well as to execute those plans when the vaccine is available.

Mr. McKay presented a summary of what has been done so far across the state. He said total doses administered were 324,965. He said 943,000 have been distributed, and the average doses administered each day is on the increase. He said it was important to note that even though they had vaccine early on, as a state, the infrastructure to build it also required some training. He said it is an emergency use vaccine, and there are some protocols that have to be done to get vaccinators ready to be able to administer that. He said building that infrastructure, even though they knew this was coming, still needed some time to get moving, in addition to making sure they had the sites and resources to provide access to that vaccine.

Mr. McKay said on the Virginia Department of Health state webpage, one can go and identify the number of doses administered by locality simply by scrolling over. He said thus far, in Albemarle County, 5,508 people have received their first dose, and 428 people have received their second. He said this is cumulative between what has been done through the Health District, through the hospitals, and any other locations in Albemarle County that have been vaccinating.

Mr. McKay presented the total numbers administered by facility type. He said the numbers for the hospitals are about twice the size, or perhaps a little less than twice the size, of what health districts have been able to administer. He said given the amount and the timing at which they receive the vaccine, this makes sense. He said the graph on the slide showed the progress through long-term care facilities, medical practices, other providers, and pharmacies.

Mr. McKay said one thing to keep in mind is that Dr. Bonds started the presentation off with the point that they are still in the midst of a surge, even though some of the numbers have gone down. He said they still have to manage and understand that it is their responsibility to continue distancing, wear masks, and prevent spread as they continue to try to roll out as much of the vaccine as they can. He said part of this is testing, and they are testing five days a week throughout the locality. He said there is still testing occurring through UVA, at Mt. Zion Baptist, and the Church of the Incarnation. He said they have expanded this to Southwood Community Center, which BRHD is working with as well. He said this is another part of this; even though they are in the vaccination phase, there are other things still occurring related to COVID that are important.

Mr. McKay presented a slide with reminders, including six feet of distance; criticality of wearing a mask; and information on how important it is to wear a mask and showing the difference between what happens when you wear one and when you do not, when you are with others, in public. He offered to answer any questions.

Ms. LaPisto-Kirtley said she noticed when the nursing homes were listed, there were a couple with an asterisk. She asked if this was because they had no cases, or if it was because they did not give the BRHD the information.

Dr. Bonds replied no. She said it is common practice that if there are less than five deaths, they will put an asterisk. She said if there are no deaths, they will indicate this with a zero. She explained that if there are between 1 and 4, an asterisk is used because it is a privacy issue.

Ms. Palmer asked if there was an estimate, at the current rate of vaccinations, how long it will take to get through the district to vaccinate all adults, or just those who are 65 and older and with underlying conditions.

Dr. Bonds said this was a great question, but she did not have those estimates. She said they could work on it by age. She said she did not know if she would be able to come up with a good population estimate of individuals between 16-64 with comorbidity. She said some, they can track, but some might be challenging. She said they can certainly figure out the estimate for 65 and older.

Dr. Bonds said there are at least two other vaccines that are in the pipeline. She said Astra Zeneca is doing another Phase 3 trial because there were some irregularities in how the protocol worked in the original Phase 3 trial. She said Johnson & Johnson has released some preliminary data, but no outcome data yet (or data about how well it prevents). She said that at least the preliminary data about blood markers looks very promising, so BRHD anticipates that they would be seeking, if the outcome data is appropriate, emergency use in the next month or six weeks, which is a rough estimate.

Dr. Bonds said both Pfizer and Moderna are working very hard to wrap up their production, and so she can certainly calculate what the rate is, given the current distribution. She said she is cautiously hopeful that in a month, they will have more vaccine and can do more shots.

Ms. Palmer said she was certainly hopeful also, as she believed everyone was. She said this was the kind of question she was getting from people. She said they are trying to get an idea, as they have gone to the site and there is nothing left for February, and they cannot sign up for March at all because it is not showing up yet. She said people want to get an idea of what they should do, going forward.

Ms. Palmer said her other question is about when people should be able to sign up for March. She asked Dr. Bonds if she had an idea of when they would open up the calendar for March.

Dr. Bonds asked Mr. McKay if there was an estimated date. She explained that they had not opened up March because they were waiting to see what they were going to get as a guaranteed number for the next four weeks. She said they thought it might increase after a month's time, but she did not have any guarantee of that. She said they will probably assume that it is the same amount in March and work to get those appointments on the books. She asked Mr. McKay if this would happen next week.

Mr. McKay replied that they need to figure out the distribution across the district and then, they can schedule additional spots for March.

Ms. Palmer said she knew BRHD was trying to be equitable about this, and the Board very much appreciates this. She said the Board members are all trying to figure out what to tell their constituents when they ask, and she knows it is difficult.

Dr. Bonds said it is very challenging, and she receives many phone calls and emails every day. She said they will keep trying to message out, and they will work as hard as they can. She said they are not wasting any doses.

Ms. Palmer said she was making phone calls last night to elderly people she knows may not be connected in any way, and it was interesting that she is finding people who really do not know anything about what to do yet. She said she thinks this is something they must do on an individual basis and County basis to try to figure out how to reach out to those people. She said she gets the feeling that there are a lot of senior citizens of 80 and above where it is not registering, as they are living by themselves in rural areas and may not do internet.

Dr. Bonds agreed this was a good point. She said BRHD has expanded their hotline so that it now has 15 operators. She said this has been a great partnership with UVA to get a call center. She said people can always call the hotline, and they will walk through with them on the phone so that they get registered for the waiting list, at this point. She said if they do not have the internet, Ms. Palmer can feel free to give them the hotline. She said that even with 15 operators, it has been challenging to get through, and she would encourage people to keep calling back.

Ms. McKeel asked for the hotline number.

Dr. Bonds replied that the hotline number is 434-972-6261.

Ms. McKeel said as she believed some Supervisors would be sharing with Dr. Bonds, they are getting lots of emails and questions people want answered. She said she recognizes that every case is individual, and it is hard to answer those questions, so the hotline number is great.

Ms. McKeel said she is getting a lot of concerns that there was a sense, at least perhaps towards the end of last week and over the weekend, that they were not following the CDC recommendations. She asked if CDC recommendations are being followed.



Dr. Bonds said this was correct. She said the CDC started with Phase 1b being individuals over the age of 75, and this was changed by both federally and adopted by the Governor so that it was over the age of 65, and 16-65. She said this district was about a week behind some other districts for a variety of reasons, but they started in Phase 1b that week. She said they did not get any vaccine that week. She said they have enough to fill all the commitments on the books, but they could not open any more.

Dr. Bonds said they are extraordinarily grateful to UVA for using the vaccine that they have in their system and focusing on the most vulnerable population (individuals over the age of 75). She said they all got an email, and anyone who was on the list for that group was notified. She said it was a little rocky on the notification, and she totally understands the confusion, but she thinks it is all straightened out now. She said they need everyone to have a little patience, as there are going to be hiccups in the rollout. She said she was so sorry and that in an ideal world, they would have one communication platform to be able to get all of this out, but they do not have that ideal world.

Dr. Bonds said they are in Phase 1b and are following the CDC. She said they were instructed that they should be in Phase 1b by the Governor, and so she understands that there are many healthcare personnel who have not gotten their vaccine. She said BRHD is working, and Sentara is reaching out to some of those practices to try and get their staff vaccinated. She said she understands they are frustrated, and they will continue to try and offer spots to that group so that they get vaccinated.

Ms. McKeel asked Dr. Bonds for clarification on whether or not UVA, Sentara, CVS, and Walgreens are part of the 3,000 per month allocation.

Dr. Bonds replied that CVS and Walgreens are not, for the long-term care facility. She said this agreement was made long before the vaccine even got approved, and it is taken out of the state allotment. She said it is sitting in a freezer somewhere.

Dr. Bonds said the hospitals are part of the 2,950. She said BRHD will work with the hospitals, and if they want to continue to assist them in vaccinating, using the CDC plan, they will have to figure out how to get vaccines to them. She said it is a very difficult place to be in. She said the hospitals have great capacity to move people through quickly, but she just does not have vaccine.

Ms. McKeel said the other question she is hearing from constituents is if this is about a vaccine allocation shortage, or if it is a shortage of people to give the shots, or a combination. She said what she thought she was hearing was that it was mostly a problem with limited availability of doses.

Dr. Bonds replied this was correct. She said they had to get everyone trained, which took some time. She said this is a finicky vaccine, and so just because one can give a flu shot does not mean they can give these particular shots. She said the instructions are things like, "Add the adjuvant and invert five times," or, "Gently swirl the tube, and don't shake this tube." She said it is an emergency vaccine, and so people had to be trained, which did take some time. She said this is no longer the barrier. She said the barrier moving forward is the lack of vaccine.

Ms. McKeel said this was great to hear because one of the other concerns she heard from people was about why they do not open it up, and that it should not just have to be RNs or doctors because they can go to the pharmacist and get a flu shot. She said she believed Dr. Bonds just explained that this is changing now.

Dr. Bonds said the pharmacist can administer the vaccine, and there are pharmacies in the community that have signed up to administer vaccine. She said BRHD would make sure they are appropriately trained and have what they call cold chain management, and they can get the doses entered into the state vaccination system.

Dr. Bonds said the issue now is that she has 2,950 doses to distribute per month to all of the localities, and so she cannot just send the corner pharmacist 1,000 doses and ask them to please vaccinate all the people who get their prescriptions there. She said she would love to do that. She said it takes everyone to get the community vaccinated, but the limiting factor, at this point going forward for the next month, will be the amount of vaccine.

Ms. McKeel said another concern she is having is that when people are going on the website, and there is a calendar that pops up, it is what Ms. Palmer was alluding to that sometimes, what people see is that the calendar goes no further than January or February, and she believed Dr. Bonds addressed this in that they will be opening more slots.

Dr. Bonds replied yes. She said they only have clinics out through February because they did not know how much vaccine they were getting. She said before, it was about asking for what one thought they needed for the next week, and they got some. She said there were a number of health districts this week that asked last week for vaccine, and they got none this week.

Dr. Bonds said if there are appointments on the books and no vaccine, they have to cancel, which is worse than having limited numbers. She said she thinks people would be happier knowing that they have an appointment in March than having one on February 12 that is canceled, and then they have to be pushed out until May. She said this would make people very unhappy, and so BRHD is trying to make sure that the expectations match the delivery supply chain.

Ms. McKeel said she had one more question. She said for people who have gone onto the VAMS website, they can put in their distance, and some people have gone to Staunton, Palmyra, and other places. She said she was hearing that this website has blocked January and now, there are people trying to get their second vaccination. She said what she was hearing was that if one has had their first vaccination, they will be able to get their second and no matter where they had gotten it, they will make sure the person gets their second vaccination.

Dr. Bonds replied that one will absolutely get a second vaccination. She said if one got it there in the health district, they will be contacting that person via email to give them a date and a rough time to come. She said they are doing this because unfortunately, once one puts a clinic in the VAMS system, it is open to everyone. She said this is why some constituents can see clinics in Staunton or Harrisonburg.

Dr. Bonds said BRHD really needs people to focus their search efforts on where they have eligibility. She said they know many people work in the Charlottesville-Albemarle area, but live in Waynesboro, Buckingham, or other places. She said they need not put their home address, but they need to put in their work zip code or health department zip code (22903) when they search and sign up for clinics in the Blue Ridge Health District. She said what may happen is that they sign up for one in Harrisonburg, and because there is limited vaccine, that health district can cancel the person because they are focusing on individuals who are eligible because of their eligibility in the health district.

Dr. Bonds said the state is switching to a different system that she hopes will take care of this problem, but there will be a lot of overlap as they finish out everything that is scheduled in VAMS, then bring on the new system called Prep Mod. She said if one had one dose, they would get a second dose and an email from BRHD instructing them on what to do about that. She said if they are in VAMS, got an invitation to get an appointment, and cannot find anything, they should keep checking every day as they are trying to schedule new clinics, and to please try to stay within the health district.

Ms. McKeel said she was pointing out that there were people who went to the VAMS system and did not know all of this, and it did not go anywhere.

Dr. Bonds said she knew about this. She said BRHD would try to put some additional FAQs up on their website. She said when they move to the new system (Prep Mod), she thinks it will fix this problem so that they can direct where people get appointments from.

Ms. McKeel asked if it will direct the people who have already had their first vaccination to a second vaccination in another area. She said this was what she was hearing from people.

Dr. Bonds replied that the second vaccination will take place in their health district, and people will get an email from BRHD saying that they are eligible for a second vaccination. She said the health district does not want them to try and schedule their second vaccination in VAMS. She said if one has one, this is great, and they shouldn't get rid of it. She said she knows, however, that there are many people who cannot get it, and they are frustrated and worried. She said this is why BRHD will send out an email.

Dr. Bonds said she did not want to just open a clinic in VAMS because then, everyone can sign up for that clinic when she really wants to target those people who need their second. She said they have to use this awkward workaround, which is why they are getting rid of VAMS and going into a different system. She apologized.

Ms. McKeel said she had another question. She said she heard on Channel 29, on the news, that the closest mass vaccination site was Harrisonburg. She asked what this was about.

Dr. Bonds replied that she did not know. She said every district is doing things a little differently. She said she did not like having people have to wait in line in a mass vaccination without an appointment because she thinks it is dangerous, particularly in this time of year. She said they end up often having people who are frail and have medical problems who are waiting in cold, even rainy and snowy, environments. She said BRHD has opted not to do that, and she did not know what happened in Harrisonburg.

Ms. McKeel said the messaging piece was confusing, which was her concern.

Dr. Bonds said she understood. She said they will continue to roll things out and try to get additional messaging on the website. She said she knows it is challenging, and it is a difficult time right now.

Ms. McKeel said in terms of translations, she heard from the public earlier that day about translations for people.

Dr. Bonds said BRHD will have all the material in multiple languages, and they also have their Proprio translating system. She said there are phones and headphones they can use in the tent if they need this. She said they are trying to find individuals who are bilingual, but it is challenging to have them on standby, so they are looking for other ways, perhaps doing some very specific vaccination clinics targeted at people who speak Spanish, for example, as their primary language where they have vaccinators and staff there who are bilingual at that clinic. She said to have them always on standby at the Hydraulic Road tent, however, is very difficult if they only get one person, so they are relying on their phone translation for that.

Ms. Price said they were almost at 5:40 p.m., and would be coming back 6:00 p.m. after closed session. She noted that they would have to go relatively quickly, and they may have to move their closed session until after they do the rest of their work.

Ms. Mallek said many of her questions had already been answered. She said for the people over 75 who Dr. Bonds said were transferred to UVA, she wanted to know if there was a number they are supposed to call. She said BRHD does not have a master list of all these people, and so the question is who they should contact. She said one of the questions has been that they know they are supposed to go somewhere, but they cannot figure out where to call. She asked if this was a hotline question.

Dr. Bonds said this was probably a hotline question. She said her understanding is that they sent an email to the people on the list and said, "You will be getting an email from UVA," and then UVA sent an email saying, "Please go online and register for Vacc Track," which is their tracking system for vaccination. She said where the hiccup was is that they were supposed to get a confirmation email, and some people did not, or it went to their spam or trash folder, so they did not know where to go. She said she thinks that has been corrected, and BRHD has tried to get lots of messaging out.

Dr. Bonds said that if an individual got an appointment in Vacc Track through UVA and did not get a confirmatory email, that person can call the hotline, and BRHD can give them the information about where to go. She asked Mr. McKay if this was correct.

Mr. McKay replied yes. He said UVA has said to at least more people from their team, who can also look in the system, to verify when an appointment was made. He said there is onsite support at the hotline from UVA to provide BRHD's team with support as well.

Ms. Mallek said the other questions she had written down from constituents were all about the suggestions of running 24/7 and training all the people, but of course, they have to have the vaccine in order to do this, and the one takeaway for her was that this is what the problem is. She expressed that somewhere up at higher levels, they did not get that part done, and so she would share that information.

Ms. Mallek said one question for which the BRHD could share answers with the Board later was how the County can help to speed things up. She said she would leave this thought with BRHD, and if there are communication chains that the Board should be using and offering to them, they can let them know or otherwise, they will be tripping over each other. She said it is discouraging, and she appreciates the anxiety that BRHD has in trying to deal with this.

Ms. Price said she appreciated Dr. Bonds and Mr. McKay being there that day, and for Chief Eggleston for being there also. She said she believed Dr. Bonds provided the most critical piece of information that they needed, which is that it is a supply issue. She said this is something that they do not have control over, and constituents need to understand this because the state is subject to federal control, which gives a very limited amount to the state. She said the state then has to distribute it, and the small number they are allocated over a month of time simply does not provide for a greater number of vaccinations.

Ms. Price said obviously, everyone is hoping and expecting that the numbers, in terms of supply, will go up, but until that happens, there is nothing they can do.

Ms. Price asked if the Supervisors had any other questions, to submit them to County staff, who will get them to Dr. Bonds for answers.

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Agenda Item No. 17. Closed Meeting.

Mr. Kamptner asked the Supervisors if they had seen in the chat that they can abbreviate the matters they were going to consider.

Ms. Price replied that she did not see that.

Mr. Kamptner asked the closed meeting motion to begin with Subsection 7.

At 5:41 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation involving a Virginia corporation where consultation or briefing in an open meeting would adversely affect the litigating posture of the County and the Board; and
- Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to:
  1. A pending rezoning application; and
  2. Appointments to boards, commissions, and committees.

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

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

NAYS: None.  
ABSENT: Mr. Gallaway.

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Agenda Item No. 18. Certify Closed Meeting.

At 6:05 p.m., Ms. LaPisto-Kirtley **moved** that the Board certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

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Agenda Item No. 19. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were none.

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Agenda Item No. 20. **Action Item:** ZMA2019-004 Breezy Hill with Public Comment.

The Executive Summary forwarded to the Board states that This rezoning application was first submitted on May 1, 2019. The applicant held one community meeting with the Village of Rivanna Community Advisory Committee on June 24, 2019. The application was discussed at a work session with the Planning Commission on July 30, 2019. This application was then considered during public hearings before both the Planning Commission on July 7, 2020, and the Board of Supervisors on September 2, 2020. The Board voted on October 21, 2020 to refer this application back to the Planning Commission. The applicant revised the application to address concerns and comments heard at these earlier public hearings. The Planning Commission heard this item on November 24, 2020 as an Action Item and voted 7:0 to recommend denial.

At its meeting on September 2, 2020, the Board of Supervisors held a public hearing on this item and accepted the request for deferral from the applicant at the meeting. Subsequently, the Board referred this application back to the Planning Commission on October 21, 2020. The main concerns discussed at the Board of Supervisors' public hearing included density above the Master Plan recommendation, and impacts to transportation, to the residents of Running Deer and Village of Rivanna area, and to schools.

The applicant revised the Concept Plan and Proffers to address concerns from the Planning Commission and Board of Supervisors. The Planning Commission voted 7:0 to recommend denial of the revised application and materials on November 24, 2020 (Attachment E).

The following is a summary of changes made since the application was last before the Board of Supervisors:

Overall:

1. Density was reduced from 160 units to 130 units.

Proffers:

1. Proffer 1i was revised to reduce the maximum number of units from 160 units to 130 units.
2. Proffer 1j was offered to limit the net density for Block 5 to 1 unit per acre.
3. Proffer 1k was offered to restrict Block 6 to one dwelling via a deed restriction in favor of the future Breezy Hill homeowner's association.
4. Proffer 6 was offered to install solar panels in the project equating to 200 kilowatts, 100 of which would be installed prior to the 70th building permit, and the entirety would be completed by the 125th building permit. It should be noted that this proffer was voluntarily offered by the applicant, and has not been suggested, requested, or required by staff.
5. The total cash contribution for affordable housing was revised in Proffer 4a to account for the reduction in units, from a total of \$507,000 for 24 affordable units (160x15%) to \$422,500 for 20 affordable units (130x15%).
6. Additional technical changes were made at the recommendation of the County Attorney's Office.

Concept Plan:

1. A notation was added that all construction traffic would enter/exit the site through the main entrance on Route 250 and would not be permitted to use the entrance at Running Deer Drive.
2. The design and alignment of Road B has been reconfigured.

Staff acknowledges that the applicant has addressed a number of concerns identified and raised by staff, members of the community, the Planning Commission, and the Board of Supervisors. However, staff's prior recommendation has not changed. Staff recommends that the Board adopt the attached Resolution to disapprove ZMA201900004 Breezy Hill (Attachment G).

Ms. Price said before proceeding, she wanted to remind the public that earlier, they modified the rules of procedure so that when there are matters that have previously come before the Board where a public hearing was held, then deferred and comes back before the Board for further proceedings, there is a modification to the procedures so that the public will be able to provide comment limited to not more than two minutes per person.

Ms. Megan Nedostup, Development Process Manager in the Planning Division with the Community Development Department, said she would discuss the Breezy Hill proposal and changes that have occurred since this proposal was last heard by the Board in September 2020.

Ms. Nedostup said to remind everyone, this is a request to rezone seven parcels that, together, are approximately 84 acres located along Route 250 East in the Village of Rivanna Master Plan area, near Glenmore, from RA to R4 Residential.

Ms. Nedostup said as a brief overview of the presentation, she would give a quick overview of the location of the proposed development, present the meeting history on the project, review the master plan recommendations regarding density, present the changes have occurred since this was last heard at the Planning Commission in November 2020, and conclude with the updated factors favorable and unfavorable.

Ms. Nedostup said since this has been heard as a public hearing previously, she would not be presenting all the information that she had previously shared. She said if there were questions, however, regarding information that relates to that covered presentation, she would be happy to answer those specific questions and bring up old slides accordingly.

Ms. Nedostup presented a map to orient everyone, indicating to Route 250 and Running Deer Drive. She indicated to the Running Deer neighborhood and to the subject site, which was shown in the middle of the screen in yellow, denoted by a gold star. She indicated on the map to the Glenmore neighborhood and the Rivanna Village Neighborhood Model. She said there are currently some single-family houses on the property for Breezy Hill II that are off Breezy Hill Lane, and one is accessed off of Route 250. She said there is also a structure in the back of one of the properties that is a farm building, with access off of Hearn Lane.

Ms. Nedostup said there was a red line she added to the map recently, which represented the edge of the Development Areas in the Village of Rivanna Master Plan.

Ms. Nedostup presented a slide showing the meetings and actions that have occurred to date. She said a community meeting happened in June of 2019, and a Planning Commission work session was then held a month later, in July of 2019. She said the Planning Commission first heard this in a public hearing a year later, in July 2020, and recommended denial by a vote of 6-0.

Ms. Nedostup said the Board of Supervisors heard this in a public hearing on September 2, 2020 and accepted the deferral request from the applicant at the meeting. She said they then sent the application back to the Planning Commission in October of 2020. She said the Planning Commission then heard the item again on November 24, 2020 and recommended denial, 7-0.

Ms. Nedostup said moving onto the Comprehensive Plan and the recommendations within that, Breezy Hill is within the Village of Rivanna Master Plan area. She said the future land use plan includes two designations for the subject properties. She indicated on a map to Route 250 and Running Deer Lane, noting that the parcels were outlined in a yellow-gold color. She said they are designated as Neighborhood Density Residential – Low, which was shown on the map in a lighter color; and as Parks and Green Systems along Carroll Creek and Route 250, shown in green.

Ms. Nedostup said to the west, across Carroll Creek, the land use designation is Neighborhood Density. She said this exhibits the transition that is discussed within the master plan to provide the most intensive and denser development within the village center (Rivanna Village, located to the west), then transition to least density adjacent to the edge of the master plan area and Running Deer Drive.

Ms. Nedostup said the master plan further designates this as Area B with a density recommendation of 1 dwelling unit per acre. She presented a chart from the master plan that describes the three areas where future development could be expect within the Village of Rivanna. She said it provides guidance on how this area would transition from higher density to lower density, radiating out from Glenmore and Rivanna Village.

Ms. Nedostup said the map on the right of the screen overlays the areas within the master plan on the parcel map. She said one could see Route 250 on that map. She said the whole area is within Area B, and Breezy Hill is within the lighter red color. She noted that the darker red color on the map was also included in Area B, but is not part of the Breezy Hill applications. She said this area includes seven properties that total approximately 28 acres.

Ms. Nedostup noted that in July 2019, at the Planning Commission work session, they discussed density and the interpretation of the master plan regarding density in this area. She said the Planning Commission confirmed that the designation follows the chart within the master plan, and that a net density of 1 unit per acre (equating to 65-66 total units) would be appropriate, relative to the

recommendations of the master plan.

Ms. Nedostup said moving along to the revised proposal, the applicant has made a number of changes since the application was last before the Board. She said those changes are fully outlined in the transmittal summary staff report, and she would cover a few key changes now. She said the plan on the screen was the concept plan, which is a bubble plan that shows the block. She said the next slide included more of the lot layout, but she would stay on the concept plan slide for a moment. She said the density was reduced from 160 units to 130 units. She said this equates to 1.6 units per acre gross density and 1.9 units per acre in net density. She said Block 5, adjacent to the Running Deer neighborhood, was proffered to limit the density to 1 unit per acre.

Ms. Nedostup presented the plan for the lot layout. She said a proffer was also offered to restrict construction traffic from using Running Deer Drive. She said the design and alignment of Road B that connects Running Deer has been reconfigured since the Board last saw it. She indicated to the road on the map. She said she did have the previous plan if they needed to go back and look at it in more detail. She said a proffer was offered to restrict Lot 6, which is at the back of the property, to 1 dwelling unit via a deed restriction.

Ms. Nedostup said Proffer 6 was offered to install solar panels in the project, equating to 200 kilowatts. She noted that this proffer was offered after the Planning Commission meeting on November 24, and so it is brand new.

Ms. Nedostup said the factors favorable include that the proposed development includes an entrance as recommended in the future land use plan; a multiuse path; and a future vehicular pedestrian inter-parcel connection across Carroll Creek. She said it also includes an affordable housing proffer, which would generate up to \$422,500 maximum monetary contributions to support offsite affordable housing initiatives; or, ensure construction of 20 affordable units maximum, for sale or for rent. She said this number was updated since the Board had last seen it to reflect the 15% of reduction in number of units, from 160 to 130. She said the last favorable factor is that the proposal meets the applicable Neighborhood Model standard principles.

Ms. Nedostup said the unfavorable factors include those elements that do not align with the master plan and Comprehensive Plan, which have not changed since the Board last saw it. She said staff does acknowledge that the applicant has addressed a number of the concerns identified and raised by staff, members of the community, Planning Commission, and Board of Supervisors. She said staff's recommendation, however, has not changed, and staff is still recommending denial of the application.

Ms. Nedostup concluded her presentation and offered to answer any questions. She noted that Mr. Kevin McDermott (Chief of Planning) was in attendance to answer any transportation questions if needed.

Ms. Palmer asked what a by-right development would look like there. She asked what the allowable density is if they do not do the rezoning and someone decides to do it by right.

Ms. Nedostup replied that a by-right analysis has not been fully completed because it is complex within the ordinance and would include the research of development rights on the parcels. She said the applicant has done their own research and could answer that question, but from the narrative, they had calculated about 24 units with RA zoning.

Ms. Palmer said this was probably a question for the applicant. She asked what the purpose was in taking that large piece of property off and allowing just one house rather than spreading out the density.

Ms. Nedostup replied that she believed the applicant could better answer, but from her understanding, the last time this was heard at the Board, there were some concerns about future development of the back parcel. She said this was a way for the applicant to restrict future development, adding that they could further answer the question about spreading out the density.

Ms. McKeel asked if she could ask Mr. McDermott a question.

Ms. Price said this was fine.

Ms. McKeel addressed Mr. McDermott by saying that while they were in the middle of this discussion, she wanted to have some clarity about the Route 250/I-64 traffic improvements. She asked Mr. McDermott if he could talk about the status there.

Mr. McDermott asked Ms. McKeel if she was referring to the diverging diamond that was funded a number of years ago.

Ms. McKeel replied yes.

Mr. McDermott said that project has been designed, advertised, and is scheduled to begin within 2021. He said he believed it was approximately a little over a year construction time. He said in relation to this application, it would appear that this should be finished, or close to finished, by the time they start getting residences built related to this rezoning.

Ms. McKeel said this answered her question.

Mr. McDermott said this is a significant improvement to that individual area and does meet one of the requirements from the master plan that was identified. He pointed out that there are other issues that were identified in that master plan.

Ms. Mallek said the last time, the Board talked a lot about the stoplight improvements. She asked Mr. McDermott if he could quickly update the Board on those.

Mr. McDermott replied that the stoplight improvements are a proffer that was made with this proposal to coordinate signals for Route 22 in that area. He said the TIA (Transportation Impact Analysis) that was submitted that evaluated how those improvements would impact transportation showed that there would be a benefit to doing that to those intersections, and that traffic would actually flow better after those improvements (even with this development) than it does currently.

Mr. McDermott said there was a question that came up of whether or not they could move forward with those improvements even if they do not approve this development. He said they can do this, but it would be a fairly significant expense. He said they do not have an exact estimate, but to get VDOT to upgrade those would probably be over \$500,000 to do. He said it would be an expensive project, but it does show there would be a benefit to traffic in the corridor.

Mr. Gallaway said he was going to ask the question about the signalization. He said he was not sure if the Board recalled, but a few months ago, when they had Ms. Carrie Shephard in front of them, he had asked about the plans because there is some optimization going on with the signalization between High Street and the interstate. He said this will happen before the diverging diamond interchange construction happens. He said his question to Ms. Shephard had been that even if there was not a proffer in place, if signalization is being looked at, what will happen before and after a major project like the diverging diamond.

Mr. Gallaway said the response, basically, was that they were looking at it anyway, from the interstate going into town. He said if a major change happens at Exit 124, everything will have to be looked at again because this will change patterns, and everything will be looked at on the other side of Route 250 as well to include the proffering coming out.

Mr. Gallaway said he believed there were two different phases: signalization optimization pre-construction, then post-construction. He said while the signalization efforts will not get rid of delays, they will certainly help, as they have seen what this has done on Route 29. He said when there is a major project like the diverging diamond, in conjunction with the signalization, it will have an impact. He said this was more of a comment than a question, but he wanted to thank Ms. Mallek asking the question and letting him piggyback on.

Ms. Price said she had a question for Ms. Nedostup. She asked if the R4 zoning change is approved, it would then allow this or any other developer to increase the number of units, or if the R4 zoning change (if approved) would limit this or any future developer solely to the number of units being proposed now.

Ms. Nedostup replied that it would limit it to what the proffers outlined, which includes the maximum number of units of 130 units, per Proffer 1, as a major element. She said any future developer would be subject to those proffers, as they run with the land, and the conceptual plan in the application for R4 as well.

Ms. Price asked if, with regard to the latest proffer addition of the solar power, there has been a specificity provided as to exactly how those solar panels will be installed. She asked if they will be installed on rooftops or on the ground, and if there was any information from the developer on that.

Ms. Nedostup replied that she believed the developer could best answer that question, but that from her discussions with him, it could be either on the ground or on rooftops.

Ms. Price said if there were no other questions, she would turn to the applicant. She noted that she saw Mr. Armstrong in the meeting and explained the rules the Board has implemented for "further consideration of a previously deferred matter where a public hearing has been held" that he was provided 7 minutes to present what he wanted the Board to hear.

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Mr. Charlie Armstrong, Southern Development, said he would keep his presentation as brief as possible and would only share the changes made since the Board last reviewed the application. He thanked the Board for the opportunity to present a new and improved version of Breezy Hill. He said Mr. Don Franco (engineer with Roudabush Gale & Associates) and Mr. Bill Wuensch (traffic engineer with EPR PC) were also on the call to answer questions.

Mr. Armstrong said in 2020, when the applicant brought this before the Board, it seemed like three Supervisors were generally in support while three others still had some concerns. He said the applicant requested deferral which, thankfully, the Board granted, and the applicant did a lot more work on it. He said the applicant thinks they have addressed all those concerns in a significant way while adding some additional benefit to the County with these changes.

Mr. Armstrong said one big change they made was reducing the total maximum overall density to

130 units, which is 1.6 units per acre gross and 1.9 units per acre net. He said the last time the Board reviewed this, the applicant was proposing 160 units, which would have been 2 units per acre gross and 2.5 net. He said now, no matter whether they are looking at gross density or net density, they are under 2 units per acre, overall. He said they reduced the allowed density of Block 5, the area closest to Running Deer Drive, to less than 1 unit per acre to provide a better transition.

Mr. Armstrong said an orderly stepdown in density from the village center to the Rural Areas on the other side of Running Deer is another theme the applicant heard from the Board and from neighbors, and so the applicant's land planners did a study of the Village of Rivanna Master Plan and existing development patterns to determine what changes they need to make to make this plan fit better with the existing development and master plan goal of transitional density.

Mr. Armstrong presented the result, on a map. He said Glenmore was represented by the light green color, noting that the map did not show it all, as it is 900 parcels and rather large, and so it goes off to the left and below. He said Rivanna Village, currently under construction, was shown in dark red, at the top left. He said the undeveloped growth area land is planned in the master plan for roughly 3 units per acre, and this was shown in orange. He said Breezy Hill was shown in bright green, with the lower-density area in light blue. He said development area parcels along Running Deer Drive that are not part of Breezy Hill were shown in dark blue.

Mr. Armstrong presented another map and said that it shows a trend line across the transect from the master plan core, extending to the Rural Areas east of Running Deer. He said for additional reference, the densities of a transect through the roughly 900 parcels of Glenmore were also illustrated in pale green. He noted that some parts of Glenmore are at almost 3 units per acre there.

Mr. Armstrong zoomed out of the trend line to better see it. He said the trend line indicated that Breezy Hill is generally in accord with the goal of transitional density, from high to low, across the master plan area, but that the applicant needed to reduce the density of the light blue area of Breezy Hill to make it more compatible with the existing development patterns along Running Deer. He indicated to the stepdown area.

Mr. Armstrong said the applicant did restrict density in that area to less than 1 unit per acre, so on roughly 10 acres closest to Running Deer, there will be just seven new lots, which is adjacent to six existing homes. He said the proposed density in Block 5 now matches the existing density adjacent to them and represents an orderly stepdown in density, radiating all the way from the village center, out.

Mr. Armstrong said to keep traffic off of Running Deer, which was a significant concern for at least a couple of Supervisors last time, the design has been reconfigured to discourage traffic from entering or exiting Breezy Hill on Running Deer. He said the road shown in red on the map used to go straight out to Running Deer, and it was lined with lots on both sides. He said it would have been the most direct access and egress point for much of the development there.

Mr. Armstrong said that by cutting this off and directing traffic out a certain way, anyone who wanted to use the secondary access would have to backtrack instead of going directly out to Route 250 that way. He said it is inconvenient and is a physical impediment to using that while still meeting the safety and fire access requirements that the County and VDOT desire. He presented a map of what the proposed road now looks like. He said drivers will choose the way that is most convenient, and they will not backtrack if there is a more direct way out.

Mr. Armstrong said that since the applicant last saw the Board, the Board adopted Albemarle's Climate Action Plan, which he applauds. He said the applicant has added a new component to the project that they are very excited about, which is solar. He said they are proffering a minimum of 200,000 watts of solar panels on the rooftops of home. He said R4 zoning does not allow power generation array as a ground mount, so it would be impossible even if they wanted to do this. He said the applicant wants them on rooftops, where they will blend in and provide the greatest benefit.

Mr. Armstrong said those solar panels offset an incredible amount of other impacts that the community makes. He said almost half a million miles of greenhouse gas emissions from cars is the equivalent. He said more than 200,000 pounds of coal burned by power plants is offset. He said it offsets more than 250 acres of carbon-sequestering forest. He noted that the project is only 84 acres, and those solar panels can have that much impact. He said this is from EPA's calculator, which is online for the Board to see, and has many other offsets in addition to these highlights.

Mr. Armstrong noted that these solar benefits were for each and every year over the expected panel lifespan of 30-40 years. He said this is an addition to preserving all the sensitive environmental features on the Breezy Hill property. He said there is no additional clearing or anything needed to do this, as it is on the rooftops. He said there is no downside, and so the applicant is very excited about this idea.

Mr. Armstrong said some people have asked how much 200,000 watts of panels is because it is hard to visualize. He presented a picture of a ground system, noting that it would not be a ground system like this one, but would be on rooftops. He said the photo, however, paints the picture of exactly how much power this is, which is 800 solar panels. He said what was shown in the photo was an installation in a much flatter place where a community generating facility was installed.

Mr. Armstrong said the applicant has worked hard to make this a compelling proposal. He said they understand that many neighbors do not like the idea of new homes there, but it fits the



Comprehensive Plan and they, as a community, need to utilize the Development Areas and preserve the Rural Areas. He thanked the Board for their consideration and offered to answer any questions from them or from community members.

Ms. Price asked Mr. Armstrong if he could go back to Slide 5, which showed a map. She said what caught her on this slide was that looking at the lighter green in Glenmore and the density adjacent to the properties on Running Deer, versus the darker green in Breezy Hill and the density towards Running Deer, it is clearly a much denser development in comparison with the properties that are closest to Running Deer. She asked Mr. Armstrong if he had a comment on that.

Mr. Armstrong replied that he was not sure he was confident of where Ms. Price was looking because the light blue on the map is also part of Breezy Hill.

Ms. Price said she understood, but when looking at Glenmore and the area further down Farrington Drive, adjacent to the properties next to Running Deer, one can contrast the lot size and density with what is shown in the Breezy Hill proposal. She said the Breezy Hill proposal is substantially denser, in terms of development, than that part of Glenmore that is closest to Running Deer.

Mr. Armstrong said this was a fair statement. He said that part of Glenmore is large lots and multimillion dollar homes.

Ms. Palmer asked Mr. Armstrong if he could tell the Board why he decided to only have one house in that larger area to the south.

Mr. Armstrong replied that the goal here was twofold. He said one was to provide a buffer between this property and Glenmore, as this was the only portion of the property that would be visible from anywhere in Glenmore to those adjacent neighbors. He said the rest of this property is not visible to Glenmore. He said a visual and wooded buffer of about 20 acres was one goal.

Mr. Armstrong said the other goal was environmental preservation. He said there is a ravine between the larger part of Breezy Hill and that portion which had some critical slopes. He said it was not a major undertaking, from an engineering perspective, to cross it, but the goal here was to avoid all of the sensitive environmental features. He said they did not want to compromise this goal by impacting those slopes.

Ms. Price asked the clerk if there were some individuals who were signed up to speak.

Ms. Borgersen replied that this was correct.

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Ms. Ginna Kelly said she and her husband live in the historic home at Glenmore and love Albemarle County. She said all of this development, however, has been very concerning, and she wanted to address the other side of the solar panel situation. She said while it takes about 20 years to realize any kind of gain from the solar panel, during that 20 years, the pollution is rising and rising in parts of China and Japan right now. She said trying to recycle the panels is causing bad, contaminated soil and water tables. She said this is a huge problem.

Ms. Kelly said that according to the U.N. Intergovernmental Panel on Climate Change, this NF3 (nitrogen fluoride), which is used in the panels (and the thinner and better the panel, the more NF3) is 17,200 times more of a greenhouse gas problem than carbon dioxide. She said that in Japan and China, they found this water, and to clean it up, it is costing a fortune. She asked who pays for this. She said that in Washington State, in the United States, the locals are paying for it. She asked where they will dump it, and if it will be in someone else's backyard.

Ms. Kelly said the Institute on Energy Research recommends a tax similar to that of cleaning up nuclear energy and coal reclamation waste. She said not only are panels subsidized going in by all taxpayers on the federal, state, and local level, but they will now have to pay for the cleanup. She said she wonders if this could be addressed.

Ms. Kelly said living in the area, she would prefer much bigger lots and less units. She urged the Board to vote to retain some of the quality of life in beautiful Albemarle County.

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Mr. Steven Turkel (Scottsville District) said Southern Development has added two proffers, one for 200 kilowatts worth of solar panels and one that 15% of dwellings be offered as affordable housing. He said he believes these proffers are transparent ploys to induce the Board to approve a proposed development that flies in the face of the master plan and mocks the professional judgment of the County's certified planners.

Mr. Turkel said although subject to a number of variables, he is told that 224 kilowatts can annually supply 25 average Virginia homes' energy needs. He said 267 kilowatts can annually supply 30 average Virginia homes. He said in a proposed development of 130 units, the solar panels offered would supply between 22 and 23 homes, yearly. He said this is only 17% of the 130 new residences proposed.

Mr. Turkel said as for the proposed 15% of affordable housing, the developer has not specified which 19 or 20 of these 130 residences would be placed in the affordable category, nor what "affordable"

means in terms of sales prices.

Mr. Turkel said these are sweeteners, and they should be rejected as the token gestures that they are. He said the developer won approval for development of 60 dwellings on the acres he purchased, and he should live with that.

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Mr. Thomas Parker (Glenmore, Village of Rivanna) said he agrees with those who have spoken before him. He said the Village of Rivanna Master Plan, initially implemented in 2010 and revised in 2015, was prepared by County staff with the aid of a master plan consultant, but only after consulting with the stakeholders work group and after four public workshops to allow for local input. He said everyone involved, both County officials and concerned citizens, knew that growth pressures were driving the planning process in the first place. He said they presumed that these pressures would continue unabated, and they took this fact into account in their process.

Mr. Parker said the final plan was designed to tackle the challenge of guiding the time, place, and conditions for that growth. He said to argue now that current considerations render the plan obsolete is illogical. He said this is the very pressure it was designed to guide and keep in control. He said the proposed addition of renewable energy does nothing to change this fact.

Mr. Parker said the Board received many letters expressing opposing to this proposal. He said that once again, local residents are providing their input, just as they did when the master plan was first developed. He said as the County listened to them then, he would encourage the Board to listen to them now. He asked the Board to let the County take up the challenge it set for itself when it designed and later revised the plan, and hold true to its guidance of how and when development should occur. He said it is a difficult task, but doing the right thing often is. He said this is the responsibility and duty of leadership.

Mr. Parker encouraged the Board to weigh and heed the sentiments of the people, accept the unanimous recommendation of the County Planning Commission, and deny the Breezy Hill rezoning request.

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Mr. Christopher Hawk, Piedmont Environmental Council (PEC), said PEC supports the Community Development staff recommendation to deny the Breezy Hill rezoning request. He said the request does not conform to the recommendations contained in the Albemarle County Comprehensive Plan, nor the Village of Rivanna Master Plan, as documented in the previous submittal. He said PEC recommends denial of this rezoning request.

Mr. Hawk said the inclusion of renewable energy via Proffer 6 is both appreciated and necessary in order for Albemarle County to reach its climate action plan goals. He said based on PEC's calculations, however, only about 8.5% of the total units could be powered by 200 kilowatts of solar. He said this size system could reduce onsite carbon emissions by approximately 54.3 tons, annually.

Mr. Hawk said due to the rezoning's distance from jobs and services in the urban areas of Albemarle and Charlottesville, nearly every trip will require a car. He said rough estimates conclude that the proposed 130 units, which are located approximately 6.3 miles from the County/City boundary at Pantops, could create between 1,670 and 3,434 tons of annual carbon emissions due to vehicle miles traveled from Breezy Hill to jobs and services elsewhere in the County. He said although trip miles will vary from person to person on a daily basis, PEC has provided this rough calculation to highlight that potential vehicle emissions could be between 30 and 63 times larger than the carbon emissions reduced by 200 kilowatts of solar panels.

Mr. Hawk said PEC applauds the applicant's inclusion of renewable energy, but the limited nature of Proffer 6, "Climate Action," is not sufficient to warrant the higher density requested in this rezoning, nor the associated transportation impacts and greenhouse gas emissions.

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Mr. Neil Means (Village of Rivanna, Scottsville District) urged the Board to deny Breezy Hill because it requests twice the density called for in the master plan. He said Route 250 is still inadequate, and still will be after the scheduled improvements discussed earlier are in place. He said the new proffer of solar panels is good, but it would offset only a fraction of the environmental damage caused by the excess density proposed.

Mr. Means said specifically, he wanted to comment on Attachment D entitled, "Climate Action Proffer Information." He said this looked like PR spin, to him. He noted that the three illustrated examples were separated by the word "or," in fine print. He said it is the same amount of energy repeated three ways to fill the page and inflate its impact.

Mr. Means said he noticed that evening that on the slide of the same illustrated examples, the "or's" were omitted. He said disregarding the last two and considering only the first, if the proffer offsets the equivalent of 491,244 miles, the whole project of 130 houses would add the equivalent of about 5,770,000 miles. He said this is a net increase burden on the environment equivalent to about 5,278,000 miles. He said this does not include the actual miles driven by the perhaps 250 actual cars added by the project.

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Mr. Rory Stolzenberg (City resident) said he did not express any opinion on this unfortunately low-density development, but he did want to address alarmist and inaccurate fear mongering on solar panels. He said to quote a senior research specialist for Greenpeace, the benefit of carbon-free energy from solar panels swamps the negative impacts due to NF3 emissions. He said those small emissions take place during manufacturing and do not leech out into the local environment where solar panels are installed.

Mr. Stolzenberg urged the Board to support solar energy in all applications in order to meet their adopted climate goals of a 45% reduction by 2030 and net-zero by 2050.

Mr. Stolzenberg said moreover, he wanted to remind the Board of the Rural Area Strategy 6A of their adopted Comprehensive Plan. He said this is to promote use of Rural Area land up to the boundary of the Development Area and not to require transitional areas between the Rural Area and Development Area. He said in order to protect the Rural Area, it requires embracing growth and density within the growth area.

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As there were no other speakers, Ms. Price expressed appreciation to all speakers who signed up and provided commentary. She told Mr. Armstrong he had up to five minutes to provide any rebuttal.

Mr. Armstrong said he would touch on a few things, with one being the solar panel and a lot of math that he did not really follow about what they do and do not do. He said he was afraid that the homes people may be assuming that the offsets are based on are different than the homes the applicant is talking about. He said that on a large 5,000-square-foot house, these panels would not offset the entire use of the house. He said they will not offset the entire use of 130 homes, either, but they will offset a significant portion of electricity.

Mr. Armstrong said to give an idea of what Southern Development builds, the majority of their houses use between one third and one half less energy than a typical code-built house. He said his home, which he was presently sitting in and is a Southern Development home, uses 90% less. He said solar panels are not the only answer to climate issues. He said one must couple this with energy efficient, which is what Southern Development does. He said those numbers the Board heard were not accurate representations of what solar panels in this project would do. He said these would be significant.

Mr. Armstrong said in terms of the comment about not defining what “affordable” means, this is defined in the proffer, which the Board could read.

Mr. Armstrong said he wanted to talk about density and traffic, and that he had something he could share with the Board on that, as this still seemed to be the biggest point from a lot of neighbors. He said Ms. Nedostup had showed one page of the Village of Rivanna Master Plan where it addresses density, but there are two others that the Board has probably seen, which are pages 33 and 35. He zoomed in on these pages on the slides. He said these were the maps that define what densities are expected in the Development Area. He said he was not sure if neighbors were referring to the 2010 version of the plan or the current 2015 version, or if there was even a difference, but what he showed on the slide were from the 2015 version.

Mr. Armstrong noted that on the plan, it says 1 unit per acre, and above and below that, in the same paragraph, it says, “Different mixtures and densities could take place in the future.” He said it says it is a “possible mixture of densities” where it talks about 1 unit per acre.

Mr. Armstrong indicated to language on the slide that said, “up to 2 units per acre,” explaining that this is the definition of Neighborhood Density – Low on page 33. He said on another page, page 35, for the entire area that Breezy Hill is to be, there are two different land use maps that prescribe the densities and vision for the site, and they both say, “2 units per acre.” He said he would not argue that there is some conflict with the other page that says, “1 unit per acre,” but what the applicant targeted was 1.6 units per acre gross density (which is 1.9 units per acre net density), and it is squarely between the 1 unit reference on page 23 and the 2 units per acre referenced on both pages 29 and 30.

Mr. Armstrong said Mr. McDermott had answered the traffic questions quite well. He said with all the other improvements going on, the applicant’s improvements will make additional significant improvements to traffic. He said the applicant’s improvements alone will save the average Rivanna commuter (after Breezy Hill is developed and after any additional cars from Breezy Hill are factored in) 2.5 minutes on their daily commute.

Mr. Armstrong said this is not saving the world, but it is an improvement. He said they are not making traffic worse, but they are making traffic better for everyone who drives this corridor. He said this is the science, and VDOT and the County Traffic Engineer both concur, as they said, with that science and analysis. He said in other terms, this is 10 hours of travel time per commuter, which starts to sound significant, and over 11,000 total vehicle hours saved per year based on the number of vehicles that travel this corridor. He said this is like taking 11,000 vehicles off the road for one hour because of their improvements, and there is an environmental benefit to that, too.

Mr. Armstrong said if the Board had further traffic questions, Mr. Bill Wuensch of EPR would be glad to answer those.

Mr. Armstrong said this accomplishes the goals laid out in the Comprehensive Plan and in the Village of Rivanna Master Plan, and it provides so many of the County's other needs through the proffers.

Ms. Price said what she wanted to do first is circle through the Supervisors to see if there were any questions. She said once finished with questions to the applicant or County staff, they would come back around for commentary.

Ms. LaPisto-Kirtley said her understanding was that Running Deer is the dividing line between the transitional area and the Rural Area. She asked if this was correct.

Mr. Armstrong said this was correct.

Ms. LaPisto-Kirtley thanked Mr. Armstrong for pointing out the conflict with the density issue that was in some of the County's paperwork.

Ms. Palmer asked Ms. Nedostup if she could comment on Mr. Armstrong's interpretation of the conflicts in the Comprehensive Plan.

Ms. Nedostup replied that staff recognizes there is a conflict between the different pages in the Village of Rivanna Master Plan, which is why they took this question to the Planning Commission in July of 2019 and asked the specific question about what the interpretation should be. She said the direction that staff received at that time was that Area B, which was on the slide she presented earlier, shows the table with the 1 unit per acre and that this should be the density range the County should be using. She said this was the direction staff received from the Planning Commission.

Ms. Nedostup said that the Comprehensive Plan is a guiding document and helps with interpretation of those conflicting recommendations within it.

Ms. Palmer said she leans heavily on the whole idea of transitioning from a more concentrated area to a less concentrated area. She said she was not sure if she could ask this, but if this was staff's general thought on how development ought to be at the edges of the Development Areas.

Ms. Nedostup replied that it was mentioned in public comment that there is some conflict within the main comprehensive document and master plan language. She said the person who spoke earlier was correct that within the Comprehensive Plan, there is language within it that says that between the Development and Rural Areas, there should be a strong edge to delineate between the two areas. She said within the deep-dive master plans, there is further language on areas where the community felt that there should be a transition rather than that strict edge.

Ms. Nedostup said there is conflicting language there that, perhaps with the upcoming Comprehensive Plan update, they can resolve in the future. She said both are discussed within the Comprehensive Plan and master plans.

Ms. Palmer asked if it truly was the case that these were conflicting, as she could see a sharp edge with a transition area. She said she did not see this necessarily as a conflict. She asked if this would always be a conflict. She said in her district and a few areas, they have run into this where it has been pretty problematic. She said she just did not see this as a conflict, in her personal opinion. She asked how Ms. Nedostup saw this, as a planner.

Ms. Nedostup replied that if there are density ranges listed within the master plans that talk about a transition, she thinks there are two different ways they could look at what the transition is. She said they can look at form and at having a hard edge, or they can look at it as the density ranges. She said she thinks it is up to interpretation. She apologized for not having the fully language of the Comprehensive Plan that talks about that hard edge in front of her to see if there is a further distinction.

Ms. McKeel said she did not see this as a hard edge. She said there is certainly a transition that is being offered.

Ms. Nedostup said she would agree with that.

Mr. Gallaway apologized if he missed this somewhere in the materials, but he supposed his question was for Ms. Nedostup or Mr. Kamptner. He said the proffer of the solar panels on the houses did not necessarily dictate his decision on the application, but it was just an interesting proffer to him that he supposed the builders were going to require having on the houses, and that upkeep must be maintained. He said looking to the language that says, "or compel" or "force" or "create," it strikes him as an interesting type of proffer that one must have solar panels on their house because this is how it is going to work.

Mr. Kamptner said he was not sure how to respond other than he knows that in years past, there have been conditions related to some other features of residential units. He said this one is tailored to address issues in the Climate Action Plan.

Mr. Gallaway said the cost of it gets put into the price of the house.

Mr. Kamptner said this was right.

Ms. Price said she would ask for commentary from Supervisors.

Ms. LaPisto-Kirtley said she has been watching this very closely because she sees it as more of an equity issue, making sure that they have development up to the development lines in order to protect the Rural Areas. She said what she sees is that if they do not have development in the Development Areas, what will happen is that they will be coming back 10, 15, 20 years or more as the population grows because this is a very good place to live. She said she is concerned that they will then try to start encroaching on the Rural Areas, which is something that she is against and does not want to do.

Ms. LaPisto-Kirtley said she has always been in favor, more so in the Development Areas, of trying to perhaps not maximize, but increase what they do have so that they do not have to go into the Rural Areas, as this is what will happen.

Ms. LaPisto-Kirtley said she thinks this is a good development and that she is in favor of it.

Ms. Palmer said she appreciated all the changes that were made. She said she loved the change in the road design and appreciated that. She said she did not know if this actually had to happen, however, if the property gets sold and the situation changes in the future, but regardless, she appreciated it. She said as Mr. Gallaway said, she thinks the idea of a solar proffer is interesting.

Ms. Palmer said at the same time, she was stuck on the density issue and the transition from a higher-density area to a lower-density area as they get closer to the edge. She said she finds this especially important in a growth area that is farther out from the central growth area to the urban ring. She said she was still having trouble with the density, but she was very much appreciative of the changes that were made.

Ms. McKeel said she was looking very favorably on the project. She said she thinks it allows a designation growth area to be used as intended which, as Ms. LaPisto-Kirtley stated, does help to protect the Rural Areas.

Ms. McKeel said when they use the designated growth areas for density, this is certainly not dense when compared to many other proposals. She said it allows a balance of density throughout the growth area, rather than pushing density into one or two locations, which is what they have right now.

Ms. McKeel said denser housing is needed in this community. She said she remembered that recently, the Board of Supervisors all sat together at a work session around affordable housing (adding that this plan does provide affordable housing, which no one had mentioned that evening), and they all agreed that they needed to start supporting affordable housing in the community, which often meant more dense proposals and developments.

Ms. McKeel said she does not take the traffic concerns as seriously, only because she recognizes that there are traffic concerns all over the community. She said that with the diverging diamond and the traffic signalization that will be done, they have the ability and are certainly addressing much of the traffic concerns in this area.

Ms. McKeel said she really likes the addition of the solar proffer, and the reason is not because this will make a huge difference in the life of the consumption, but it would elevate the awareness of nonrenewable energy in the community. She said it is at least a start. She said there are new strategies in the Climate Action Plan, and this would at least help to begin that work. She said this is perhaps one of the reasons that LEAP has supported this proposal. She said she thinks that in the long-run, it will encourage other developers to support solar growth in their developments.

Ms. McKeel said she thinks the developer has addressed the concerns of the neighbors as best he could. She said he has addressed the concern about the construction entrance. She said she believes he has addressed some of the transition. She said she would probably be in favor of a harder edge just because the County needs housing. She said he has addressed it, and this is great. She said she was looking very favorably at this project.

Ms. Mallek said she was looking less favorably, and it is because of the impacts that it will have on the existing and many long-time residents of the smaller residents nearby who have been trampled, over many decades, by residents moving in, construction traffic, etc. She said she was not at all surprised, having heard them speak in meetings since the 1980s, that they are feeling very under attack from this.

Ms. Mallek said that over the last 40 years, she has participated in many update discussions about the Comprehensive Plan, as well as the development of the concept of the growth areas and the benefit of the growth area to provide cost-effective geography in which higher-level County services can be provided. She said this is a very important consideration.

Ms. Mallek said every step along the way, the quality of life of nearby residents (the people who already live there) has been a priority. She said existing residents have already made the most significant investment in their lives (their home), and they are concerned about their future, which she understands.

Ms. Mallek said the edge of the growth area, in all the various master plans that she has watched

be redone over the last many years, have it taper down at the edge. She said this provides a transition for the Rural Area residents who live on the outside, as well as a benefit to the people in the growth area itself. She said many different master plans have this feature, and she thinks it is a valuable one and a core concept.

Ms. Mallek said the impact on adjacent neighbors is truly a core concept of land use planning and has been for decades in Albemarle County, as has been the decades-long participation of citizens throughout the County during development processes. She said this is something for which the County is known and should be very proud that their citizens feel they have a voice.

Ms. Mallek said Route 250 East is a rural, two-lane roadway, and it has the same issues of traffic that she has seen herself where she is trying to get to places at the wrong time of day. She said it has the same issues as Route 250 west of town, where people leap off of I-64 if there is an accident and jump onto Route 250 to creep all the way from Crozet to Belair because there are so many people on a two-lane road, which will stay that way.

Ms. Mallek said the people in Crozet have many more alternative routes to take than the people in Rivanna. She said Rivanna has no choice to get out of their house and then to creep along. She said the photographs and evidence the Board received in 2020 were certainly compelling.

Ms. Mallek said this a long way out from the highly urban services. She said 6 to 11 miles does not feel so long, but when it is at 5 mph, it takes a very long time. She said she is very reluctant to put even more people out there to compound this situation by 1,300 cars per day.

Ms. Mallek said she wrote down a quote from one of the notes in the Planning Commission minutes that said, "Shoehorning in more development just to satisfy a total buildout number that is no longer operationally feasible is not sound planning." She said she would agree with that. She said she would not be supporting the program.

Mr. Gallaway said this project was ahead of the Board a few months earlier, and he had been prepared to vote "yes" that evening. He said the essential question for him, coming into this presently, was if he was persuaded to change that vote. He said he thinks the changes here, however, were more designed to try to get those who were perhaps less supportive to go to a "yes" versus keeping them in the yes category or persuading them out of it.

Mr. Gallaway said he was glad that Ms. McKeel brought up the affordable housing piece. He commented that it was disappointing that the project he was ready to support a few months ago has less units and less proffered money. He said some of the public comments had said that \$500,000 was a drop in the bucket and was not much. He said every dollar counts, however, and they have been looking at current financial pictures of what they have to do to attack affordable housing. He said he was not thrilled that the unit count and proffered money have gone down, especially as it relates to that particular item.

Mr. Gallaway said with this project, he knows that transportation is the biggest issue. He said if there were not major corridor projects scheduled and ready to begin, he would probably be thinking very differently about the project, but it is. He said he thinks that particular choke point is going to have a big impact on the ability of the traffic to move through that corridor.

Mr. Gallaway said he thinks signalization optimization will assist and help, but he does not think it will solve it, by any stretch. He said from what they have seen on Route 29, which is the only basis he can make any sort of parallel judgment on, when there is a major project along with signalization, it helps on a major traffic corridor. He said they have seen improvements in other areas of the County when the combination of those items has happened.

Mr. Gallaway said he was not just saying there was one project on Route 29, as it also took the widening out further, and there are other projects along Pantops that are designed to help the flow along there. He said if they can ever get the bridge widened, this would really help to move along the corridor better. He said he has not changed in his thought or opinion of how he views this, relative to the transportation project coming online.

Mr. Gallaway said that to the transition piece, when he looks at the map and sees the density that is Glenmore and the way that it circles out, and how they are trying to make an argument that the swath going along Route 250 is somehow different than the big swath that is going out even further with similar density, this is a hard one for him to say that this is not a good transitional area, especially when he is watching other development in places where the density is 4, 5, 6, or 8 times higher than what currently exists. He said this seems to be in line with what is there and that it would transition out.

Mr. Gallaway said he supposed this was just a matter of opinion and unfortunately has to fall in the subjective realm. He said he was not persuaded off of his support with that argument.

Mr. Gallaway said these were his reasons, and he would continue to be supportive of the project.

Ms. Price said this happened to be in her district. She said she has probably exchanged an excess of 1,000 emails on this particular project, with about 330 to 340 in the last two weeks alone. She said when the Board finished their meeting on January 6, she already had a dozen or more emails in her box. She said this is a topic that is extremely high-interest among her constituency.

Ms. Price said that of those emails over the last couple of weeks, she would estimate that about 320 were in opposition, and fewer than perhaps 10 were in support. She said a few of those who identified as being in support identified themselves as being in the residential area around this proposed development, and virtually every single one that stated their opposition does live in that area.

Ms. Price said she continues to have concerns with the development proposal. She said first, she would differentiate between a Development Area and an urban area. She said she believes that when the County authorized this being a Development Area within the Rural Area, and it being a Development Area that includes Glenmore, Village of Rivanna, what is now Breezy Hill, and the property between Breezy Hill and the Village of Rivanna, a commitment was made to the residents of that area that they would do their best to maintain the rural nature of the surrounding properties. She said she sees the density of this development, as well as the spread of the density within the development, as being inconsistent with that commitment that was made.

Ms. Price said she understands and accepts the concerns that the residents of the area have expressed about traffic. She said she does believe that some of the proposals such as the diverging diamond and signalization can improve the traffic. She said as she stated the last time this was before the Board and would repeat, she does not find the language in the master plan that says "all the improvements on US-250 have to be made before any development" to be relevant. She said she does not think this should be in there, and she said it before and would say it again.

Ms. Price said this does not mean, however, that traffic concerns are not a legitimate consideration, as well as the infrastructure and development concerns of the residents that live out there.

Ms. Price said she does think that Slide 5 that Mr. Armstrong showed helps to demonstrate both the nature of the density too close to Running Deer, as well as the overall density within the development. She said she was not saying that she would only approve 60-65 units, but there is a vast difference between 60-65 versus the 130 that are being proffered.

Ms. Price said she appreciates the valuable input that every single person who has communicated their thoughts on this has provided to the Board. She said she especially appreciated PEC's analysis. She said she is very excited about offers of solar power, but she thinks that this was simply added on at the last minute rather than being part of a comprehensive proposal. She said she does hope that other applicants and developers will bring this up.

Ms. Price said one of the things she has heard tremendously from her constituents is that a lot of time was spent working on the master plan, and why put the effort in to have master plans if the County is not going to live up to this commitment. She said while it is not a binding contract, she thinks there are commitments that the County posed to those residents.

Ms. Price said that while she does appreciate some of the improvements that have been made, she will not be supportive of this application.

Ms. Price asked Mr. Kamptner for legal guidance as to whether a vote was needed because based on Supervisor commentary, it appeared it would be a 3-3 vote.

Mr. Kamptner replied that the Board should do the roll call if they were ready to vote.

Ms. Price asked if there were any other comments by members of the Board.

Ms. Mallek said she had a question. She asked if the motion should be an affirmative motion.

Mr. Kamptner replied that it was better that way.

Ms. Price said she would ask a Supervisor who was supportive of the proposal to make the motion.

Ms. LaPisto-Kirtley **moved** to approve ZMA201900004 Breezy Hill, including the proffers and concept plan provided to the Board. Ms. McKeel **seconded** the motion.

Roll was called and the motion failed to carry by the following recorded vote:

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

Mr. Kamptner said with a 3-3 vote, the motion failed.

Ms. Price thanked everyone for their time and effort. She said this was a long process for everyone, with difficult decisions.

Before moving onto the next item, Ms. Mallek asked if she could interrupt to make sure Mr. Kamptner had all the information he needed on the vote.

Mr. Kamptner said he was set.

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**Agenda Item No. 21. Public Hearing: FY 2021 Budget Amendment, Appropriations, and Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.**

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

The cumulative total of the FY 2021 appropriations itemized below is \$37,895,756.75. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

This request is also for the Board's approval of a Resolution of Intent to Reimburse Expenditures Related to Capital Projects with Proceeds of a Borrowing for these projects and is contingent on the Board's approval of Appropriation #2021051. The Resolution would allow the County to use up to \$27,584,717.00 in borrowed proceeds to reimburse the capital budget for expenditures incurred prior to the programmed borrowing of funds for these projects.

The proposed increase of this FY 2021 Budget Amendment totals \$37,895,756.75. The estimated expenses and revenues included in the proposed amendment are shown below:

**PROPOSED FY 2020-21 BUDGET AMENDMENT**

<b><u>ESTIMATED REVENUES</u></b>		
Local Revenues	\$	477,939.00
Federal Revenues	\$	3,048,805.75
Loan Proceeds	\$	28,623,634.24
Other Fund Balances	\$	5,745,377.76
<b>TOTAL ESTIMATED REVENUES</b>	<b>\$</b>	<b>37,895,756.75</b>
<b><u>ESTIMATED EXPENDITURES</u></b>		
Special Revenue Funds	\$	554,651.50
School Special Revenue Funds	\$	2,809,154.25
Emergency Communications Center	\$	20,000.00
Capital Projects	\$	34,511,951.00
<b>TOTAL ESTIMATED EXPENDITURES</b>	<b>\$</b>	<b>37,895,756.75</b>

The budget amendment is comprised of a total of twelve (12) separate appropriations. Eleven (11) have already been approved by the Board as indicated below:

- Five (5) appropriations approved 12/2/2020
- One (1) appropriation approved 12/16/2020
- Five (5) appropriations approved 1/6/2021
- One (1) appropriation request for approval on January 20, 2021 is the remaining as described in Attachment A.

Following the public hearing, staff recommends that the Board:

1. Adopt the attached Resolution (Attachment B) to approve the appropriation for local government and school projects and programs as described in Attachment A, and
2. Adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

**Appropriation #2021051 \$34,349,012.00**

Source:	Borrowed Proceeds	\$28,623,634.24
	Proffer Funds' Fund Balance	\$714,305.00
	Capital Funds' Fund Balance	\$5,011,072.76

As part of the FY 21 Capital Budget, which was adopted in May during the early stages of the pandemic, the County paused several capital projects and programs. This action was due to declining revenues and an uncertain economic situation and bond market. An approach was developed to assess the capital budget utilizing a "3-6-6" timeframe, referring to the last 3 months of FY 20, first six months of FY 21, and last six months of FY21.

At the joint Board of Supervisors and School Board meeting on October 21, 2020, the Boards agreed to a simplified capital budget process, where the Capital Improvements Program (CIP) Advisory Committee was charged to develop a CIP proposal for the remainder of FY 21 and FY 22.



The CIP Advisory Committee met on November 24 and December 3, 2020 and reviewed projects that were paused or delayed in FY 21 or were projects originally planned for FY 22 before the financial impacts of the COVID-19 pandemic were known. Below are the projects the committee recommended to move forward mid-year FY 21. These projects are funded by borrowed proceeds, proffer revenue, and the use of Capital Funds' fund balance.

**General Government Projects:**

- Biscuit Run Park, Phase IA: \$1,683,500.00
  - This project provides funds to support a park entrance at Route 20 and Avon Street along with an asphalt access road. The project will also include parking spaces, a vault toilet, and multi-use trails by County staff and volunteer groups.
- Greenways/Blueways Program: \$260,000.00
  - This represents on-going Park planning, acquisition, design, construction, and maintenance projects in support of Albemarle County's Greenways/Blueways program.
- Drainage Infrastructure Management Program: \$330,000.00
  - This program was initiated to begin to address drainage infrastructure management needs identified as part of the stormwater planning work and highlighted by recent failures of infrastructure on private property. As envisioned, the program would eventually include the assessment, maintenance, and repair in the County's urban areas. Examples of drainage infrastructure includes pipes, manholes, inlets, culverts, channels, and other similar infrastructure designed to collect, convey, and control stormwater runoff.
- Water Quality Mandated Total Maximum Daily Load (TMDL) Program: \$810,000.00
  - This supports a succession of future capital projects necessary to meet new pollutant load reductions mandated by the Department of Environmental Quality (DEQ) as part of the clean-up plans for the Chesapeake Bay and local streams. While TMDL stands for Total Maximum Daily Load, it is essentially a clean-up plan for impaired waters within the County, primarily through the design and construction of capital projects. While some specific projects have been proposed in the Action Plan, a developing list of projects will be altered and refined over the course of the 9 to 11-year TMDL planning horizon. The types of projects proposed will include: 1) stream restoration projects; 2) enhancements to existing County-owned stormwater management facilities, such as a current project to improve the basin at the Rio Hill Center, and/or 3) enhancements or upgrades to privately-owned facilities.
- County Office Building McIntire Window Replacement: \$2,037,200.00
  - This project will replace all windows at the County Office Building McIntire. The existing windows were installed in 1979-1980. A thermal imaging assessment, conducted in January 2008, concluded that roughly 90% of the windows analyzed experienced heat loss. The current estimated annual energy loss due to excessive air infiltration is approximately \$24-36 (in 2015 dollars) per window per year.
- Parks Restroom Renovation/Modernization: \$300,000.00
  - This is a facility renovation-modernization for restrooms at County parks facilities. Remaining work includes Darden Towe Park Tennis Court Restrooms.
- General Government Maintenance/Replacement Programs
  - Police Mobile Data Computers Replacements: \$559,839.00
    - This program replaces computers and radio amplifiers on an on-going basis. These devices provide sworn members of the department with ruggedized laptop computers and mobile data technology.
  - Geographic Information System (GIS): \$254,756.00
    - This project funds the priorities identified in the five-year Geographic Information System (GIS) implementation plan and schedule as recommended by the GIS Steering Committee.
  - General Government Maintenance Programs: \$4,000,000.00
    - An amount for General Government Maintenance Programs is appropriated in total in place of individual allocations to the subset of maintenance programs that include County Owned Facilities, City-County Co-Owned Facilities, County Owned Parks, City-County Co-Owned Parks, and Crozet Park. The budgeting of this maintenance in one category is intended to provide for recommended maintenance needs and allow flexibility among facilities in an uncertain environment to address priority facility maintenance and replacement needs.
- Cost of Issuance: \$502,892.00
  - This is for costs associated with issuing borrowed proceeds.

The Schools Board requested appropriation of the below School Division capital projects at its December 10, 2020 meeting.

**School Division Projects:**

- Crozet Elementary School Addition and Improvements: \$20,400,000.00
  - This project will expand and make improvements to Crozet Elementary. It will include an additional 28,000 square feet as well as make improvements to the existing building and site. The additions will include 16 classrooms, 1 special education (SPED) classroom, 3 smaller resource classrooms, and various support spaces. The additions will also expand the cafeteria and media center to support the larger student enrollment. Improvements to the existing building will include improvements to existing classrooms, kitchen, stage and cafeteria (including Americans with Disabilities Act (ADA) upgrades), and existing front office, support spaces and toilets. Site improvements will include outdoor learning areas, new and expanded bus drop-off, additional parking, additional playground equipment, and the replacement of a paved play area due to the likely location of the addition.
- Western Albemarle High School ADA Improvements and Softball Field Restroom Facility: \$529,000.00
  - This project will construct a standalone building that will house three bathrooms and a concession stand to be located near the girls' softball field at Western Albemarle High School (WAHS). It will include all necessary utilities to support such a facility including a pump station. This portion of the project includes a realigned and graded road area for Americans with Disabilities Act (ADA) access. The project addresses miscellaneous ADA improvements needed elsewhere on campus including a ramp from the C wing to the bus loop and modifications to the stadium bleachers. The restroom facility is in response to ongoing complaints and identified inequities between the baseball and softball facilities. Various ADA improvements are required to ensure all students have equitable access to the experiences and opportunities.
- School Maintenance/Replacement Program: \$2,681,825.00
  - The on-going program provides funding for major maintenance work that extends the useful life of school facilities by improving, exchanging or replacing building components that are at or near the end of their useful life. Such components include roofs; electrical, mechanical, and plumbing equipment; pavement rehabilitation; and flooring replacement. In addition, this program also funds energy conservation measures; asbestos abatement; kitchen equipment replacement; and playground equipment replacement. Facilities include four high schools, five middle schools, fifteen elementary schools, two service facilities (Vehicle Maintenance Facility and Building Services), and the Piedmont Regional Education Program (PREP)/Ivy Creek School, totaling 2,331,755 building square feet on 624.4 acres of land.

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Mr. Andy Bowman, Budget Manager for the Department of Finance and Budget, said he had a few brief comments before turning it over for questions and the public hearing to the Board. He said this item is a public hearing and action item to amend the FY 21 budget. He said that under Virginia Code, a public hearing is required before the County amends its budget when the total change in the budget exceeds 1%. He said this was the case that evening, as there was an increase of approximately \$37.9 million.

Mr. Bowman said the primary reason for this amendment is a change in the capital budget based on the work that has been underway in recent months, which the Board has been involved in.

Mr. Bowman said to walk back in time to how they started from the FY 21 adopted budget to where they were that evening with the capital budget, in May of 2020, in the early stages of the pandemic, the FY 21 budget was adopted by the Board. He said as part of that, there were several capital projects and programs that were paused due to the impacts of the pandemic that ranges from uncertainty to projected declines of revenues, to uncertainty in the bond market at the time.

Mr. Bowman said the pause was a forever decision and an approach was developed, with the idea that they would have what they call a "3-6-6" timeframe. He said the "3" refers to the last three months of FY 20, and each "6" referring to half of FY 21.

Mr. Bowman said as they continued through the year and pandemic, in October 2020, there was a joint Board of Supervisors meeting with the School Board. He said at the time, the boards agreed to a simplified capital budget process, and they charged the CIP Advisory Committee (which is a committee of two Board of Supervisors members, two School Board members, a citizen representative, and a Planning Commission representative) to develop a capital budget proposal for the Board's consideration for the remainder of FY 21, then into FY 22.

Mr. Bowman said the work continued through November and December of 2020. He said the Board reviewed initial prioritization on November 18, prior to going to the CIP Advisory Committee. He said the CIP Advisory Committee met twice, in late November and early December, to review the projects and make a recommendation, which was communicated to the Board via a memo in December. He said he would not go through the recommendation in detail, but the next slide showed a screenshot of those projects that are above and beyond the Maintenance and Replacement Program funding.

Mr. Bowman said highlighted on the slide was the FY 21 column, as this was the only column for the Board's action that evening. He said the projects on the right were for FY 22, which would come back to the Board's consideration in February as part of the FY 22 budget process. He said there was more information on these projects in Attachment A.

Mr. Bowman said that after the public hearing, staff recommends that the Board adopt the resolutions, Attachments B and C. He concluded his presentation and offered to answer any questions.

Ms. McKeel said that at the end of the discussion, she had something she wanted to point out around this proposal. She said it did not affect her vote, but she wanted to make some comments. She said perhaps after the vote, they could come back to some comments. She said after the vote was fine for her, and she did not want to leave it without making some comments.

Ms. Price opened the public hearing. She asked the clerk if anyone was signed up to speak.

Ms. Borgersen replied that there was one individual signed up.

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Mr. Chris Hawk (Piedmont Environmental Council) said PEC wanted to thank the Board for appropriating money to Biscuit Run. He said PEC is extremely excited for its opening and hope to see it used for public use by the end of the year. He thanked the Board for putting the money in the County and community to open space, parks, and trails for the enjoyment of the public in the beautiful landscape.

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Ms. Price closed the public hearing and brought the matter back before the Board for questions or comments.

Ms. Mallek asked Ms. Nelsie Birch (CFO) if based on the conversation earlier that afternoon about the uncertainty going forward, she felt confident in their ability to financially take on the elements in the one column.

Ms. Birch replied yes.

Ms. Price asked if there were any other questions.

Ms. Palmer said she wanted to see the second slide again, as she did not see this in her Board packet and wanted to take a screenshot of it so that she could go back over it later.

Mr. Bowman showed the slide at Ms. Palmer's request, adding that he could provide this presentation to the clerk.

Ms. McKeel **moved** that the Board approve FY 21 appropriations as presented in Attachments B and C. Ms. Palmer **seconded** the motion.

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

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

Ms. McKeel said she wanted to talk to the Board and staff for a moment because it came to her attention that one of the projects on this list has brought up an interesting lack of process that they need to think about, going forward. She said she was referring to the Western Albemarle High School ADA Improvements, Softball Field, and Restroom Facility project at \$529,000. She asked everyone to understand that she just approved it and was comfortable with it.

Ms. McKeel said her understanding of how they got to this project is that perhaps they should be thinking in the future about some processes that this brings up. She said a few years ago, Western Albemarle High School had someone who stepped up to the plate and wanted to donate the money for a boys restroom on the boys field. She said this donation was accepted, and the restroom was built. She said this was great, and she had no problem with it.

Ms. McKeel said the problem was that the County's process did not allow for the School Division and County staff (noting she did not know who this would be) to say that with Title IX, they cannot build a boys restroom and not provide a girls restroom. She said she understood that this was not all of the \$529,000, but this forced into the CIP this amount of money to now be spent for the girls to have a restroom, in order to accommodate and not fall out in violation of Title IX. She said right now, the boys have a nice restroom while the girls are using Port-a-Potties.

Ms. McKeel said she did not know if anyone else was aware of it and did not want to rehash it, but she was simply saying that when the County is accepting donations, and while it was wonderful that Western Albemarle had someone wealthy and interested enough to do that, she would say that not all the high schools have the ability to build restrooms like that. She said for her, in a way, it was a bit of an equity issue. She said she was happy to have the donation, however, and this was fine. She said it is great for the kids.

Ms. McKeel said when they are looking at these donations, however, perhaps they need to look at them through the broader lens of if they are to accept this, what the equity

issue is for the girls. She said they did not ask for this particular project. She said they are going to get it, which is fine, but the point is about what extra money it is going to cost them down the road as a result of the donation. She thanked the Board for listening to her, and perhaps this was a great example of looking at things more expansively or through a different lens to make sure they are not creating situations for themselves that they then have to bail themselves out of.

Ms. Price thanked Ms. McKeel and said she wanted to let all the Supervisors have an opportunity to comment if they wished.

Ms. LaPisto-Kirtley said that as a former teacher, principal, and director, she definitely agreed with Ms. McKeel. She said she thinks that at the time this was done years ago, she knew Title IX was in effect, but it evidently was not thought of. She said in her opinion, this should have been thought of, and she would certainly agree with Ms. McKeel that going into the future, this is something that staff should think about to make sure that they do address all the concerns of equity in that regard.

Ms. Palmer said she was not familiar with the situation. She said she saw Mr. Bob Crickenburger appear in the meeting, and she was not sure if he wanted to make any clarifying comments.

Ms. Price said she would go through the Supervisor order first, then call on Mr. Crickenburger.

Ms. McKeel said what she knew about it was what was explained to her by members of the School Board. She said she was not trying to say that the project should not be funded or that they should not do it, but that going forward, sometimes donations need to be looked at through a broader lens.

Ms. Mallek said this did come up, as Ms. LaPisto-Kirtley and Ms. Price may be able to recall what the explanation was at the CIP meetings, as she could not recall herself, but she knew there were staff present that evening who could supply the same information they did at the CIP meeting about all of the various factors that went into this. She said she supported Ms. McKeel's plan to be more thoughtful about how they go forward.

Mr. Gallaway said Ms. McKeel would have to remind him, but he believed it was a donation that started the turf fields of the high schools, which then turned into making sure they got equity across all the different places. He applauded Ms. McKeel for bringing the point up. He said that in a situation like this, if there is someone who is generous enough to put the money forward for whatever the donation is, they certainly have the right to encapsulate it the way they want to, but it is contingent upon the County to do some sort of match to help address the bigger issue, just like they did with the fields.

Mr. Gallaway said they do this all the time with projects they get grants from that require a County match. He said the County match is purposeful and should go towards that, which he would be in favor of.

Ms. McKeel said she remembered very clearly that someone gave the money for the turf field at Monticello, and the County said they were not putting them in until the other two high schools had an opportunity. She said it was not very long before a donor stepped up to the plate for the Western Albemarle field, and the Albemarle field was lagging far behind for lack of a funder. She said the County kept saying it was not fair for one to have and another to go without, and eventually, they got the donor for Albemarle High School and were able to do it.

Ms. Price said like the other Supervisors, she greatly appreciated Ms. McKeel bringing this up. She said she and Ms. LaPisto-Kirtley were not on the Board at that time, and while Title IX may be a legal requirement, she thinks equity is the moral aspect of this that they have to do it right.

Ms. Price turned the floor over to Mr. Crickenburger to make any comments.

Mr. Crickenburger said he was unable to log in at the beginning and asked if the question could be repeated so that he could try to respond.

Ms. Price said what the Board was discussing was that in the CIP plan, they just funded some additional improvement at the high school to put in a restroom facility for the girls at the softball field, as they are now having to use Port-a-Potties; whereas, the donor had contributed the money (which the Board greatly appreciates) to provide restroom facilities for the boys softball field.

Ms. Price said Ms. McKeel had brought up the very valid point that this may have raised a Title IX issue with the County accepting improvements for the boys, but not for the girls; and the overlay of that would be the entire equity aspect of what they have to think about when they have very generous donation offers or other things that the County has to look at. She said the question is not just about the impact of accepting that, but what it then

may require the County to come up with in order to ensure they are either complying with Title IX or providing equity to all students or to whatever category this donation may benefit.

Mr. Crickenburger said this was a great question, and he was not sure he was in a position to completely answer that. He said he could speak to the fact of the donation being applied and it being made for a specific project. He said from an equity standpoint, however, and in relation to Title IX, he was not involved with any of that, and so he did not feel qualified in answering that. He said he did know there had been an issue for a number of years with Western and the girls softball, and the potential upgrade to their facility and restrooms, but from his standpoint, the County has not been in a position where they have been challenged with a Title IX situation.

Ms. Price said she believed the Board all understood that they have to look at a broader issue than just a specific offer or donation when these things come up. She thanked Ms. McKeel again for bringing this up.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2021 APPROPRIATION**

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

- 1) That the FY 21 Budget is amended to increase it by \$34,349,012.00;
- 2) That Appropriation #2021051 is approved;
- 3) That the appropriation referenced in Paragraph #2, 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, 2021.

\* \* \* \*

APP#	Account String	Description	Amount
2021051	4-9000-69980-464600-800634-6599	SA2021051 School Maintenance Replacement	\$50,000.00
2021051	4-9000-69980-464600-800949-6522	SA2021051 School Maintenance Replacement	\$180,000.00
2021051	4-9000-69980-464600-800949-6599	SA2021051 School Maintenance Replacement	\$840,825.00
2021051	4-9000-69980-466200-800675-6599	SA2021051 School Maintenance Replacement	\$576,000.00
2021051	4-9000-69980-466750-301210-6599	SA2021051 School Maintenance Replacement	\$550,000.00
2021051	4-9000-69980-466760-301210-6599	SA2021051 School Maintenance Replacement	\$250,000.00
2021051	4-9000-69980-466790-800612-6599	SA2021051 School Maintenance Replacement	\$235,000.00
2021051	3-9000-69000-351000-510100-6599	SA2021051 Use of Fund Balance	\$2,373,820.00
2021051	3-9000-69000-351000-512090-6599	SA2021051 Borrowed Proceeds	\$20,822,700.00
2021051	4-9000-66985-466500-312350-6103	SA2021051 Crozet Addition Renovation	\$500,000.00
2021051	4-9000-66985-466500-800200-6103	SA2021051 Crozet Addition Renovation	\$1,350,000.00
2021051	4-9000-66985-466500-800605-6103	SA2021051 Crozet Addition Renovation	\$16,500,000.00
2021051	4-9000-66985-466500-999999-6103	SA2021051 Crozet Addition Renovation	\$1,933,242.12
2021051	3-9000-51000-351000-512056-9999	SA2021051 Crozet Addition Renovation	\$8,131.76
2021051	3-9000-51000-351000-512059-9999	SA2021051 Crozet Addition Renovation	\$11,117.82
2021051	3-9000-51000-351000-512065-9999	SA2021051 Crozet Addition Renovation	\$436.13
2021051	3-9000-51000-351000-512086-9999	SA2021051 Crozet Addition Renovation	\$21,522.28
2021051	3-9000-51000-351000-512087-9999	SA2021051 Crozet Addition Renovation	\$5,391.42
2021051	3-9000-51000-351000-512100-9999	SA2021051 Crozet Addition Renovation	\$147,479.71
2021051	4-9000-69985-466730-800605-6302	SA2021051 WAHS ADA Improvements & Softball Field Restrooms	\$529,000.00
2021051	3-9000-51000-351000-512085-9999	SA2021051 WAHS ADA Improvements & Softball Field Restrooms	\$54,418.00
2021051	3-9000-51000-351000-512054-9999	SA2021051 WAHS ADA Improvements & Softball Field Restrooms	\$49,050.00
2021051	4-9010-93010-493010-930004-9999	SA2021051 BP Transfer to School CIP	\$20,822,700.00
2021051	4-9010-71025-471010-950264-1007	SA2021051 Biscuit Run Park Phase IA	\$1,683,500.00
2021051	3-9010-41400-341000-410530-9999	SA2021051 Borrowed Proceeds	\$28,623,634.24
2021051	4-9010-71018-471010-800605-7100	SA2021051 Greenways Blueways - BR	\$260,000.00
2021051	3-9010-51000-351000-510100-9999	SA2021051 Use of Fund Balance	\$1,497,252.76
2021051	4-9010-71020-471020-800612-7100	SA2021051 Parks Restroom Reno/Mod	\$300,000.00
2021051	3-9010-51000-351000-512097-9999	SA2021051 Parks Restroom Reno/Mod	\$300,000.00
2021051	4-9010-43100-443200-800666-1100	SA2021051 COB Windows Repl.	\$2,037,200.00

2021051	4-9010-31010-431010-800317-3110	SA2021051 Police Mobile Data Computers Replacement	\$559,839.00
2021051	4-9010-81010-481020-950147-1240	SA2021051 GIS Project	\$254,756.00
2021051	4-9010-95000-495000-312807-9999	SA2021051 Cost of Issuance	\$502,892.00
2021051	4-9010-99900-499000-999999-9999	SA2021051 LG Maintenance Program Reserve	\$4,000,000.00
2021051	4-9100-82040-482050-800605-1309	SA2021051 Drainage Infrastructure M/R	\$230,000.00
2021051	4-9100-82040-482050-301218-1309	SA2021051 Drainage Infrastructure M/R	\$100,000.00
2021051	4-9100-82040-482060-800605-9999	SA2021051 Water Quality Mandated TMDL	\$600,000.00
2021051	4-9100-82040-482060-312350-9999	SA2021051 Water Quality Mandated TMDL	\$210,000.00
2021051	3-9100-51000-351000-510100-9999	SA2021051 Use of Fund Balance	\$1,140,000.00
2021051	4-8540-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$8,131.76
2021051	3-8540-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$8,131.76
2021051	4-8542-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$11,117.82
2021051	3-8542-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$11,117.82
2021051	4-8544-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$436.13
2021051	3-8544-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$436.13
2021051	4-8576-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$21,522.28
2021051	3-8576-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$21,522.28
2021051	4-8577-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$5,391.42
2021051	3-8577-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$5,391.42
2021051	4-8585-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$147,479.71
2021051	3-8585-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$147,479.71
2021051	4-8549-93010-493010-930004-9999	SA2021051 WAHS ADA Improvements & Softball Field Restrooms	\$54,418.00
2021051	3-8549-51000-351000-510100-9999	SA2021051 WAHS ADA Improvements & Softball Field Restrooms	\$54,418.00
2021051	4-8537-93010-493010-930004-9999	SA2021051 WAHS ADA Improvements & Softball Field Restrooms	\$49,050.00
2021051	3-8537-51000-351000-510100-9999	SA2021051 WAHS ADA Improvements & Softball Field Restrooms	\$49,050.00
2021051	4-8580-93010-493010-930010-9999	SA2021051 Parks Restroom Reno/Mod	\$300,000.00
2021051	3-8580-51000-351000-510100-9999	SA2021051 Parks Restroom Reno/Mod	\$300,000.00
2021051	3-9000-51000-351000-512054-9999	SA2021051 Crozet Addition Renovation	\$100,130.10
2021051	3-9000-51000-351000-512085-9999	SA2021051 Crozet Addition Renovation	\$16,627.78
2021051	4-9000-66985-466500-999999-6103	SA2021051 Crozet Addition Renovation	\$116,757.88
2021051	4-8537-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$100,130.10
2021051	3-8537-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$100,130.10
2021051	4-8549-93010-493010-930004-9999	SA2021051 Crozet Addition Renovation	\$16,627.78
2021051	3-8549-51000-351000-510100-9999	SA2021051 Crozet Addition Renovation	\$16,627.78

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

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

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

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

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$27,584,717.00.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a)

of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

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

\* \* \* \*

**CAPITAL IMPROVEMENT PROGRAM  
BOND FUNDED PROJECTS  
FY 21**

<b>School Division</b>	<b>Amount (\$)</b>
Cost of Issuance	\$502,892.00
Crozet Elementary Addition and Improvements	\$20,400,000.00
School Maintenance Replacement Program	\$2,681,825.00
General Government Maintenance Program	\$4,000,000.00
<b>School Division Subtotal</b>	<b>\$27,584,717.00</b>
 <b>Total Debt Issue Not to Exceed - FY 21 Projects</b>	 <b>\$27,584,717.00</b>

Agenda Item No. 22. **Public Hearing: ZTA202000003 Outdoor Storage and Outdoor Activities at Recycling Uses in Industrial Zoning Districts.** To receive public comments on its intent to adopt an ordinance: (i) to amend Albemarle County Code § 18-5.1.51 (Outdoor activities in industrial districts) to permit special exceptions to that section only after notice to abutting property owners; and (ii) to amend Albemarle County Code § 18-5.1.52 (Outdoor storage in industrial districts) (a) to require outdoor storage areas in industrial districts be fully screened by a planting strip, existing vegetation, berm, a solid wall or fence, or a combination thereof; (b) to permit the outdoor storage of inert materials at a recycling collection or recycling processing center provided that the materials are stored no closer than 100 feet to any abutting agricultural or residential lot line and that a vegetative buffer is maintained within the required 100-foot setback; and (c) to permit special exceptions to that section only after notice to abutting property owners; and (d) to make technical changes.

The Executive Summary forwarded to the Board states that, on June 3, 2020, the Board of Supervisors adopted a resolution of intent (ROI) to consider amendments to Albemarle County Code § 18-5.1.51 (Outdoor activities in industrial districts) and Albemarle County Code § 18-5.1.52 (Outdoor storage in industrial districts).

On October 13, 2020, the Planning Commission held a work session to discuss each regulation found in § 18-5.1.51 (Outdoor activities in industrial districts) and Albemarle County Code § 18-5.1.52 (Outdoor storage in industrial districts) and consider staff recommended changes. (Refer to Att. A.1-Commission Work Session Report).

On November 10, 2020, the Planning Commission held a public hearing to consider the draft ordinance. By a vote of 6:0, the Commission recommended approval of ordinance changes as presented by staff. (Refer to Att. A-Commission Staff Report, Att. B-Commission Action Memo, Att. C-Commission Minutes)

The proposed ordinance is provided as Attachment D. It reflects the changes outlined below, which includes the recommended changes endorsed by the Commission and a few minor updates since the Commission meeting.

Albemarle County Code § 18-5.1.51 (Outdoor activities in industrial districts) - Amends the ordinance to permit special exceptions to this section only after notice to abutting property owners. Currently, there is no requirement to notify abutting property owners. The draft ordinance has been updated since Commission's review to clarify abutting owner notice requirements.

Albemarle County Code § 18-5.1.52 (Outdoor storage in industrial districts):

- Amends the ordinance to allow greater flexibility in the types of screening for outdoor storage in industrial districts.
- Amends the ordinance to allow outdoor storage of inert materials at a recycling collection or recycling processing center, provided that the materials are subject to increased setbacks and buffers. Currently, outdoor storage of materials at a recycling processing center is prohibited.
- Amends the ordinance to permit special exceptions to this section only after notice to abutting property owners. Currently, there is no requirement to notify abutting property owners. The draft ordinance has been updated since Commission's review to clarify abutting owner notice requirements.

Staff recommends that the Board adopt the attached Proposed Ordinance (Attachment D).

Ms. Rebecca Ragsdale, Principal Planner, said she would go over a Zoning Text Amendment (ZTA), one of which they refer to as a "nimble" project in the work program. She said ZTA202000003 is related to outdoor storage and outdoor activities in industrial districts, primarily around recycling uses. She said this was on the Board's agenda in December, but was rescheduled until the present evening.

Ms. Ragsdale said she wanted to go over some background with the Board in terms of the ZTA process, what got them to this point, some of the considerations related to policy and impacts that staff analyzed, the context within the Zoning Ordinance of what this ZTA does and how it fits in with the other industrial regulations, background about the characteristics and location of industrial-zoned land, and the details of the proposed changes.

Ms. Ragsdale said the County comprehensively updated its industrial zoning districts in 2013, and it was not until May of 2019 that there were some special exceptions related to inert materials processing that led to some special exceptions that the Board reviewed. She said staff initiated the ZTA following those exceptions, which became a work program item. She said the Board adopted the resolution of intent in June of 2020.

Ms. Ragsdale said there was a Planning Commission public hearing and work session in Fall 2020, which has led to the present Board public hearing. She said the Planning Commission recommended the proposed changes before the Board.

Ms. Ragsdale said some things that staff considered during this process included the context of this within the Climate Action Plan, to divert materials from landfills, resource protection aspects, neighbor impacts, and economic development.

Ms. Ragsdale said switching gears to the ordinance itself, this ZTA is focused on what is referred to as the Supplemental Regulations in Section 5. She said this is on top of all the other things that are regulating the industrial districts including where uses are permitted. She said performance standards are still in place in terms of analyzing the characteristics of each industrial use and getting that information, which also addresses impacts. She said all of the lighting and noise regulations will still remain in place. She said the regulations in Section 5 are above and beyond all those things for particular uses that staff feels need that extra regulation.

Ms. Ragsdale said the Planning Commission found this background helpful, and so she thought she would provide it to the Board as well.

Ms. Ragsdale said in terms of where uses are located (adding that she would go over some definitions in a minute), recycling collection is allowed by right in both the Light Industrial and Heavy Industrial Districts. She said what staff is primarily focused on with this ZTA, however, is processing where they are taking that material and turning it into a reusable product.

Ms. Ragsdale said collection in containers, as one would find at McIntire, is not considered outdoor storage, and so this is allowed by right and is not affected by this ZTA. She said it is the processing that is regulated or is subject to the supplemental regulations.

Ms. Ragsdale said in terms of industrial land, recycling processing is allowed by right only in Heavy Industrial, and by special use permit in Light Industrial. She said there are about 105 acres of Heavy Industrial and a little over 1,000 of Light Industrial. She said it varies in terms of the characteristics of each site, whether located in the Development Area or Rural Area of the Comprehensive Plan. She said many of these sites are on an entrance corridor or near residential uses, and the Board likely saw in the report why staff was taking a cautious approach to any changes they would recommend for industrial uses.

Ms. Ragsdale said this is a nimble project that is very focused on two sections: Section 5.1.51 Outdoor Activities and 5.1.52 Outdoor Storage in Industrial Districts. She said presently, all types of processing, packaging, compounding, and manufacturing must take place in an enclosed building for any industrial use. She said there is no outdoor activity allowed within 100 feet of a residential or agricultural district. She said there is a curfew for outdoor activity.

Ms. Ragsdale said in terms of outdoor storage, staff has defined exactly how the storage area shall be screened, which is with a solid wall or fence. She said there is also a setback or limitation on



how close storage can be to a residential or agricultural district. She said one of the things that was discussed before with the special exceptions was that outdoor storage of recyclable materials is prohibited at a recycling collection or recycling processing center.

Ms. Ragsdale said that when staff had the work session with the Planning Commission, staff stepped through each of these sections and asked the Commission what changes they thought were appropriate, which has led to four changes. She said one change was recommended for both sections, which is that abutting owner notice be required with any special exception request to waive or modify any of these regulations. She said this was something that was added with the recent fill and waste amendments, and staff thought it was appropriate, particularly for an industrial use, given all the characteristics of the site or adjoining properties.

Ms. Ragsdale said the two more substantive things the ZTA does is it allows flexibility in the types of screening. She said staff learned that with the special exception process they have been through that having the ability to have different types of screening is helpful and cuts down on special exceptions.

Ms. Ragsdale said in terms of recycling uses, staff is recommending that inert materials be allowed to be stored outdoors, subject to some increase in setbacks and buffering. She said for Section 5.1.52, they would also include notice to abutting property owners for special exceptions.

Ms. Ragsdale said these changes were outlined in the Board's packet. She said for Section 5.1.51, staff has done some cleanup since the Planning Commission. She said whenever they do a ZTA, they are looking to correct the "shalls" or "musts" and look to use current legal terminology. She said also since the Commission, in terms of the abutting neighbor notice, staff has updated the language in the proposed ordinance to be consistent with other sections of the ordinance that require neighbor notification.

Ms. Ragsdale said in terms of Section 5.1.52, staff has amended it so that screening can be a combination of vegetation, a planting strip, a berm, or a solid wall or fence. She said they are also recommending that outdoor storage be allowed for inert materials only, that those inert materials not be stored any closer than 100 feet to any residential lot line, and that trees and vegetation within that 100 feet must be maintained as a buffer. She said again, the Board was seeing the same abutting owner language.

Ms. Ragsdale said there was one correction that the County Attorney's Office recommended between the Board packet and the public hearing, which was reflected on the screen. She said this change was to reword Section 5.1.52-D2. She said they were using the term "setback," and setbacks, as defined in the ordinance, are by definition only applicable to structures, so staff did not want there to be any confusion. She said this was reworded to say that the outdoor storage is not a structure, but that they want it to be no closer than 100 feet to any residential lot line.

Ms. Ragsdale said staff has recommended approval of the attached ordinance, reflective of the change that she just went over on Slide 12. She offered to answer any questions.

Ms. Palmer asked Ms. Ragsdale if she could tell the Board something about the height of the outdoor storage inert materials that is allowed, and what the restrictions were for this.

Ms. Ragsdale replied that there is not a height limited, provided it is screened. She said if the height was not to be screened, it would require a special exception, but there is no height limit for a pile of inert material.

Ms. Palmer asked if when Ms. Ragsdale said "screened," and assuming it is a 10-foot fence, the pile has to be less than 10 feet.

Ms. Ragsdale replied that this was correct. She said this is part of the language in Section 5.1.52, that none of the materials or storage can be stacked any higher than the screening that is provided.

Ms. Palmer said this was a big problem because when one does store this inert material and is going to process it (as one is usually going to process it on the pile), the machinery being used is extremely tall. She said it was explained to her, when she went out to visit the site that got this all going, that there was no way to even process that material with a reasonable amount of screening that one would expect to have just because of the height of the machinery. She asked Ms. Ragsdale if she could talk about how they could get around this if someone wants to crush stone, brick, or the like.

Ms. Ragsdale replied that this outdoor activity was still allowed, but it would still need to be screened.

Ms. Palmer said she supposed they were not allowing it if they wanted to have that business on high industrially zoned property and cannot use the equipment they need to use because it is very tall, and they are putting it on top of a pile anyway. She said it was great that they were saying one could do this outdoors, but if they are putting restrictions on the height of a pile on a high industrially zoned piece of property, this makes it unusable because of the height of the machinery. She said she was lost on this and asked for help with that.

Ms. Ragsdale said the intent of this is to provide flexibility, but as she mentioned, staff was

conservative in the changes because they have only seen one special exception. She said typically, they do not even look at changing the ordinance until they have more experience and see more examples. She said based on staff's perspective, they have concerns about impacts to entrance corridors and abutting properties, so if it is not screened, it would then need to go through the special exception process. She said it is not prohibited, but staff needs to look at those impacts more closely including the characteristics of the site, the nature of the activity.

Ms. Ragsdale said special exceptions are processed quickly and can happen within 90 days, and so staff does not feel that this is an onerous process that would prohibit that type of activity. She said they want to add flexibility, but they still have concerns. She said perhaps they monitor this and in a few more years, they may need to revisit this at some point.

Ms. Palmer said if the individual has a piece of equipment that is 20-25 feet tall and are putting it on top of a 20-foot mound, and it is considerably above their 10-foot fence, for instance, they could go through a special exception process, and staff would look at that. She said if something is in the entrance corridor, for instance, this would actually go to the Board of Supervisors because it is a special exception.

Mr. Bart Svoboda, Zoning Administrator, said this was correct. He said staff also wanted to be careful when they looked at where these properties are located and their proximity to residences. He said citing the example Ms. Palmer was using, he believed that on Route 29 North, there is older development that surrounds it. He said to open this up without taking into account how it affects the residents and simply have staff analyze it, they wanted to get that input. He said it was not that they cannot do this, but that they would have to come back to the Board with some additional input to make sure they are looking out for the communities in that surrounding area.

Ms. Mallek asked staff if they have performance standards for the quality of the buffer so that if it is a tree here and a tree there and fairly visible straight through, they would not count this as an acceptable buffer, as they must have to have some closer-in spacing, height, and the like. She apologized if she missed this in the staff report.

Ms. Ragsdale replied that there is a standard in the ordinance that defines a buffer. She said they have what they need in the ordinance for that. She said they have buffering required for many other types of uses and screening.

Ms. Mallek said she was checking to make sure the same wording applied. She said as a follow-up to Ms. Palmer's question, it was a one-for-one-foot relationship between the storage pile and the screen. She asked if this was correct.

Ms. Ragsdale replied that she was not sure what Ms. Mallek meant. She said there is no limit to the height of the piles of inert material, provided they are screened. She said there is no one-for-one provision in the ordinance.

Ms. Mallek asked if "screened," then, did not mean "invisible," but means that it is a block that covers some or most of it.

Ms. Ragsdale replied that the ordinance requires that it be fully screened, so if there is a portion of it that is visible, this would not meet the requirement.

Ms. Mallek said it sounded like the height of the fence limited the height of the pile.

Mr. Gallaway said he appreciated the questions around the height of the fence and pile. He said it was disconcerting to him. He said he did not know if there was a differentiation between storage because his understanding was that what was allowed to be stored, when they think of recycling, is the product that comes in to be recycled, and then the new product that is created after the recycling. He said it sounded to him, when he hears "storage," relative to the one instance they were talking about, it was the recycled materials post-recycling that is now allowed outside, which is good, and where these could be relative to lot lines, with screening and the like. He said he believed this was in play here.

Mr. Gallaway said if the material that needs to be brought in and piled up to be processed needs a fence to go with the height, then he did not understand, especially since that pile is not going to be permanent. He said if he is going to store 20-by-20-foot things in the storage center, then he could understand having screening for that. He said if he is going to bring in a bunch of material because a building gets demolished, however, if they want all of that to go there to get processed, and he now has to have a 30-foot screen because it had been a large building, then he feels as if they are working against something here.

Mr. Gallaway said he did not know if this was the intent with the word "storage," but he thinks that in recycling, they have to start talking about materials coming in versus new materials that are processed afterwards, and they need to get at that. He said the fact that this can happen outside is a big win with this change because that was not allowed to happen, so he was thrilled about that. He said he thinks entrance corridor requirements would dictate some of the sightline concerns and, other than screening, can help play into this.

Mr. Gallaway said the screening piece and pile height is somewhat frustrating, and perhaps Mr. Svoboda can talk him through it. He said when he hears that the special exception process is not onerous, the one that they took through this was fairly onerous to get to this point, which is why they went

through this process. He said he was trying to avoid this turning into another onerous process. He said he had some concerns about that, and he did not know if they could use the example of Northside Recycling to help him get to the fixes, or if this was the right time and place to do that, but this would be some of his concern.

Mr. Gallaway said Industrial land is where this activity should be going on. He said he gets that there are residential areas nearby, but it was not as if they were changing the zoning. He said they have very limited property where this type of activity can happen, and if they do not encourage it to happen there (especially when it is in line with the Climate Action Plan for recycling), then he does not understand what the approach is.

Mr. Gallaway said he understood why staff was playing it safe, as he would be as well, but he was not thrilled about the answer of it coming back to the Board for the special exception process to see how it plays out because he thinks that with better planning, they can figure out how to move it forward so that the activity that should be happening here can do so with a little more ease than every single thing needing to be a special exception.

Mr. Gallaway said this was where he was on this matter and did not know if there was a question or reaction.

Mr. Svoboda said he could take a shot at this if Mr. Gallaway preferred. He said when staff looked at this, it was hard for them to weigh the height of the pile. He said starting at the beginning of what he heard Mr. Gallaway say as far as the piles coming and going, if this is a productive site, there will always be about equal to, or a little less, than the size of the product they are producing in order to stay productive. He said they will always need the material available to produce their product.

Mr. Svoboda said he would agree that the pile would almost always be larger than 10 feet high unless they have the area to spread it out and load it as they go. He said when they were talking about storage, they were talking about either raw product or finished product because of that reason, meaning it will always be there and available.

Mr. Svoboda said as far as the difficulty or the cumbersomeness of the first special exceptions through this, this was the first outdoor recycling facility that the County wrestled with as staff and as a locality, so they have learned some valuable lessons about how to be more direct and how to make those conditions when they need to.

Mr. Svoboda said the topography on all of these sites is different. He said if they use Northside's topography, they are up on the hill and are actually a little higher than other places. He said there is another industrial that is located next to schools. He said all the industrial property is in legacy areas where there is no direct access and where development is now encroaching on them versus the other way. He said he also understood Mr. Gallaway's point that these are industrially zoned properties and if development did not want to see that, then perhaps they should have developed elsewhere.

Mr. Svoboda said that in the particular case of Northside, the park was there prior to the zoning, but the zoning was permitted by a previous Board under different regulations. He said they are actually allowing more impact as they do this, and this may be where the Board wants to go. He said Mr. Gallaway was correct in that staff was playing it safe with what they saw with conditions. He said based on their experience with homestays and screening, they also wanted to be careful with a larger, more impactful use in an industrial use with screening. He said Mr. Gallaway's point was taken, but this was how staff worked through the concerns there.

Mr. Gallaway said he appreciated this, and he did think there were improvements. He said he was still stuck with some nuances. He said he appreciated the parallel to the homestay, but with homestays, they were taking a residential use and creating a different use. He said this is an industrial use, and the before and the next use were still industrial, so they were not changing the use, per se.

Ms. Price said these are industrial properties, and the County does not have many of those. She said she did not want to be in a position of regulating out the industrial businesses that they have. She said she would have to say, however, that she had not quite reached the comfort zone of feeling like she fully comprehends exactly what the impact of this ordinance change would be. She said she did not know if she could articulate it any better than that. She said she just did not feel as if she had a full vision of what this really would end up impacting.

Ms. Price said she knew there was not a specific question in her statements, and so she would leave it at that for the moment.

Ms. Price asked if the Supervisors had any other comments or questions.

Ms. LaPisto-Kirtley asked Ms. Ragsdale if she could show where the subject area was.

Ms. Ragsdale presented a map on the screen. She said in terms of the Heavy Industrial, it is at Northside in terms of the Places29 area. She said in Crozet, there is a portion of the Barnes Lumber property that she believes is still Heavy Industrial, and there is also some Heavy Industrial around Music Today and the other is Yancey Mills. She said that is it for Heavy Industrial. She said it is really concentrated in those areas.

Ms. Ragsdale presented another map and noted that in terms of Light Industrial, it is scattered. She said there is Hunters Way, a patch in Coveseville, some in Crozet and Ivy, and the Earlysville Industrial Park. She said she supposed these maps had not been included in the Board's packet, but this was something that was covered in more detail in the Planning Commission work session.

Ms. LaPisto-Kirtley asked if Hunters Way included Luck Stone.

Ms. Ragsdale replied that this is where UPS and where Floor Fashions is. She said Luck Stone is actually a different zoning (Natural Resources Overlay District).

Ms. LaPisto-Kirtley asked what is being stored at Hunters Way.

Ms. Ragsdale replied that these were the parcels that could be affected by these regulations. She said it was not to say that all of these properties have outdoor storage. She said one of the benefits of updating the regulations is that the County is allowing flexibility across the industrial districts for any industrial use that has outdoor storage that needs screening. She said in this regard, it is not just recycling uses that will benefit, but any outdoor storage, and so staff believes this flexibility is a good addition to the ordinance. She asked Ms. LaPisto-Kirtley if this answered her question.

Ms. LaPisto-Kirtley replied yes. She said it looked as if Northside is near the airport. She said she could not remember anything there.

Ms. Ragsdale replied that there is some Light Industrial near the airport and along the Airport Road Corridor.

Ms. Palmer asked if she could do some clarification for Ms. LaPisto-Kirtley. She said what she believed what she was asking was about what she and Mr. Gallaway were talking about with respect to the one piece of property that they dealt with a year or two ago, before Ms. LaPisto-Kirtley and Ms. Price got on the Board. She said it is a recycling area that wanted to do brick and rock from construction debris, and they had to do special exceptions because of the height of the pile of the inert material. She said they also were not even allowed to do it outside when this started.

Ms. Palmer said when she went out to visit several times to look at the operation, there was a very high pile with very big equipment. She said once one puts a big trucks on top of the pile to crush the stone, there was a very high pile that would not be able to be dealt with through the process at that time, and they were in violation of the zoning rules. She said this was a quick explanation of what brought this together.

Ms. LaPisto-Kirtley thanked Ms. Palmer for the explanation.

Ms. Price asked Ms. LaPisto-Kirtley if this answered her questions.

Ms. LaPisto-Kirtley replied yes.

Ms. Palmer said she had a comment, and she was looking at this and wondering how she could possibly vote against it, as it does things that are good. She said at the same time, however, if a particular individual had to go through this again, they would still be in violation, and she cannot imagine that staff would recommend approval of the special exception given the height of those piles. She said she was torn by this because she felt as though these Heavy Industrial things are not little, and their equipment is gigantic. She said there are buildings coming down and a lot of construction that ends up getting buried in the Rural Areas, in big holes.

Ms. Palmer asked Mr. Svoboda if there was anything the Board could do about this and if he had an answer, as part of this was to try to make it easier for people who are doing demolition projects to have an alternative to burying it in the Rural Areas.

Mr. Svoboda said that prior to this coming before the Board that evening, fill and waste was modified so that they are able to dispose of that in the Development Areas to try to increase land area for building. He said staff has had the same struggle that it sounded like the Board was having, which was about how high is too high. He said to Ms. Palmer's point and to Mr. Gallaway's point, the equipment they are using is about 30-35 feet tall. He said they really cannot screen that, and so there is no way to force staff to say to screen this with a 35-foot-tall fence.

Mr. Svoboda said either the pile is visible and is as tall as the structure (basically the same height as the limit on a single-family house), or they screen it and work with the special exception so that they can deal with topography, line of sight, and the like to try to camouflage it the best they can when they go through the process.

Mr. Svoboda said this was the rock and the hard place of where staff was. He said it was either coming to the Board and saying it was completely visible and that nothing could be done about it; or keeping it below whatever the screening is and if there happens to be trees on the site or a desire to plant 10- or 12-foot-tall trees as time goes on, then the piles can grow; or they go through the special exception and see if there is either a way to screen that, or they become comfortable with the fact that this is visible. He said he did not know how else to put it, and that it is just going to be there.

Mr. Svoboda said as Ms. Palmer said, and as they have been to the site a number of times

separately, the piles are huge. He said if they are not a factor that staff needs to consider in visibility, that is fine, but he does not think that based on what they have been through with some other screening (even with cars and parking lots) and with some legacy zoning discussions they have had over the years. He said when they look at Coveseville and closer to where Downtown Crozet is creeping out, there are 35-foot piles of things that are going to stay there because if this is a productive business, this is manufacturing.

Mr. Svoboda said if one if from the Northeast, they are used to factories in the middle of a village or city. He said this is not so much the case in Albemarle, but staff is amenable to try to work through this to see if there is a height that is appropriate. He said he did not know if 10 feet or 20 feet would give them anything more. He said it is a little better but as far as the operation goes, one really needs a pile that is the height of the equipment.

Mr. Svoboda said whether the land is flat, like Barnes Lumber, or on a slope where they are looking up at it and will see everything, they did not have one, as far as he knew, that was in a hole like a quarry where it screens itself. He said when staff looked at all these properties, they felt like one would see the 35-foot pile going down the road. He said this is just where this zoning has ended up over the years. He said he did not think this helped, but it was part of the discussion.

Ms. Palmer asked if this was part of the discussion during the special exception process, or part of the discussion for this particular change in the ordinance.

Mr. Svoboda replied that staff looked at the change overall, whether one was at Northside, which is one of the more commercial locations because it is on Route 29 (a large road) with lots of noise traffic-wise, or at Barnes Lumber (which is near a railroad, which is good transportation, where the road is not quite so big, with different types of neighborhoods much closer), or at Coveseville (by the old processing plant, in the middle of the country, where there are less people but one will see it going through there if it goes in).

Mr. Svoboda said the reality is that the latter was probably too far a way to go, and that these will stay close to where the development will be because it is the same scenario that they have with waste in the Development Areas. He said it will naturally go where it is easier to process, and if one is a trucker, they want to be able to drop their load and then backhaul back, as driving an empty truck up and down the road is not good for the hauling business. He said it is unlikely that these sites will end up farther out, and they will always end up being close. He said Northside may actually be the site that is farthest out.

Mr. Svoboda said they did have this discussion and did not have a lot of input from either the people who are thinking about doing this or from the ones who are actually doing this through the process. He said another factor was that staff did not want to guess too much on what the impacts were without the input, and so they reached out, but it was minimal.

Ms. Mallek said she had one follow-up question. She asked if the existing business would be jeopardized by the passage of this ordinance in terms of the operation as it exists now.

Mr. Svoboda replied no. He said all its approvals would stay in effect.

Ms. Mallek asked if this was because it was already in business, and if they came after this ordinance (e.g., two years later), if Mr. Svoboda perceived them to still be able to be in business, or if the County was creating something here that would make it harder. She said on Route 29, the setback off the highway is so big and is one unique characteristic there that makes it easier than one that is right on the road. She said her concern is that while they get a benefit and make it easier for people who qualify, they do not make it so hard that they don't get anything.

Ms. Palmer said if, for example, the Northside location wanted to add a new use, such as asphalt (not milled), with the whole parking lot getting taken up and they want to recycle that, they would have another big pile, and this would be another process. She asked if this was correct.

Ms. Ragsdale replied that this would allow them to have outdoor storage by right, provided it is screened. She said this ordinance is allowing the outdoor storage and adding the flexibility to the types of screening. She said it is not going so far as to say that inert materials do not have to be screened, which she believes is where staff is in the recommendation. She said she believed what Mr. Svoboda was trying to say is that they may find that outdoor storage is still not appropriate in some locations, so the starting point is to have outdoor storage that is visible. She said they may not want it visible in all locations, and staff has not studied it to the extent that they would be comfortable saying that it would be appropriate at any of these industrial properties.

Ms. Ragsdale said she wanted to clarify this, and hearing from the discussion, staff obviously did not go a step further in allowing it completely by right. She said she did not know if it would be acceptable to allow it not to be screened in the community, at this point. She said staff did not take that approach.

Ms. Palmer said she was trying to make sure that with the special exception staff will look at, they will recognize that the pile cannot be screened in a particular situation and therefore, would recommend to a future Board that a special exception makes sense because it is impossible to screen it. She said this was what she was getting at in terms of how difficult the special exception process is to even work, in staff's mind.

Ms. Ragsdale replied that staff's perspective is not always the same perspective as the

applicant's in terms of process. She said with any request staff gets, they are analyzing it for any impacts and look at the policy. She said they will take into account the purpose and intent of having the property zoned Heavy Industrial to begin with, and this point is well taken.

Ms. Ragsdale said staff had some concerns with the special exception that was processed, which is why there were so many conditions associated with it. She said there were residences very close to the property line, so they were allowing not just outdoor storage in that case, but outdoor processing, which they needed a lot of information on. She said the Board saw the list of things that any industrial use is subject to, and one of those is the Certified Engineer's Report.

Ms. Ragsdale said that when staff reviews these industrial uses, the ordinance is set up to require staff to get all of this information, and they felt they needed this as part of the special exception process. She said some of this happens with the by-right process, like a site plan or zoning clearance. She said she did not know if Mr. Svoboda had anything to add to that, but there are special exceptions because every site is different, and there are so many variables. She said staff often finds with some special exceptions that if they routinely grant them and see a set of circumstances, they can amend the ordinance further.

Ms. Ragsdale said that with the recent adoption of the Climate Action Plan, she anticipates with this being a priority that Community Development may be working more closely, as they go forward with some of the other things they have going on, eventually leading to them revisiting some of these things associated with recycling uses or the County's industrial districts.

Ms. Price opened the public hearing and asked the clerk if anyone was signed up to speak.

Ms. Borgersen replied there was not.

Ms. Price closed the public hearing and brought the matter back before the Board for further questions and comments. As there were no questions, she asked if a member of the Board was prepared to make a motion.

Ms. Palmer **moved** that the Board approve of the proposed Zoning Text Amendment found in Attachment B. Ms. Mallek **seconded** the motion.

Mr. Kamptner asked if this motion included the changes noted on Slide 12.

Ms. Palmer replied yes and **amended** her motion to includes the changes on slide 12 of the presentation. Ms. Mallek **seconded** the amended motion.

Mr. Gallaway said he wanted to thank staff, as there were many people who put a lot of time and effort not only on the application that came through, but then turning into and working on this initiative. He said these are improvements, and he did not want his earlier comments to suggest that he thinks there are not improvements here. He said there are fewer exceptions, and there is the fact that the storage is allowed outside (even post-product, more in line with landscaping businesses and companies that are around the County).

Mr. Gallaway said he does appreciate all the time and effort put in to get this to this point, as he does think it will be improved. He said those who are looking to do this sort of business should see a little bit smoother of a runway to land on, and he expects the County will continue to work on it if there are continued kinks around the storage and screening, and that they will help work through any applications that come forward.

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

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

Ms. Price echoed Mr. Gallaway's comments, also recognizing the opportunity to allow industrial uses to continue and seeing this as an improvement. She said the maps helped her to better understand.

Ms. Palmer said she recognizes the difficulty of dealing with that one particular special exception and process, and how much work it took staff to help the applicant through it. She thanked staff for this.

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#### **ORDINANCE NO. 21-18(1)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 18-5.1.51 Outdoor activities in industrial districts

Sec. 18-5.1.52 Outdoor storage in industrial districts

## **Chapter 18. Zoning**

### **Article II. Basic Regulations**

#### **Sec. 5 Supplementary Regulations**

##### **Sec. 5.1 Supplementary Regulations**

##### **Sec. 5.1.51 - Outdoor activities in industrial districts.**

Except as otherwise expressly permitted for a particular use, each use permitted by right or by special use permit in an industrial district is subject to the following:

- a. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity must be conducted within a completely enclosed building.
- b. No outdoor activity, including the location of internal access roads, may be established, conducted or used within 100 feet of a residential or agricultural district.
- c. No activity may be conducted outdoors between 7:00 p.m. and 7:00 a.m.
- d. The Board of Supervisors may approve a variation or exception from any requirement of this section.
  1. The agent will provide written notice by first class mail or by hand at least five days before the Board hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owners associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent.
  2. A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required waives the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

(§ 5.1.51, [Ord. 13-18\(1\)](#), 4-3-13; Ord. 21-18(1), 1-20-21)

##### **Sec. 5.1.52 - Outdoor storage in industrial districts.**

Except as otherwise expressly permitted for a particular use, the outdoor storage of parts, materials and equipment in an industrial district is subject to the following:

- a. Storage areas must be fully screened by a planting strip, existing vegetation, berm, a solid wall or fence, or a combination thereof, to the reasonable satisfaction of the agent.
- b. The parts, materials and equipment stored in a storage area may not be stacked higher than provided screening.
- c. No outdoor storage may be located within 50 feet of a residential or agricultural district.
- d. The outdoor storage of recyclable materials, other than inert materials, at a recycling collection or recycling processing center is prohibited. The outdoor storage of such inert materials must comply with the following:
  1. No inert materials may be stored within 100 feet of any agricultural or residential lot line.
  2. Trees and vegetation within 100 feet of any agricultural or residential lot line must be maintained as a buffer to abutting properties.
- e. The Board of Supervisors may approve a variation or exception from any requirement of this section.
  1. The agent will provide written notice by first class mail or by hand at least five days before the Board hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned

unit development, then to such incorporated property owners associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent.

2. A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required waives the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

(§ 5.1.52, [Ord. 13-18\(1\)](#), 4-3-13; Ord. 21-18(1), 1-20-21)

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Agenda Item No. 23. **Public Hearing: An Ordinance to Amend the 2021 Due Date for First Installment Taxes.** To receive public comment on its intent to adopt an ordinance to change the date that the first installment of real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations' taxes are due from June 5, 2021 to June 25, 2021.

The Executive Summary forwarded to the Board states that, pursuant to Virginia Code Section 58.1-3916, the County may establish due dates for all local taxes. On December 2, 2020, the Board approved staff's recommendation to schedule a public hearing on an Ordinance to extend the 2021 due date of first installment property taxes.

This ordinance will establish that the first installment of those taxes would be due and payable on June 25, 2021, rather than June 5, 2021. Staff believes the additional time provided by this ordinance will be beneficial in developing the Fiscal Year 2022 budget in that it would provide additional time for the revenue forecasting process, and would improve the alignment of the budget development schedule with the School Division's schedule. The ordinance would also ensure that there is adequate time for taxpayers to remit the first installment of calendar year 2021 real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations' taxes. The County Attorney has prepared a draft ordinance (Attachment A) to make this change. The ordinance does not affect any other tax due dates in 2021 or in other years.

Extending the due date for first installment taxes is not anticipated to have an impact on expected revenues.

Staff recommends that the Board adopt the proposed ordinance (Attachment A) after the public hearing.

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Ms. Lori Allshouse, Assistant CFO for Policy and Partnerships, said this public hearing was for an ordinance to amend the 2021 due date for the first installment taxes. She said the first installment taxes would be due and payable on June 25, 2021 rather than on June 5, 2021. She said this provides additional time for revenue forecasting; improves the County's alignment with the School Division's budget development schedule; and ensures adequate time for taxpayers to remit the first installment of Calendar Year 2021 real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations taxes.

Ms. Allshouse said this would not impact any other tax due date in 2021 or in other years.

Ms. Allshouse said that after the public hearing, staff would recommend that the Board adopt the proposed ordinance (Attachment A).

Ms. Allshouse said Ms. Jian Lin, Chief of Revenue Administration for the Department of Finance and Budget, was in attendance if there were any questions.

Ms. Price opened the public hearing and asked the clerk if anyone was signed up to speak to this item.

Ms. Borgersen replied there was not.

Ms. Price closed the public hearing and brought the matter back before the Board for any questions, comments, or a motion.

Ms. Palmer **moved** that the Board adopt the proposed ordinance in Attachment A. 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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## ORDINANCE NO. 21-A(2)

AN ORDINANCE TO AMEND THE 2021 DUE DATE FOR FIRST INSTALLMENT TAXES



**WHEREAS**, under Section 58.1-3916 of the Code of Virginia, the County may establish due dates for all local taxes; and

**WHEREAS**, additional time will be beneficial in developing the Fiscal Year 2022 budget, and ensure that there is adequate time for taxpayers to remit the first installment of calendar year 2021 real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations taxes as a result of the new budget calendar.

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

Notwithstanding Section 15-101(A) of the Albemarle County Code, for 2021, the first installment of real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations taxes are due and payable on June 25, 2021, rather than June 5, 2021.

This ordinance does not affect any other tax due dates in 2021 or in other years.

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Agenda Item No. 24. **Public Hearing: An Ordinance to Amend Article 7, Real Property Tax, of Chapter 15, Taxation.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation, Article 7, Real Property Tax, by adding Section 15-700.1, Delay of imposition of penalty and interest when good cause exists. The ordinance would allow an additional 90 days for property owners to pay supplemental real estate bills without incurring a penalty or interest under certain circumstances when good cause exists.

The Executive Summary forwarded to the Board states that late charges required by County Ordinances for untimely local tax filings and payments are enabled by Virginia Code §§ 58.1-3916 and 58.1-3703.1. The Virginia Code states the County can provide up to a 90-day extension of time for the payment of real property taxes when good cause exists.

The Virginia Code enables the County to cause no penalty or interest to accrue on the supplemental bill for an additional 90 days when an owner of real property is subject to a supplemental bill that is charged due to the correction of an assessment where the information was previously available to the County Assessor, and when that error is not due to any act or omission of the owner of such real property,.

On December 2, 2020, the Board approved staff's recommendation to schedule a public hearing on an Ordinance to amend Article 7, Real Property Tax, of Chapter 15, Taxation, of the Code of the County of Albemarle, Virginia to provide an extension of time to pay certain real property taxes.

This amendment would provide a 90-day extension of time for taxpayers to pay supplemental real property tax bills that are issued due to the correction of an assessment where the information was previously available to the County Assessor, and when that error is not due to any act or omission of the owner of such real property.

The County Attorney has prepared a draft ordinance (Attachment A) to make this change.

This amendment is not anticipated to have an impact on expected revenues.

Staff recommends that the Board adopt the proposed ordinance (Attachment A) after the public hearing

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Ms. Allshouse said this public hearing was for an ordinance to amend Article 7, Real Property Tax, of Chapter 15, Taxation of the Code of Virginia. She said late charges required by County ordinances for untimely local tax filings and payments are enabled by Virginia Code. She said the Virginia Code states that the County can provide up to a 90-day extension of time for the payment of real property taxes when good cause exists.

Ms. Allshouse said this amendment would provide a 90-day extension of time for taxpayers to pay supplemental real property tax bills that are issued through the correction of an assessment, where the information was previously available to the County Assessor, and when that error is not due to any act or omission of the owner of such real property.

Ms. Allshouse said that after the public hearing., staff would recommend the Board adopt the attached ordinance in Attachment A. She said Mr. Peter Lynch, County Assessor, was in attendance to answer any questions.

Mr. Gallaway said he understood that when they do this, it is a good cause to delay and certainly has the taxpayer in mind. He said he would imagine, though, that the mechanism of having to process, if there was not an extension of time (for example, 10 or 20 days later), would save something on the staff time. He asked if this would be the right way to think about this, on the County's side.

Mr. Peter Lynch, County Assessor, replied that he did not believe it was a huge staff issue for the amount of time it is late. He said he thinks this is a blanket increase in the time that is allowed for these

certain properties in their special situation. He said it is not really the consideration of staff time that staff was concerned about, but consideration about that surprise bill to the taxpayer and allowing them more time to be able to pay it.

Mr. Gallaway said he did not think it would be part of it, but was just brainstorming in his head what would stop now. He said if they give someone an extension of time, there have to be some iterations that don't happen reminding them that they are out of time or late. He said he was just curious.

Ms. Price opened the public hearing and asked if she was correct that no one had signed up to speak to this item.

Ms. Borgersen replied that this was correct.

Ms. Price closed the public hearing and brought the matter back before the Board for additional questions, comments, or to make a motion.

Ms. LaPisto-Kirtley **moved** that the Board adopt the proposed ordinance in Attachment A. 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.

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#### **ORDINANCE NO. 21-15(1)**

AN ORDINANCE TO AMEND AND REORDAIN ARTICLE 7, REAL PROPERTY TAX, OF CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article 7, Real Property Tax, of Chapter 15, Taxation, is hereby amended as follows:

**By Adding:**

Sec. 15-700.1 Delay of penalty and interest when good cause exists.

#### **Chapter 15. Taxation**

#### **Article 7. Real Property Tax**

#### **Division 1. Generally**

#### **Sec. 15-700 Annual assessment of real estate.**

All real estate in the County shall be assessed annually for the purposes of taxation by the Director of Finance of the County as of January 1 of each year.

(§ 8-1.1, 11-3-76; Ord. of 2-5-92; Code 1988, § 8-64; § 15-1000, Ord. 98-A(1), 8-5-98; [Ord. 05-15\(3\)](#), adopted 11-9-05, effective 1-1-07; § 15-700, [Ord. 19-15\(1\)](#), 4-17-19)

**State Law reference—** Constitution of Virginia, Article X, §§ 2, 4; Va. Code § [58.1-3200](#) *et seq.*

#### **Sec. 15-700.1 Delay of imposition of penalty and interest when good cause exists.**

When real property is subject to a supplemental bill due to the correction of its assessment, when the information requiring that correction was previously available to the County Assessor, when that error is not due to any act or omission of the real property's owner, and when the Director of Finance determines that good cause exists, then the Director of Finance may cause no penalty or interest to accrue on the supplemental bill for up to an additional 90 days.

(§ 15-700.1, Ord. 21-15(1), 1-20-21)

**State Law reference –** Va. Code § 58.1-3916.

#### **Sec. 15-701 Assessment of new buildings substantially completed.**

Any new building substantially completed or fit for use and occupancy shall be assessed and subject to the real property tax as follows:

- A. *When it is to be assessed.* Any new building substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be assessed when it is so completed or fit for use and occupancy, and the Director of Finance (or his designee) shall enter in the books the fair market value of the building.

- B. *When assessment becomes effective.* An assessment under this section becomes effective only when information as to the date and amount of the assessment is recorded in the office of the Director and made available for public inspection.
- C. *Computing the real property tax.* The total real property tax on any new building for that year shall be the sum of: (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year the building is substantially completed or fit for use and occupancy bears to the entire year; and (ii) the tax upon the assessment of the building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year the building was not substantially complete or fit for use and occupancy bears to the entire year.
- D. *Extension of penalty date for delinquent payments.* For any assessment under this section effective after September 1 of any year, the penalty for nonpayment by December 5 shall be extended to February 5 of the succeeding year.

(§ 8-1.6, 9-9-87; Ord. of 2-5-92; Code 1988, § 8-65; § 15-1001, Ord. 98-A(1), 8-5-98; § 15-701, [Ord. 19-15\(1\)](#), 4-17-19)

**State Law reference—** Va. Code § [58.1-3292](#).

**Sec. 15-702 Deadlines for making objections and filing appeals; deadline for disposition of appeals.**

- A. *Objections to the annual assessment to the assessing officer.* Any aggrieved taxpayer may appear before the assessing officer and present objections to any annual assessment of real estate by February 28 of the year in which the assessment takes effect.
- B. *Appeal of annual assessment to the Board of Equalization.* A property owner or lessee may also appeal any annual assessment by making an application to the Board of Equalization by March 30 of the year in which the assessment takes effect.
- C. *Appeal of supplemental or pro rata assessment to the Board of Equalization.* A property owner or lessee may appeal any supplemental or pro rata assessment by making an application directly to the Board of Equalization within thirty days after the date of the notice of the supplemental or pro rata assessment, or within 30 days after the date set by the assessing officer to hear objections to the assessments as provided in Virginia Code § [58.1-3330](#), whichever date is later.
- D. *Disposition of appeals by the Board of Equalization.* The Board of Equalization shall finally dispose of all annual assessment appeals by September 1 of the year in which the assessment takes effect. The Board of Equalization shall finally dispose of all supplemental or pro rata assessment appeals for new construction by December 31 of the year in which the supplemental or pro rata assessment takes effect.

(§ 8-1.7, 7-12-89; Ord. of 2-5-92; § 8-66, 3-4-98; § 15-1002, Ord. 98-A(1), 8-5-98; [Ord. 05-15\(3\)](#), adopted 11-9-05, effective 1-1-07; § 15-702, [Ord. 19-15\(1\)](#), 4-17-19)

**State Law reference—** Va. Code §§ [58.1-3330](#), [58.1-3378](#).

**Sec. 15-703 Abatement of real property taxes levied on buildings razed, or destroyed or damaged by fortuitous happenings.**

Real property taxes levied on buildings either razed, or destroyed or damaged by fortuitous happenings may be abated, subject to the following:

- A. *When abatement is allowed.* Real property taxes levied shall be abated on buildings which are: (i) razed; or (ii) destroyed or damaged by a fortuitous happening beyond the control of the owner.
- B. *When abatement is not allowed.* Abatement is not allowed in the following circumstances:
  - 1. *Decrease in value is less than \$500.00.* Abatement is not allowed if the destruction or damage to the building shall decrease the value thereof by less than \$500.00.
  - 2. *Building not unfit for use and occupancy for 30 or more days.* Abatement is not allowed unless the destruction or damage renders the building unfit for use and occupancy for 30 days or more during the calendar year.
- C. *Computing the real property tax.* The real property tax on the razed, destroyed, or damaged building is computed according to the ratio which the portion of the year the building was fit for use, occupancy and enjoyment bears to the entire year.
- D. *Applying for abatement.* The owner of the building or a person acting on the owner's behalf shall apply for abatement within six months after the date on which the building was razed, destroyed, or damaged.

(§ 15-1003, [Ord. 02-15\(1\)](#), 5-15-02; § 15-703, [Ord. 19-15\(1\)](#), 4-17-19)

**State Law reference—** Va. Code § [58.1-3222](#).

**Sec. 15-704 Exemptions for disabled veterans and surviving spouses of members of the armed forced killed in action.**

- A. *Exemptions.* Pursuant and subject to [Articles 2.3 and 2.4, Chapter 32, Title 58.1](#) of the Virginia Code (Virginia Code §§ [58.1-3219.5 et seq.](#) and [58.1-3219.9 et seq.](#), respectively), the following property is exempt from real property taxes:
1. *Dwellings.* The qualifying dwellings of disabled veterans and surviving spouses of members of the armed forces killed in action, and
  2. *Land.* The land, not exceeding ten acres, upon which a qualifying dwelling is situated.
- B. *Applicability of Virginia Code §§*[58.1-3219.5 et seq.](#) *and*[58.1-3219.9 et seq.](#) *Except as otherwise provided in this section,* [Articles 2.3 and 2.4, Chapter 32, Title 58.1](#) *of the Virginia Code (Virginia Code §§* [58.1-3219.5 et seq.](#) *and* [58.1-3219.9 et seq.](#)*, respectively) applies to this section.*

(§ 15-1603, [Ord. 11-15\(2\)](#), 5-11-11; [Ord. 16-15\(1\)](#), 7-6-16; § 15-704, [Ord. 19-15\(1\)](#), 4-17-19)

**State Law reference—** Va. Code § [58.1-3219.5 et seq.](#)

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Agenda Item No. 25. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. LaPisto-Kirtley said that unfortunately, the large broadband expansion by CenturyLink in the Keswick-Cobham area will have to exclude about 300 or more homes due to new FCC (Federal Communications Commission) regulations that have been passed. She said she did not understand the entire impact of this, but this was what they were coming up against in their application, which was very disappointing.

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Ms. Palmer said she had a question for staff in that on the Consent Agenda, there was something listed as the Virginia Water Resources Progress Report on file at the Clerk's Office, and she was unable to find this in her packet. She asked if they had received something on that, or what the deal was with this.

Ms. Borgersen replied that there was a copy in the Clerk's Office that Ms. Palmer may review at her convenience.

Ms. Palmer asked if they did not, then, have an electronic copy that the Board could access.

Ms. Borgersen replied that this was correct, as it is a very large document that is spiral-bound.

Ms. Palmer asked if she had to physically go into the Clerk's Office to read it there rather than taking it home.

Ms. Borgersen replied that this was correct, adding that she was sure they could find an allotment for Ms. Palmer to take it home.

Ms. LaPisto-Kirtley joked that she would donate her time for reading the document to Ms. Palmer.

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Ms. Price said the closed session that day had been abbreviated due to technical difficulties getting started and the Health District report going a little long. She said there were a couple of items left that they had not covered, and the question for Mr. Kamptner was if they would attempt to complete it that evening, or if they would hold off until the next meeting.

Mr. Kamptner said a couple of the items included staff, who were sent home at some point. He said the one remaining item was the Board's work on appointments.

Ms. Price said it appeared that the initial Closed Meeting was sufficient and they can hold off and do that at their next meeting.

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Agenda Item No. 26. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that ordinarily, he would be presenting a monthly report, but he had two reasons why he did not have one. He said one was that he anticipated the meeting that evening would go longer than it had, and so he asked staff to hold off on that. He said he would be doubling back and coming to the Board either at their first or second meeting in February to present the monthly report.

Agenda Item No. 27. Adjourn.

At 8:42 p.m., Ms. Price adjourned the meeting to a joint meeting with the School Board on January 28, 2021, 4:00 p.m., an electronic meeting pursuant to Ordinance No. 20-A(16), “An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.” She said information on how to participate in the meeting will be posted on the Albemarle County website, on the Board of Supervisors homepage and on the County Calendar.

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Chair

Approved by Board
Date 03/01/2023
Initials CKB