

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 17, 2021 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway.

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

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

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said there were some small administrative changes to the final agenda. He said there was a correction to Item 8.6, "Albemarle County 2020 Year End Certificate of Occupancy Report," on the consent agenda. He said the title page of the report should read, "Year-End CO Report," but it was incorrectly titled Fourth Quarter, so the correction was made.

Mr. Gallaway said Attachment B of Item #9 has been updated online to reflect the current signed Economic Development MOU. He said it was not previously the signed version, and so that has also been corrected and added to the agenda materials.

Mr. Gallaway asked if there were any other changes to the agenda or items to remove from consent, and he heard none.

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

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

Agenda Item No. 5. Brief Announcements by Board Members

Ms. Price said the Blue Ridge Health District (BRHD) has been working hard to roll out the vaccination. She said there appeared to be a substantial improvement from what was previously the CDC VAMS website, which is improving the ability of community members to sign up to get their vaccinations. She said BRHD is working hard with all of the moving parts, and she wanted to give them a shoutout for the work they have done. She added that they have provided a Spanish translation of the information, which is very important.

Ms. Price reminded everyone that if they sign up through the website and get an appointment to be sure to bring a copy of their appointment confirmation email or have it accessible on their smartphone, as this is part of the check-in process.

Ms. Price said with regard to Albemarle's weather, but also to that to the west and south of them in the United States, they have all seen how bad the weather is. She said there was another big storm coming that evening, so she would encourage everyone to make sure they have some alternate means of heat, light, or whatever the need may be for their particular circumstance. She said it looked as if they could really be hit again and encouraged everyone to prepare for the weather that evening.

Ms. LaPisto-Kirtley said as Ms. Price mentioned, she hoped everyone would be careful, as they were headed for bad weather that evening and the following morning.

Ms. Palmer said she would add to Ms. Price's warnings by reminding people to bring their pets in. She said many people have their dogs outside in doghouses, which was not a good thing for that evening.

Ms. Palmer said though the spots were all full, she wanted the Board to know that Health Department would be doing vaccinations that weekend at the Yancey Community Center to try to get the senior citizens of that area taken care of with their vaccines. She said she is grateful for the Health Department for arranging that and coming to Southern Albemarle to work with the community and the center's director, Mr. Ed Brooks, to get that going.

Agenda Item No. 6. Proclamations and Recognitions.

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.

Mr. Gary Grant (Earlsville) said he had some questions about the Board's annual Statements of Economic Interests. He asked if these legally required statements were not designed to help the public figure out if the Board may have potential conflicts of interest when exercising their powers as elected officials. He asked if so, why all the Supervisors would not want to make it obvious to those who read their statements that they do not want to be perceived as political hypocrites by failing to fill out their disclosures clearly and specifically.

Mr. Grant said to suppose that hypothetically, one was a Democrat Albemarle Supervisor with stock in Amgen, a company that paid millions of dollars in fines for illegal marketing practices that put medical patients at risk. He asked if they would not want to be careful about possibly voting on healthcare matters that might impact their portfolio.

Mr. Grant asked if one was a Democrat Albemarle Supervisor with mutual funds invested in Communist Chinese companies that produce some of the highest levels of pollution on the planet, if they would not feel a bit politically hypocritical voting for a climate action plan while earning dividends from totalitarian polluters.

Mr. Grant said perhaps one was a Democrat Albemarle Supervisor with investments in AIG, a corporate insurance giant, bailed out by millions of taxpayer dollars for gambling on housing-related debt. He asked if they would not want to steer clear of appearing politically hypocritical if deciding ahead of time how to vote on something like government support for housing.

Mr. Grant asked the Supervisors if they did not all feel that the Statement of Economic Interest law, which is part of the state and local government Conflicts of Interest Act, should be filled out clearly and specifically by all officials rather than just vaguely and generally by some. He asked if they would not all agree that the purpose of this public record is to show the public how and where an elected official's money is concentrated so that potential conflicts can be reasonably identified on matters that could be related to such potential conflicts. He asked if they could imagine the ethics questions should a local Board of Supervisors endorse state legislation to incentivize electric vehicles, if any of them had stock in Tesla.

Mr. Grant said that regardless of these hypotheticals, and despite clarity and specificity concerns in some of the 2021 statements, it can be reasonably argued now that the six Democrat Albemarle Supervisors are not socialists, as some critics say, but truly wealth-seeking capitalists.

Mr. Grant thanked the Board for his almost three minutes of their valuable time and wished them a productive meeting.

Mr. Paul Perrone (Crozet) said he came bearing some positive news. He said he is the founder and CEO of Perrone Robotics, which is a high-tech company in the autonomous vehicle space, based in Albemarle County, with headquarters in Crozet. He said he was happy to say that they recently closed the \$10 million round of venture capital the prior week. He said he wanted to share this with the Board because the \$10 million of capital in the company gives them the ability to grow in Albemarle and to seize upon an extraordinary array of opportunities with the surge of interest seen in their technology.

Mr. Perrone said he wanted to thank the County, the Board, and the Economic Development Authority (EDA) because he could directly connect the dots to the County's and EDA's support of the company's autonomous shuttle program. He said the autonomous vehicle that was operated in the County in 2019, which happened to be the first fully autonomous vehicle operating on public roads for the public in the State of Virginia, caught the eye of a company interested in similar vehicles for deployment for their real estate developments in the Midwest. He said this interest further translated into their interest and closure of this \$10 million investment in the company.

Mr. Perrone said he wanted to provide a concrete connection for the Board from the visionary EDA grant to the investment and the ability for his company to grow their business there. He said they are on the lookout for a new facility to house their growing facility needs and look forward to being able to do that within the County.

Mr. Perrone said he also wanted to thank the citizens of Albemarle County for supporting the program.

Mr. Gallaway closed Matters From the Public.

Agenda Item No. 8. Consent Agenda.

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

Item No. 8.1. Fiscal Year 2021 Virginia Department of Health (VDH) Local Government Agreement.

The Executive Summary forwarded to the Board states that Virginia Code § 32.1-31 allows local governing bodies to enter into contracts with the Virginia Department of Health (VDH) for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the VDH and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Blue Ridge Health District (BRHD), in cooperation with the VDH, is the primary provider of public health services and programs for Albemarle County and surrounding localities. BRHD offers specific health programs targeted at preventing and controlling infectious diseases, as well as initiatives aimed at improving the health of low-income women, children, and infants. In addition, BRHD provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the state, County, and other neighboring jurisdictions. Non-local funding for these BRHD programs is provided by the Commonwealth of Virginia, grants, and fees charged to individual clients. The localities served by BRHD provide matching local funds for the allocations made by the state and allocate resources for Local-Only Programs, such as food safety. The VDH requires that local governments enter into agreements stipulating the scope of health services to be provided by the health districts in their respective jurisdictions.

The proposed FY 21 agreement (Attachment A) outlines the respective obligations of the County and VDH. The state's contribution decreased by \$8,909, for a total of \$911,700, this fiscal year, and the County's required funding increased by \$52,484, for a total of \$805,822. According to the most recent VDH information, the increase in County funding is to support the Community Health Worker position and the associated costs of the Yancey Community Center clinic that serve southern Albemarle.

Attachment B sets forth the services to be provided.

Pursuant to the funding formula set by the Joint Legislative Audit and Review Commission and based on the state's FY 21 contribution of \$911,700 to the BRHD, the County's required FY 21 funding includes local matching funds of \$745,936, and \$59,886 in 100% local funds, for a total of \$805,822 in local funds for this fiscal year.

Based on the vital nature of the services provided by the BRHD, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the FY 21 Virginia Department of Health (VDH) Local Government Agreement (Attachment A) and to authorize the County Executive to execute that Agreement after it is approved as to form by the County Attorney.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C) to approve the FY 21 Virginia Department of Health (VDH) Local Government Agreement (Attachment A) and to authorize the County Executive to execute that Agreement after it is approved as to form by the County Attorney:

**RESOLUTION TO APPROVE THE FY 21 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Health for the operation of the local Blue Ridge Health District Health Department.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 21 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute it on behalf of the County after it is approved as to form by the County Attorney.

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AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND THE
ALBEMARLE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND SERVICES
OF THE ALBEMARLE COUNTY HEALTH DEPARTMENT

This agreement ("Agreement") for the services to be provided by the Albemarle County Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and the Albemarle County Board of Supervisors (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Albemarle County Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$911,700.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Albemarle County will provide by appropriation and in equal quarterly payments a sum of \$745,936.00 local matching funds and \$59,886.00 one-hundred percent local funds for a total of \$805,822.00 local funds for this fiscal year.

In addition, the Board of Supervisors has approved the Albemarle County Health Department to carry forward \$0.00 in local matching funds for a total of \$745,936.00 matching funds and an additional \$0.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

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3/2/2021 | 7:52:11 AM EST

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Albemarle County Health Department, which shall perform public health services in Albemarle County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2020. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan, the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Albemarle County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

Robert W. Hicks
Robert W. Hicks
Deputy Commissioner for Community Health Services
Virginia Department of Health

Local authorizing officer signature

07/09/21
Date DocuSigned by:
Denise Bonds
Denise Bonds, MD, MPH
District Health Director
Blue Ridge Health District

Jeffrey B Richardson
Authorizing officer printed name
County Executive
Authorizing officer title

2/22/2021 | 1:44:15 PM EST
Date

2/19/21
Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

LGA-Revised July 2018



LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link-32.1-122.03; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link-32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link-32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links-32.1-35, 32.1-39, 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links-32.1-36, 32.1-36.1, 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links-32.1-49, 32.1-50, 32.1-50.1			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 42 U.S.C. 300 et seq., and 42 CFR Part 59\		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links-32.1-77, 32.1-89, 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links-32.1-65, 32.1-67, 32.1-68			X
Well child care up to age 18 Board of Health Code Link-32.1-77	X		
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link-42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link-32.1-11			X
Blood lead level testing Code Link-32.1-46.1, 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link-32.1-11, 32.1-11.3,			X
Community Education Code Link-32.1-11, 32.1-23			X
Pre-school Physicals for school entry Code Link-22.1-270			X
Services for Children with Special health care needs Title V, Social Security Act Code Link-32.1-77			X
Child restraints in motor vehicles Code Link-46.2-1095, 46.2-1097			X
Babycare, Child: DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link-32.1-77		X	
Babycare, Maternal: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</p>	
<p>Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39</p>	X
<p>Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246</p>	X
<p>Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1 Chapter 6 Article 6</p>	X
<p>Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- 3.2-5206, 3.2-5208</p>	X
<p>Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link-32.1-164</p>	X
<p>Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163</p>	X
<p>Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500</p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14	X
Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-35.1-13	X
Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link-32.1-176.4	X
Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-35.1-23	X
Jail Inspections: Pursuant to § 53.1-88 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-53.1-88	X
Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link-32.1-229.	X
Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links-35.1-16, 35.1-17	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- 2.2-5201, 2.2-5211	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- 2.2-5305, 2.2-5306	X
Vital Records Code Link- 32.1-254, 32.1-255, 32.1-272	X
Immunizations for maternity and post-partum patients Code Link-32.1-11, 32.1-325, 54.1-3408.	X
AIDS Drug Assistance Program (ADAP) Code Link-32.1-11,	X
Emergency Preparedness and Response Code Link-32.1-42, 32.1-43 et seq., 32.1-229,	X
HIV Counseling, Testing and Referral Code Link-32.1-37.2	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
COMMUNICABLE DISEASE SERVICES			
Foreign Travel Immunizations			
Other:			
CHILD HEALTH SERVICES			
Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330Other:			
Other			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Other:			
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other:			
MEDICAL SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
Community Education			X
Other			

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL, PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

**VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES**

**PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT**

[illegible]

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)
VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES
PUBLIC HEALTH SERVICES PROVIDED UNDER
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS
OPTIONAL PUBLIC HEALTH MEDICAL SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
Neither the Code of Virginia nor Regulations of the Board of Health requires the following services to be provided by the local health department. (Identify services below)	Income A only	Local ordinance code cite, or contract number	All

Revised 07/2018

9

Item No. 8.2. FY 21 Second Quarter Financial Report, **was received for information.**

Item No. 8.3. Albemarle County 2020 4th Quarter Building Permit Report, **was received for information.**

Item No. 8.4. Albemarle County 2020 4th Quarter Certificate of Occupancy Report, **was received for information.**

Item No. 8.5. Albemarle County 2020 Year End Building Permit Report, **was received for information.**

Item No. 8.6. Albemarle County 2020 Year End Certificate of Occupancy Report, **was received for information.**

Item No. 8.7. VDOT's 5th Street STARS Study Final Report, **was received for information.**

Item No. 8.8. VDOT Monthly Report (February) 2021, **was received for information.**

Agenda Item No. 9. **Action Item:** Memorandum of Understanding for Collaboration Among the City of Charlottesville, the County of Albemarle, and the University of VA Regarding Equity and Inclusion.

The Executive Summary forwarded to the Board states that, in May of 2016, the City of Charlottesville and County of Albemarle adopted Memoranda of Understanding (MOU) for collaboration regarding transportation, education, environment, and redevelopment/affordable housing (Attachment A). Recognizing the value of regional collaboration, the bodies adopted an additional MOU regarding economic development (Attachment B) in 2017.

On October 28, 2020, at the first joint public meeting of Albemarle County, the City of Charlottesville, and the University of Virginia, the entities jointly agreed to create a shared memorandum of understanding for collaboration regarding equity and inclusion.

Following the October 28 joint meeting, City, County, and UVA staff worked collaboratively to finalize a MOU for Collaboration Between the City of Charlottesville, the County of Albemarle, and the University of VA Regarding Equity and Inclusion (Attachment C).

No budget impact anticipated.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the MOU for Collaboration Between the City of Charlottesville, the County of Albemarle, and the University of Virginia Regarding Equity and Inclusion. (Attachment C)

Ms. Siri Russell, Director of the Office of Equity and Inclusion, said she wanted to briefly recap for the Board and the community that this topic was last publicly discussed at the October joint meeting with Charlottesville City Council and representatives of UVA. She said at that time, some feedback was received for potential edits to be made to the memorandum, which had been incorporated into the version currently before the Board.

Ms. Russell said that since that date, herself; UVA's Vice President of Diversity, Equity, Inclusion, and Community Partnerships, Mr. Kevin McDonald; and Charlottesville's Director of Human Services, Ms. Kaki Dimock, have met to discuss potential applications and opportunities of this memorandum, which staff hopes to be in a position to share with the Board in the near future.

Ms. Russell said she was prepared to answer any questions and would ask the Board to consider adopting a resolution to approve this MOU.

Ms. Price said she did not have any questions with regard to the memorandum, but she did have a comment. She said she did want to ensure that Ms. Russell and her office are being pulled in for prospective applications and considerations of projects. She said this was a discussion that was had on several occasions at the Board meetings rather than retrospective. She said she hoped the County was actually pulling Ms. Russell in at the beginning of discussions and not at the end so that OEI can help guide the County in reaching some of its decisions, rather than just coming in at the end for verification of what they may be.

Ms. Palmer thanked Ms. Russell for pushing this forward.

Ms. McKeel said she had the opportunity to listen to the Governor's summit on equitable collaboration that day. She said there was a portion the next day as well if anyone was interested, and they could be sent the link. She said the point they kept making at the summit, which gets to the point that Ms. Price mentioned, is that equitable collaboration is a process. She said it is not just about checking off a box. She said she is anxious to see how this process becomes part of their culture and what they do as part of their work in the County.

Ms. McKeel said she is anxious for the Board to have the ability to learn how to use the Equity Atlas and have this presented to them and to the community. She asked if they may get to this in March.

Ms. Russell replied that her office is still working with the Equity Atlas team to get it usable for staff, mostly independently. She said in the spring, there will be work sessions with staff where they will actually be using the Equity Atlas and Equity Impact Assessment (which the Board knows is already being used on a handful of projects right now) at the same time. She said these are tools that are meant to reinforce each other.

Ms. Russell said there was talk about having a work session for the Board in using this as well. She said while she could not say that this would be in March, she would expect to be able to have a work session for the Board post-staff's, probably in the summer.

Ms. McKeel said this was great. She said the Equity Impact Assessment tool, especially, gets to the process, which ties into what Ms. Price was saying about prospective rather than retrospective. She said often, retrospectively, it is too late to do anything about it.

Ms. Russell agreed. She said the Impact Assessment is part of the process, and there are projects it is being used on right now, like the Rio Road Corridor Study and conversations around the potential cigarette ordinance. She said it is being used in a variety of places, and staff is looking for additional applications as well. She said she would certainly support and underscore Ms. McKeel's point about process, that equity is both the means and the end.

Ms. McKeel added that it is a process that needs to be embedded as part of the County's business and work. She said she wanted to thank Ms. Russell because the memorandum talks about measurable goals and closing opportunity gaps, which she appreciated.

Ms. Russell thanked Ms. McKeel, as the Board is the owner of this memorandum.

Mr. Gallaway said that in the Board's executive summaries, they always receive a budget impact statement. He said obviously, the logistics of this MOU and getting it passed does not have any budget impact, but it was ironic to him reading it in the bigger context of it should having an incredible budget impact. He said they should be directing resources in a way that makes this MOU come to life. He said he wanted to share this, as it struck him when reading the executive summary and saw that statement.

Ms. Palmer **moved** that the Board approve the MOU as presented. Ms. LaPisto-Kirtley **seconded** the motion.

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

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

**RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING
WITH THE CITY OF CHARLOTTESVILLE AND THE UNIVERSITY OF VIRGINIA FOR
COLLABORATION REGARDING EQUITY AND INCLUSION**

WHEREAS, the City, the County, and UVA are committed to working in partnership to achieve their mutual goals to advance equity and inclusion in our regional community; and

WHEREAS, the Board of Supervisors finds it is in the best interest of the County to approve entering a Memorandum of Understanding with the City and UVA to develop and enact plans to identify mutually beneficial ways to cooperate and communicate where possible.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Memorandum of Understanding between the County, the City, and UVA for collaboration regarding equity and inclusion, and authorizes the Chair of the Board of Supervisors to execute the Memorandum of Understanding on behalf of the County.

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.

Mr. Gallaway noted that there was a third person signed up to speak earlier in the meeting and that the person did not log on in time to speak and joined the meeting during the last item. He asked if there was any objection by Board members to allow for that public comment to occur, and he heard none.

Mr. Fraidoon Hovaizi said he and his wife are the only residents in his relatively spacious house, which is about 3,500 square feet of living space, with six bedrooms and four bathrooms. He said the whole space in front of his house is the clubhouse and tennis court, and the closest home is far over 150 feet. He said his neighbors to the right and left have an average of five people in their houses.

Mr. Hovaizi asked the Board to look at the location map, if possible, and consider the building and population density just right behind his house. He said his neighbor's is extremely dense and by right, he believed they can also rent two rooms, although he was not sure. He mentioned the name Fontana Drive, noting that the considered neighbors of Cascadia have such a high population density, while he and his wife are the only two people compared to his neighbors (with an average of five) and are asking to allow four rooms on an average of four to five days in a month during the year.

Mr. Hovaizi said he wanted to underscore the average of four to five days a month in the year. He said by the nature of their intent, his guests are most of the time away from home and only come home to sleep. He said they come for a weekend and do not stay at home much. He said given the open design of his house; it is impractical to only rent two rooms.

Mr. Hovaizi said 100% of his guests are extremely respectful and ethical families, and there are usually grandparents who come with the family and enjoy the fact that it is a comfortable space for older individuals of family members. He said he evaluates every inquiry and has strict rules for his guests. He said respecting the neighborhood is the most important part of his instructions to them. He said they have always been respectful of his house and the neighborhood. He said parties and events are strictly prohibited.

Mr. Hovaizi asked the Board to also look at the parking and house exhibit. He said he has plenty of parking space available for the guests, who would usually not have more than three or four cars. He said there is plenty of space and although they can park in the street by right, they usually do not. He asked the Board to please remember that the Fontana Homeowners Association Board is very critical of any activity that may harm the interest of homeowners, including the peace and value of properties, and they have never had any complaints so far from any of the neighbors.

Mr. Hovaizi asked the Board for their approval of an average of four rooms for an average of four to five days a month in the year.

Mr. Gallaway said that for the record, Mr. Hovaizi is the owner of the applicant for the agenda item that is coming up.

Mr. Gallaway closed Matters From the Public.

Agenda Item No. 10. **Action Item:** SE202000024 Homestay Special Exception - 126 Fontana Court (Fraidoon Hovaizi).

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception pursuant to County Code § 18-5.1.48(i) for a proposed homestay at 126 Fontana Court:

1. To increase the number of guest rooms permitted in a homestay pursuant to County Code § 18-5.1.48(j)(1)(iii) from two (2) to four (4).

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

Staff recommends that the Board adopt the attached Resolution (Attachment F) to deny the special exception application. If the Board chooses to approve the special exception, staff recommends that certain conditions be imposed.

Ms. Rebecca Ragsdale, Principal Planner, said the Board had just heard from the applicant and that this is a homestay that has been operating since about 2018. She said staff brought the regulations to Dr. Hovaizi's attention as part of staff's proactive compliance program for homestays.

Ms. Ragsdale said that at the beginning of these presentations, she usually goes over the applicable zoning regulations and the special exception process before jumping into the particulars of the property, some of which were touched on by the applicant.

Ms. Ragsdale said this is a residentially zoned parcel, zoned R4, in Fontana. She said those are limited to two guestrooms. She said the house must meet primary structure setbacks. She said no use of accessory structures is allowed. She said there is only one homestay use that would be allowed on the parcel and no whole-house rental. She said whole-house rental is that limited number of days per month and per year that a larger RA-zoned property might be able to be rented when the owners are not home.

Ms. Ragsdale said that in this case, she wanted to clarify that parking must be off-street for all homestays. She said if the special exception is approved, staff would confirm the location of parking. She said staff has been out to the site and know where the garage and driveway are, but this is something that the applicant touched on that she believed should be clarified.

Ms. Ragsdale said that in terms of the special exception request before the Board, it is just for the increase in the number of guestrooms from two to four. She said there are no other special exceptions requested or available.

Ms. Ragsdale informed the Board that this type of special exception will always be scheduled as an action item. She said requests to increase guestrooms to waive owner occupancy or use of an accessory structure will always be scheduled as action items. She said the Board and staff talked last time about a new process just for the 125-foot setback reduction requests in the Rural Areas. She said the things they talked about last time is that they could start scheduling those on the consent agenda, provided that there were no neighbor objections, staff was recommending approval, and the buffer and screening was adequate and would be maintained on the property.

Ms. Ragsdale said the Board likely saw in their emails that staff has begun to copy them on the abutting neighbor notices, in those cases. She said staff will continue to schedule any other request, such as this one to increase guestrooms, as an action item.

Ms. Ragsdale said the criteria staff is looking at is that there is no detriment to abutting lots and no harm to public health, safety, and welfare. She said the Board may approve the application with conditions, deny it, or defer it if there would be any reason to do so.

Ms. Ragsdale said in switching to the details of this proposal, she wanted to show the Board the vicinity map. She presented the map, noting that the asterisk in the middle of the screen shows where the home is located in Fontana. She said it is at the back of the subdivision, which adjoins Cascadia. She said Fontana is off of Richmond Road, in the Pantops neighborhood, near Darden Towe Park.

Ms. Ragsdale said staff provided the Board with some information about the master plan and zoning. She said it is in an area that is designated Neighborhood Density. She said the green areas on the map on the screen represented greenspace. She said it is not located near a center nor an area that is recommended for higher intensity uses. She said the yellow areas on the map were Neighborhood Density Residential on the Comprehensive Plan, and R4 Residential on the Zoning Map. She said the property was highlighted in yellow, with an asterisk. She said the Board could see the proximity of the townhouses in Cascadia, which was mentioned earlier.

Ms. Ragsdale presented an aerial view to show the context of the street, noting that it did not yet show the homes. She said it is across the street from the Fontana Clubhouse, and in the rear of the lot, it does back up to Cascadia open space. She said there is a bit of a buffer on the applicant's property to that open space, and it was really the sides (neighbors 132 and 120 Fontana Court) that were closest to the house. She said all of these properties were notified of the special exception request, and she has only heard from one person, who is the manager of the HOA.

Ms. Ragsdale said that she would continue familiarizing the Board with the property, as the applicant requested staff to do. She said the driveway is off of Fontana Court and slopes down, with plenty of room for parking. She said it could meet the parking requirements off-street for up to four guestrooms. She said the picture on the screen showed the proximity of the owners to the sides, and there is a deck off the back of the house that would potentially be available to guests.

Ms. Ragsdale said she mentioned she had heard from the HOA. She said she has not received any complaints about this homestay from any of the immediate neighbors. She said the context of the conversation with the HOA was mainly about the covenants. She said it was nice to talk to the HOA manager and learn about the things that he does hear complaints about, and so they talked about all things Fontana. She said one issue they are having that they told her about is on-street parking which, if the homestay was approved, would not be allowed. She said there has also been additional traffic in the neighborhood related to construction and the new phases of development that are happening in Fontana.

Ms. Ragsdale said she talked to the HOA manager on February 16, which is when she received the email with the HOA covenants from him. She said she had a phone conversation with him, and she went over the fact that regardless of what the HOA covenants say (which is a private matter for the HOA to enforce), staff must review this request under the Zoning Ordinance and not their covenants. She said this was a recap of any comment she had received.

Ms. Ragsdale said staff outlined what they saw as factors favorable or unfavorable to approve the request. She said as mentioned, there have not been any complaints to date, and the property is unique in that it backs up to open space and has a buffer to the residence in the rear. She said there is a clubhouse across the street, which is a nonresidential use.

Ms. Ragsdale noted that it is not in an area designated for tourism. She said the County has approved one special exception request to increase the number of guestrooms on a residentially zoned parcel, which was in Crozet, where the master plan had some language about supporting tourism in downtown. She said she mentioned the proximity of the homes on either side, and they have noted that they feel like two is the number they had settled on as far as the maximum number of guestrooms in these neighborhoods during the zoning text amendment process, and she thinks that if they increase to four or five, there is more potential for activity and guests in terms of parking needs.

Ms. Ragsdale said that for those reasons, staff has recommended denial of the request and suggested the motion to move to adopt the resolution to deny. She said if the Board felt differently, however, and wanted to recommend approval, staff provided some conditions they would suggest in terms of limiting the number of guestrooms to four, limiting the number of occupants to eight, and limiting the number of days per month to seven that the guestrooms up to four could be rented. She reminded the Board that by right, a homestay of up to two guestrooms could be approved.

Ms. Mallek asked Ms. Ragsdale if the narrowness of the lots was her main concern, along with the fact that there is no existing buffer in between, which the Board has talked about in many other locations where the lots are bigger and there is more space to accommodate people coming and going. She asked if this was correct if this was Ms. Ragsdale's main reason for the denial and the expectation of the ZTA.

Ms. Ragsdale replied yes.

Ms. Price said this gets into what she thinks are some of the tough calls that the Board has to make. She said clearly, what they had in front of them was an applicant who constructed or at least purchased the home when it was constructed in 2000 and has now been there for 20+ years. She said it is obviously stable, and she believes they could say it was built as a residential property and was not necessarily envisioned at that time as income-producing. She said from the sense of this particular applicant, they have a lot of strong factors that go in favor.

Ms. Price said as the Board knows, if they approve this, it goes with the land and not with the applicant. She said the close proximity left and right does raise concerns, whereas front and back, there appears to be plenty of room.

Ms. Price asked Ms. Ragsdale if she could pull up the slide with the conditions. She asked Ms. Ragsdale how she came up with the condition of not more than seven days in Item 3 on that slide.

Ms. Ragsdale replied that this is consistent with the activity that has been happening, and after discussing it with the applicant and Zoning Administrator, this was one of the conditions that they came up with. She said if it was a limited number of days per month and if there was increased activity, it would be another mitigating condition as far as activity that might be noticeable.

Ms. Price said this would essentially be 3.5 weekends per month, however, when looking at it from weekend rental usage. She said she knows that there are times of the year, such as graduation and ballgames, where availability of lodging for guests to the area can be somewhat limited. She said the home appears to be one that would be conducive to the restrictions that are listed (four guestrooms, parking was addressed, as well as eight occupants) which, if there is a child who is graduating from UVA and one could not find hotel rooms, it would be nice for a family to be able to get there.

Ms. Price said the seven days is the one principal stumbling block that she had. She said the applicant, in his comments, said that on average, it was four to five days a month, but she suspects there are periods of the year where the utilization is substantially higher than others. She said spring, summer, and football weekends could be examples, whereas at other times of the year, there may not be as many people.

Ms. Price said she was inclined to be supportive of what staff listed in the conditions, although she believed the seven days may be more than what she would be comfortable with just in terms of the nature of the neighborhood, as this is one of the concerns. She said she would leave her comments at that, and she wanted to hear what the other Supervisors thought about it.

Ms. LaPisto-Kirtley said she was concerned about the proposal. She said she knows the area well, and it is completely residential. She said as Ms. Price mentioned, the permit goes with the land. She said one could have a couple of people who could have two cars and potentially have ten cars there. She said she was not seeing the necessity to raise it to four guestrooms in an area where there is 40 feet between one house and the other. She said it is on almost one-third of an acre, so they were not talking about a large parcel or a home that is in the middle of something and that is buffered. She said this is not buffered.

Ms. LaPisto-Kirtley said she did not have a problem with the two rooms by-right. She said going up to four rooms in something that is such a small area is something she has a real problem with. She said unfortunately, though she wishes she could support it, she does not feel it would be conducive to the neighborhood to have up to four rooms, eight occupants and along with the homeowners, ten people there. She said she would be supporting staff's recommendation of denial.

Ms. Palmer said she had no questions but would go ahead and comment. She said having been on the Board when they went through all of this with great pains and tremendous amount of discussion, she saw absolutely nothing about this property that supports a special exception. She said it is clearly a residential area. She said she does not think that because the clubhouse is across the street, it somehow makes this a unique piece of property. She said she thinks that two guestrooms is totally appropriate for the area and the house.

Ms. Palmer noted that the Board keeps saying that homestays are accessory uses to residential, and it seems more like a hotel to her when there are four guestrooms there being rented out on the weekends. She said she would not want to be the next-door neighbor in a neighborhood where that number of people were coming in each weekend.

Ms. McKeel asked Ms. Ragsdale if she could go back to the map she had shown with the parking. She said this gets into problems she has had in her neighborhood where they say they have parking, and while one may be able to get the cars in that driveway, everyone is going to have to back out and move every time someone but the last car needs to get out. She asked if this was true.

Ms. Ragsdale replied that this would be the case. She said they still count parking, and it does not have to be a parking lot. She said this is the case when she stays at an Airbnb with her family. She said it is the situation here.

Ms. McKeel said the reality is that when they increase the number of rooms, they increase the number of cars, which is why the applicant mentioned letting people park on the road because people are now having to back out, move, and adjust every time someone wants to move a car. She said it seemed to her that this was too many people and too many cars for that parking area.

Ms. McKeel said to be clear, the applicant confused her somewhat. She said the Board's packet says the home is 150 feet away from the front and the rear, but 40 feet away from the neighbors on either side. She asked Ms. Ragsdale if this was correct.

Ms. Ragsdale replied that this is what she approximated from GIS. She said that as far as the building separation, perhaps the applicant was referring to the homes in the back, in Cascadia. She said this is where she was saying the homes were about 150 feet away.

Ms. McKeel mentioned what Ms. Price referenced about the number of days.

Ms. Ragsdale returned to Slide 14, which listed the conditions for approval. She said seven days is the number of days that is in the ordinance provisions for whole-house rental, which is where seven

came from. She said she believed this would give the applicant flexibility if it was just booked for one week out of the month, if someone was staying the whole week.

Ms. McKeel asked how this would be monitored. She said she is always hesitant to set up rules, especially rules where they have a situation where this goes with the land and not with the particular homeowner. She asked if they start approving a situation like this, who monitors it, and how they will know that it is really not more than seven days. She said it seems to her that they are getting into a lot of monitoring, and they were almost up to a hotel now.

Ms. Ragsdale replied that staff does have a service now that allows them to monitor booking activity, but they have been taking this year by year. She said homestay proactive compliance has been somewhat of a pilot, one-time initiative, and she does not know if they will continue to have that service. She said staff can also require that the homeowners keep logs themselves and make them available upon request by the Zoning Administrator, as an alternative. She said it does become a lot of conditions to potentially enforce.

Ms. McKeel said this is her concern with adding the conditions. She said although she understood, she was not sure about it. She said Ms. Ragsdale also referenced covenants, and they need to make sure everyone understands that the neighborhood covenants are very separate from anything the County does.

Mr. Kamptner said this was correct.

Ms. McKeel said that while the Board might approve something, if the covenants say it is not allowed, then it is not allowed.

Mr. Kamptner and Mr. Bart Svoboda (Zoning Administrator) confirmed this was correct.

Ms. McKeel said she was not inclined to support this proposal. She said she lives on a cul-de-sac and given what she was looking at on the map and knowing life on a cul-de-sac and how close the houses are, she was not looking favorably. She said two guestrooms was plenty, and she did not see the need for four.

Mr. Gallaway asked if it is in the HOA's covenants that on-street parking is disallowed.

Ms. Ragsdale replied that she has not looked at the covenants.

Mr. Gallaway said the HOA noted an issue with on-street parking and that this was a general complaint in the neighborhood. He said if the Board approves the homestay special exception, they could actually obligate that on-street parking is not allowed for the homestay use.

Ms. Ragsdale said this was correct and is in the ordinance.

Mr. Gallaway said if the Board approves the special exception, anyone that is staying there as a homestay guest cannot park on the street. He said he supposed the owner could if it is not disallowed by the covenants or something else. He said it looks like their neighbor is doing this.

Mr. Svoboda said this is correct.

Mr. Gallaway said that in some ways, the special exception request actually gets the parking off the street for the use that they are asking for.

Mr. Gallaway asked staff if they could pull up the list of favorable and unfavorable conditions. He said when this came up in the last application that the Board looked at that was obviously residential. He said it was not lost on him that most of these will be in residential areas, as they are homestays. He expressed to expect that they are not going to be in residential areas seems off, as the question is where else they would be. He said when the factors say it is not designated for commercial or tourism development, the tourism came up in another application. He asked if there is a place in the Pantops Master Plan that is designated as a tourism area.

Ms. Ragsdale replied that she did not know that the master plan for Pantops speaks to tourism, but it is not in an area shown in the master plan to become a future neighborhood center or area for mixed use. She said these are things staff looks at. She noted there are instances where a neighborhood might be zoned residential and have a residential character today, but a master plan might envision it to have some mixed use or commercial.

Ms. Ragsdale said she brought this up because when they did the very first special exception in 2020 (noting that they always bring in the Comprehensive Plan designation), it was noted by a few of the Board members that having the tourism language was a factor of support, in their minds.

Mr. Gallaway said he understood. He said it might not currently be an area like that, but it may be in 30 years, for instance.

Ms. Ragsdale replied yes. She said staff provides the Board with this information in their analysis.

Mr. Gallaway said he would try to maintain some consistency as he sees these requests come before the Board. He said when they worked through the homestay ordinance they adopted, he was someone who said that versus limiting rooms or people, the impacts are something they should have focused on. He said in this case, if the parking can be required to be onsite and not creating an additional parking issue there, if the parking can support the four rooms, then so be it. He said he does not think it is unreasonable to go from four to eight guests. He said he does not necessarily think this equates to eight to ten cars, as was mentioned. He said it is possible, but he does not know that this is how it would work here.

Mr. Gallaway said the history of the fact that there have been no complaints so far is compelling, even though it obviously opens them up to risk if it goes with the land, if there is a different owner and character who could be managing it down the road. He said he was inclined to support it just to stay consistent with how he thinks about these with previous applications, how he thought about this ordinance, and why the special exception was something he was hopeful would be an option for applicants to do.

Mr. Gallaway asked if there were any additional questions for staff. He said if not, he had not kept a hard count of favorable versus unfavorable, but it sounded like unfavorable might be the consensus. He asked if there was a Supervisor who wanted to try that motion first so they could see how the votes go.

Ms. Price said she wanted to at least make another comment before the vote.

Ms. Mallek said she did as well.

Ms. Price said she did not think that the Board necessarily needed to conclude that seven days for a whole-house rental in a Rural Area might be what could be approved and permitted in a Development Area or a neighborhood like this. She asked Ms. Ragsdale if she could go back to the third item on Slide 14. She said she would be very comfortable with a rental of up to four guestrooms, not to exceed one weekend of not more than four days per month, which would basically provide for something like a graduation or a holiday weekend one time a month.

Ms. Price said that even with the proposal she just made, she is still concerned in terms of how many variables the Board may be approving countywide, which makes compliance and enforcement difficult. She said she thinks once a month for a long weekend, with four guestrooms, would be reasonable.

Ms. Mallek said she had a couple of comments that she did not make in the earlier question round. She said that to her, having these numbers of nights per month becomes a management nightmare, and it really puts the burden on neighbors where she does not think it is fair to always having more things where the neighbor is responsible for being the policeman on this. She said it is impossible for the County representatives to do it.

Ms. Mallek said the clubhouse across the street is for the use of the residents, which is another thing that becomes a management nightmare is people who are staying in the house deciding they will go over there and use those things. She said this will be a source of friction.

Ms. Mallek said she agreed that one can park one car behind the other, there is no way they can function in that way, and they are going to be on the street for some amount of time while the jockeying is going on. She posited that one may decide to leave their car out on the street until everyone else gets back. She said she remained with her earlier thought that this does not have the facility, size, or capacity to be able to manage the bigger number of rooms.

Ms. Mallek said there had been mention of the tourism zone. She said this was created in 2010 for the entire Crozet growth area so that they could have a better financing opportunity for a small hotel. She said this was part of the zoning in the Crozet Master Plan.

Ms. LaPisto-Kirtley said to address Ms. Mallek's concern, she thinks that the applicant proposed that the guests would not be allowed to use the clubhouse. She said another thing that concerns her is that they have a backyard barbecue and whirlpool that they have since closed. She said this means that future landowners may open it up, which would cause parties and such if there is a barbecue and whirlpool out there. She said they have evidently closed it for a reason.

Ms. LaPisto-Kirtley **moved** to adopt the resolution (Attachment F) to deny the homestay special exceptions for SE202000024-126 Fontana Court. The motion to deny was **seconded** by Ms. Mallek.

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: Mr. Gallaway.

**RESOLUTION TO DENY THE SPECIAL EXCEPTION APPLICATION
FOR SE202000024 126 FONTANA COURT (FRAIDON HOVAZI) 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 special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby denies the special exception application to modify the number of guest rooms permitted in a homestay from two to four for SE2020-00024 126 Fontana Court (Fraidoon Hovaizi) Homestay.

Agenda Item No. 11. **Action Item:** CARES Coronavirus Relief Fund (CRF) Final Report and Potential Uses of the Pandemic Response, Recovery and Reconstitution and Contingency Reserve and the Advancing Strategic Priorities Reserve.

The Executive Summary forwarded to the Board states:

The County's CARES Act Coronavirus Relief Fund (CRF) Grant and the County's establishment of the Pandemic Response, Recovery and Reconstitution and Contingency Reserve:

On June 1, 2020, the County received \$9.5M in the first tranche of the CARES Coronavirus Relief Fund (CRF) and on August 17, 2020, the County received an additional \$9.5M in CARES CRF funding (second tranche) for a total of \$19M.

Throughout the Fall of 2020, the Federal government provided additional clarity to the CARES CRF compliance regulations. Updated Federal regulations positioned the County to be able to utilize a portion of CARES CRF funding to support eligible public safety pandemic-related expenses that were included in the FY 21 budget. This, in turn, provided an opportunity for the Board to utilize these reimbursed expenditures to establish a pandemic reserve to address pandemic-related needs that would no longer be bound by a specific timeline or grant restrictions.

On December 16, 2020, the Board approved the establishment of and an appropriation of \$6.85M into a Pandemic Response, Recovery and Reconstitution and Contingency Reserve to be used to support pandemic-related expenses such as, but not limited to, human and community services, economic development, technology, and general County services. In addition to pandemic-related expenses, this reserve may be used to support advancing strategic priorities and may be used as a contingency for other unanticipated priority needs.

On January 20, 2021, the Board received a CARES CRF Summary Report on its Consent Agenda.

Advancing Strategic Priorities Reserve:

As part of the FY 20 capital budget development process, the Board of Supervisors established an Advancing Strategic Priorities Reserve in the Capital Budget to support potential strategic plan priority projects or to provide funding for other emerging organizational needs. On May 15, 2019, the Board approved an appropriation of \$2M to this reserve.

On January 15, 2020, the Board approved a process for the use of this reserve. The process requires that staff review potential uses based on criteria including: 1) strategic plan connection, 2) leveraging opportunities, and 3) other considerations such as timing, safety, urgency and connection to other County plans prior to bringing requests for uses of the reserve to the Board.

On March 17, 2020, upon learning of the COVID-19 pandemic emergency, the Board amended the FY 21 Budget development schedule. Uses of all reserves, including the Advancing Strategic Priorities Reserve, was put on hold until more was known about the impacts of the pandemic.

On May 14, 2020, the Board adopted an amended FY 21 Budget. Due to the unknown duration of the pandemic, the amended FY 21 budget strategy was designed with a "3-6-6" incremental approach to monitor the impacts of the pandemic on the budget. The "3" referred to the last quarter of FY 20, the first "6" referred to the first half of FY 21 and the second "6" referred to the last half of FY 21.

On June 3, 2020, the Board approved an appropriation of an additional \$1.56M to the Advancing Strategic Priorities Capital Reserve from end-of-year funding, for a total of \$3.56M.

On January 20, 2021, the Board received information on the 2020 real estate reassessments and the County's economic outlook. Although there continues to be some uncertainty in the consumer and business-driven revenues, staff forecasted that the FY 22 local funding outlook is stabilizing and likely will stabilize by FY 23. Given this, the Board has an opportunity to use a portion of the County's reserves to support community needs.

Broadband Accessibility and Affordability:

On October 21, 2020, the Board and School Board held a joint work session to discuss the development of the FY 22 Capital Budget within the context of affordability restraints. During the work session, several Board members identified greater broadband accessibility and affordability as an emerging need for the community especially during the pandemic.

On November 18, 2020, during the Board's Strategic Plan Review and Capital Planning work session, Mr. Jeff Richardson, County Executive, stated that staff would bring additional information on

broadband accessibility and affordability back to the Board for further discussion.

On December 9, 2020, staff, per the direction of the Albemarle Broadband Authority (ABBA), submitted an enhanced broadband program and budget request for FY 21 and FY 22 to Jeff Richardson, County Executive and Nelsie Birch, Chief Financial Officer (Attachment A). This document included a request for one-time funds to initiate further broadband expansion projects with one or more internet service providers that are working in rural areas and funding to start up a broadband office and program to support affordable access through an equity lens.

Solid Waste Convenience Center project:

On February 25, 2020, the Board discussed increasing the reserve by utilizing end-of-year funding and potentially utilizing a portion of the reserve towards the development of a Solid Waste Convenience Center. The Board also discussed other items that potentially could be funded by the reserve, such as funding an intersection at Earlysville and Reas Ford Roads and transit-related items.

On November 18, 2020, during the Board's Strategic Plan Review and Capital Planning work session, interest was expressed to have a future discussion of the use of the Advancing Strategic Priorities Reserve for the development of a Convenience Center in Southern Albemarle.

On February 3, 2021, Mr. Lance Stewart, Director, Facilities & Environmental Services submitted a project development update memo for a potential Southern Albemarle Convenience Center. The memo (Attachment B) provides site selection considerations, programming assumptions, estimated costs and an estimated timeline.

On Feb 17, 2021, the Board will receive the second quarter financial report for FY 21, which provides important financial data for the first "6" of the "3-6-6" timeframe. The data in the report continues to indicate that while uncertainty still exists for some revenues, the County's overall revenues are improving and are stronger than staff anticipated at the beginning of the pandemic. During this work session, staff will provide a CARES CRF report, and will present information regarding two opportunities in which the County could utilize a portion of the County's reserves for emerging community needs.

Staff will provide a recommendation to utilize a portion of funding available in the Pandemic Response, Recovery and Reconstitution and Contingency Reserve and the Advancing Strategic Priorities Reserve to improve broadband connectivity and affordable accessibility. Due to the impacts of COVID-19, broadband expansion has become an increasingly essential need in the County and expenses associated with broadband expansion and affordability could be addressed utilizing funding that is currently in these reserves.

Second, staff will provide information and a recommendation to utilize a portion of the Advancing Strategic Priorities Reserve to support the site identification and future development of a Southern Albemarle Convenience Center.

These recommendations will be for one-time use of existing FY 21 reserves. Ongoing operating support would be required for both efforts in subsequent years. The FY 22 Recommended Budget, that will be presented to the Board of Supervisors on February 24, 2021, will provide a strategy for on-going funding for broadband-related operating expenses. Operating costs for a Southern Albemarle Convenience Center, if approved, are anticipated in FY 23.

Staff recommends providing \$3M, of which \$2M would be provided from the Pandemic Response, Recovery and Reconstitution and Contingency Reserve and \$1M would be provided from the Advancing Strategic Priorities Reserve to ABBA, to support Broadband connectivity and affordability.

Secondly, staff recommends providing \$1.1M from the Advancing Strategic Priorities Reserve to support the development of a Southern Albemarle Convenience Center. If additional funding is required for Convenience Center-related land acquisition, staff will bring a subsequent appropriation request to the Board.

If the Board approves these recommendations, staff will prepare appropriation requests for the Board's consideration and approval in March 2021.

Ms. Nelsie Birch, Chief Financial Officer, said when she gets to the overview and agenda, she would be introducing the other speakers who would be joining her. She said what she did want to make sure she spoke to at the beginning of this conversation is related to the CARES (Coronavirus Aid, Relief, and Economic Security) Act CRF (Coronavirus Relief Fund) funding.

Ms. Birch said the Board may recall that on January 20, with the grant report, there was an update on the CARES funding. She said staff's intention was to put this the consent agenda for the Board to review, and it would then come back during this meeting to have a work session to share with the Board all the things they did with the funding.

Ms. Birch said this was pulled from the evening's agenda for two reasons. She said one is that as the Board may recall from that report, the federal government actually extended the deadline for the County to use the \$19 million they received. She said it was originally due December 30, 2020. She said December 23 is when the federal government informed the County that they had extended it for another year, and so the County has until December 31, 2021 to spend that money.

Ms. Birch said the County had spent almost the whole amount because their plan was to do that by the end of December, but there were a few projects in limbo that they were going to move over and pay for out of the pandemic reserve, which she would talk about later in the presentation. She said the full reporting and full accounting was not yet complete for the CARES CRF report.

Ms. Birch said the second reason is that as staff was preparing for the present conversation, they started to realize that the depth of these conversations they are about to have with respect to these projects and the use of some funding to pay for them would likely take up their entire time, and they want to make sure that CARES CRF funding (which was \$19 million that was infused into the community and offsets pandemic-related costs) gets its moment.

Ms. Birch said she would work with the clerk to come up with another time over the next few months that staff can actually spend some time walking the Board and community through what they did with that funding. She said this would be more deliberate and not as rushed as it was starting to become. She apologized for this, noting that it was certainly staff's intent to do that this day.

Ms. Birch said she wanted to talk about desired outcomes for the day. She said there are two reserves, and she would speak in more detail about them for those who may not recall what was done here. She said they will talk about two specific reserves that can be used to support some of the Board's priorities, and three projects that the Board directly asked staff to bring back at a later time when they met to talk with the Board about capital and strategic priorities in November 2020.

Ms. Birch said the first, which she had alluded to, was a reserve that they established as part of the CARES CRF funding. She said it was always staff's intention that by the end of the calendar year of 2020, they would fully spend the \$19 million. She said one area that allowed them to do this was offsetting their public safety costs that were fully compliant with CARES CRF funding protocols. She said this is called supplantation, which is typically not allowed, but staff was able to offset costs that were already in their budget using CARES funding. She said this allowed them to take the funds and set aside this reserve. She said staff will speak to using a portion of that reserve.

Ms. Birch said the second is that the Board had established an Advancing Strategic Priorities Reserve as part of the capital planning process. She said she had a timeline and a few slides to share on that. She said this is worth \$3.6 million.

Ms. Birch said staff would be talking about only these two buckets of money, and just a portion of each of them.

Ms. Birch said the three projects they would be bringing forward, which her colleagues would be presenting on, are Broadband Access and Affordability, Development of a Solid Waste Convenience Center in the southern part of the County, and conceptual analysis and preliminary design for the Reas Ford and Earlsyville intersection. She reminded the Board that they were only talking about a portion of each of these reserves. She said staff would leave some time at the end for the Board to communicate if there are additional projects they would like staff to bring forward for discussion at a later date.

Ms. Birch gave an overview of the agenda. She said after she speaks about the reserves in more detail, she would turn it over to Mr. Trevor Henry, Assistant County Executive, to speak to broadband. She said he will then turn it over to Mr. Lance Stewart, Director of Facilities and Environmental Services. She said Mr. Stewart would then turn it over to Mr. Kevin McDermott to talk about the Reas Ford and Earlsyville intersection.

Ms. Birch noted that after each of these three projects, there will be a moment for the Board to have a discussion. She said at the end, once the Board has heard about all the projects and deliberate on them, this is when they will make a motion for each of the three projects. She said staff wanted it to be more comprehensive so that the Board did not feel that they were voting for one without knowing where they might go on another project. She said all of that action would take place at the end, and they would then hopefully have time for another round robin with the Board members to talk about any future items they would like to bring up for discussion with respect to projects.

Mr. Gallaway asked if his understanding was correct that the Broadband Authority was in attendance.

Ms. Birch said this was correct.

Mr. Gallaway said he should have done this at the top, and so he would apologize for the interruption. He asked if he could go to the Broadband Authority's chair, Mr. Walsh, to call his body to order.

At 2:10 p.m., Mr. Walsh said the Broadband Authority adjourned its previous meeting to this point in time, and given they have two Supervisors on the Broadband Authority (as well as Mr. Henry and himself), they had a quorum and were reconvening at this point in time. He called this part of the meeting to order.

Mr. Gallaway apologized to Ms. Birch for the interruption.

Ms. Birch said one question the Board may have in mind is, "Why are we talking about this right

now? Isn't the County Executive bringing together a budget for us to deliberate on next week?" She said the answer is absolutely yes, but these are a little different. She said when the pandemic hit, there was a series of things that the County had to stop funding because they were unsure about the capital markets, how revenues would play out, and how the underlying economic posture of the community was going to withstand the pandemic.

Ms. Birch said there have been several things along the way that have led staff to realize that they are actually stabilizing. She said they have not fully recovered and are not fully back to where they were, but it looks significantly better than where they thought they were. She said the "3-6-6" approach that the County took during the pandemic has played out well as they look to be able to open up projects and funding, have a discussion, and make a decision about them without continuing to hold those funds back due to fear of not stabilizing.

Ms. Birch said FY 20 was the first "3." She said when they understood where FY 20 ended, this was the first piece of this to let them know that things did not look as bad and that they managed well in FY 20. She said the second look was going to be the second quarter, the first half of 2021, which is the "6." She said the "6" is July through December, and this report was in the Board's consent agenda that day.

Ms. Birch said staff also looked at what the real estate assessment was looking like. She said Mr. Peter Lynch, County Assessor, provided this in January, along with Mr. Steve Allshouse, to look at what this means for the future.

Ms. Birch said all of this is leading to staff realizing that they are at a good spot where with some of the reserves that have been held up, particularly the Strategic Initiatives Reserve, it is time for staff to bring some projects forward and give the Board some comfort that they can do so without jeopardizing the financial underpinnings of government.

Ms. Birch said the second reserve under discussion is the Pandemic Reserve, noting that its long title had been shortened. She said this was a reserve that the County was able to take advantage of directly because they received \$19 million from the federal government. She said they are able to offset costs that were already in the General Fund and use that money to establish a reserve to continue to carry out some of the needs that they have.

Ms. Birch said the next slide speaks to this. She said currently, there is about \$7 million in that reserve where CARES funding was used to offset the cost of public safety, consistent with what the compliance regulations say that the County can do. She said much of that is to continue using it as they outlined and did for the first nine months of the pandemic. She said there are some community, human services, and economic development programs, including Lift grant programs. She said much of this is continuing, and they want to keep \$4.9 million to continue the programming that they already have for those programs for the community, as well as some of the pandemic-related expenses that continue because they are still not out of the pandemic.

Ms. Birch said this leaves about \$2 million that has been carved out of this to advance some priorities that the Board has been discussing. She said what became obvious during the pandemic was broadband, and so they are tying that \$2 million of the pandemic reserve because the CARES CRF compliance and regulations were very restrictive of what the County can do with broadband. She said now that they have the flexibility to use that funding to advance some priorities, staff thought it was appropriate to use \$2 million of the reserve to advance broadband. She said Mr. Henry would talk more about this in a moment.

Ms. Birch said the last piece she wanted to speak to is the Advancing Strategic Priorities Reserve. She said this is a reserve that was established by the Board in May of 2019 and was then added to about a year later. She said this has been discussed several times with the Board over the last few years. She said there was very specific feedback from the Board when they were discussing the capital budget in November 2020 to bring back three projects. She said as she mentioned at the outset, these were Broadband Access, Southern Albemarle Convenience Center, and the Reas Ford/Earlsville Road Intersection.

Ms. Birch said those are the three projects that would be discussed that day, and portions of the two reserves could be used, if the Board chooses, to start to advance these projects forward.

Ms. Birch said Mr. Henry would walk the Board through the Broadband Access and Affordability project.

Mr. Trevor Henry, Assistant County Executive, said he appreciated the opportunity to speak and was grateful for the conversation. He said he was joined by Mr. Mike Culp, who was wearing dual hats as the Director of IT for the County and Chief Administration Officer for the Broadband Authority. He said Mr. Bucky Walsh had come in earlier in the agenda item and called the Broadband Authority to order. He noted that Ms. Palmer and Ms. Price also wear dual hats as Board of Supervisors members and members of the Authority.

Mr. Henry said he had six or seven slides he wanted to work through to give some background, context, and the framework of the program, with a recommendation at the end. He said he hoped to move through at a pace that will allow plenty of time for questions and discussion. He said he would pause for more technical and detailed questions throughout the presentation, which Mr. Culp and Mr.

Walsh could address.

Mr. Henry said the slide on the screen showed a brief timeline of the last half of the calendar year. He said broadband has been a topic of many conversations. He said it was specifically talked about amongst Supervisors and School Board members at a joint meeting of the two bodies in October 2020. He said it was discussed by all Board members and the Planning Commission in November 2020, and Mr. Jeff Richardson (County Executive) took a specific action item at the end of the November 18, 2020, meeting to work with staff and to come back at the present meeting to propose a recommendation of expanding the County's broadband programs.

Mr. Henry said staff took action on this, and he and Mr. Culp presented to the Broadband Authority in November to walk through the framework. He said that framework is what will be reflected at present. He said the memos that were attached to the executive summary were the formal recommendation of the program that went to the County Executive and Chief Financial Officer in December that formulates the recommendation today, and also what the Board will see from Mr. Richardson in the FY 22 budget recommendation in the following week.

Mr. Henry said the next slide provided some historical context. The Albemarle County Broadband Authority (ABBA) was chartered and convened in the late summer and early fall of 2017. He noted that there were no staff resources formally assigned to support this activity, but they have had staff involvement.

Mr. Henry said Mr. Culp has certainly been a key player in broadband since 2017 and served on the Authority for a couple of years. He said a year ago, Mr. Culp was moved from a member role to Chief Administration Officer to be able to support in ways in which a Broadband meeting did not have to be called every time Mr. Culp spoke to the Board of Supervisors. He said Mr. Culp has been doing great work since the inception of the Authority.

Mr. Henry said there were two other staff members that support. He said Mr. Bill Fritz supports as an Authority member, and attorney Mr. Rich DeLoria supports as staff for the meeting.

Mr. Henry said that in 2018, the Board of Supervisors authorized approximately \$1 million of one-time funding, which has been the primary funding source for the work that ABBA has done since the 2017-2018 timeframe. He said they use this as their reserve to draw down state funding to work with internet service providers as part of the expansion of broadband into the underserved areas of the County.

Mr. Henry said the final bullet on the slide on the screen was noting the pandemic and the acceleration of internet access demand. He said it was a tsunami of need that everyone experienced and continues to experience regarding the criticality of accessing broadband and internet. He said even pre-pandemic, those that thought they had adequate access for downloads and uploads have found, in many cases, that the connectivity level was inadequate when there were multiple family members and multiple demands on that service. He said not only do they need an expansion, but the level of service they identified was not adequate for the demand seen across the community.

Mr. Henry said the next slide was about the framework of the recommendation. He said the discussion for that day was about the one-time funding use that Ms. Birch walked the Board through to tee up the conversation, and those two funding sources. He said part of the presentation will blend in some FY 22 early look on what will come from the County Executive in the recommendation. He said although the purpose of the discussion that day was the one-time money, staff felt it was important to show the whole framework of the program that does potentially have a recurring component to it if the Board were to approve it.

Mr. Henry said there are three components to the program or, as Mr. Doug Walker likes to say, "three legs of the stool." He said this includes expansion of broadband infrastructure and continuation of the work that the Board and ABBA started in earnest in 2017. He said this is about continuing the infrastructure punch in the ground and moving it into the Rural Areas.

Mr. Henry said that with the pandemic, part of what is proposed for the funding is to continue some of the triaging work that was started in Fall 2020. He said he would talk more about each of these components over the next couple of slides.

Mr. Henry said the second component is a new component, but one that staff thinks is as important as the infrastructure, which is providing an affordability program to the community. He said this is for both rural and urban community members. He said what they discovered, especially through their school partners, is that a lot of families had theoretical access to high-speed internet, but they could not afford it. He said schools are starting some programs in the fall to help to overcome that gap, but what staff would like to formally do is build a program that supports this component, so it is about access as well as affordability.

Mr. Henry said the third component is the establishment of an Office of Broadband Access, formally putting some staff and resources to manage this work, lead these programs, and help move the mission to where they think it needs to go. He said the model would be similar to the Office of Equity and Inclusion (OEI) or the Economic Development Office (EDO).

Mr. Henry said infrastructure and expansion opportunities or strategies since 2017 have been to

work with internal service providers and the state to put proposals in via the Virginia Telecommunication Initiatives Program (VATI). He said they have had a lot of success over the past three years with this program. He said they are still waiting on their 2021 application with the state. He said this leverages some of County funding, Internet Service Provider (ISP) cost and funding, and state funding.

Mr. Henry said the Federal Communications Commission (FCC) for Rural Digital Opportunity Fund (RDOF) is also an opportunity and has some potential impact for expansion into the Rural Areas. He said there will be more communicated about that program in the upcoming months.

Mr. Henry said the triage work that was done that fall was recognizing the time that it takes working with ISPs to put fiber in the ground. He said this unfortunately sometimes takes year. He said the County was able to work with its CARES funding in the fall on some programs that they call triage.

Mr. Henry said using Shentel (Shenandoah Telecommunications) as an example, partnering with them resulted in creating some fixed wireless opportunities where, in the matter of a few months, they were able to expand broadband access to support the needs of those who previously did not have access.

Mr. Henry said staff thinks the program and funding recommendation would allow them to continue that throughout the calendar year. He said it provides an opportunity for access in the near-term while the infrastructure in the ground follows secondarily. He said at some point, it offers some options for citizens where many do not have any options now.

Mr. Henry said this is a continuation of the infrastructure program. He said staff has done estimates, and assuming the RDOF and the VATI 2020 are approved and completed, there are still a significant number of locations in the County that staff believes need to have access to at least one provider.

Mr. Henry said finally, staff is recommending a level of funding that could allow them to even do some direct funding opportunities and partnering with ISPs to hit areas that, quite frankly, are areas that will not get the attention without additional incentive. He said this is a big leg of the stool, but it is one of the three.

Mr. Henry said he talked a little bit about the affordability program. He said this program is to support urban and rural families that are under financial stress, gain access to what are considered to be critical resources for school, work, and family. He said the program would likely use existing, established partnerships in the health and human services areas, such as the United Way and Community Investment Collaborative. He said these are programs the County used through the fall and continue to use now in support of pandemic relief. He said staff has done some vetting of these programs, and they do believe there is an opportunity that, with additional resources, they could expand this to internet and broadband access.

Mr. Henry said the program could be funded with part of the one-time funding staff is currently suggesting, but in the 2022 budget, it will be reflected as a recurring number. He said the hope is that they can pilot the work through the balance of the current fiscal year, and if the Board approves the FY 22 budget as recommended, it would be a recurring funding line.

Mr. Henry presented a slide showing the proposed Office of Broadband Access. He said it is noted as an FY 22 request. He said knowing that there will be much more discussion on this as part of the FY 22 budget, staff felt it was important to tee it up here so that the Board has the context of the full framework of the program.

Mr. Henry said his involvement with broadband dates back to when he moved into his position in mid-2018. He said he certainly became much more involved with broadband through the portfolio work and having Mr. Culp as his direct report. He said his observation since the 2018 timeframe is that the County has dedicated at least an FTE (full-time employee), or has absorbed an FTE's worth of support, through County operations in support of broadband.

Mr. Henry said this got them to the pandemic, but they have now reached a critical mass or tipping point in the work that they have to do, both in customer service need and in working with partners both internal and external, with state and federal agencies, in order to manage this with dedicated leadership and resources to do this in the way that will give them the best chance of overcoming the barriers they have, with the idea of access ability and affordability.

Mr. Henry said this would be modeled similar to the Office of Equity and Inclusion or EDO, as he mentioned before. He said the role is really outward facing in working with the community, the Board, and other entities and partners such as the School Division, Emergency Communications Center (ECC), and other partnering entities, as well as with the providers. He said staff feels this is what it will take in order to manage this in a way that gives them the best chance of success on moving this work forward.

Mr. Henry reminded the Board that this was just a note for the day, but it will be part of the FY 22 request that would be coming in the following week.

Mr. Henry said his final slide included the recommendation summary that was before the Board. He said the recommendation is for use of one-time funding from the sources that Ms. Birch teed up at the beginning, with \$2 million coming from the pandemic reserve and \$1 million from the Advancing Strategic

Priorities Reserve. He said the request, if endorsed and approved by the Board, would come back in March for an appropriation, which would allow staff, the County, and ABBA to immediately move forward and continue with some of the programs he mentioned in the presentation earlier, and also documented in the executive summary attachment.

Mr. Henry said the bullet on the bottom of the slide noted that the County Executive will be recommending the formal creation of the office, as well as recurring funding to support both the office and the affordability component. He said his hope is that as they work through the discussion, there will be support for the overall program and program concepts. He said as they would work into the budget process, if the Board is comfortable at the right time with the recommendation as it would move forward, staff would come back to the Board and suggest that they try to spin up that office in this fiscal year to provide the resources they need to adequately manage and lead the work.

Mr. Henry said he hoped he was able to adequately tie the history to its current state, program needs, and different components. He noted that Mr. Culp and Mr. Walsh were on the call to answer questions the Board may have.

Ms. Mallek said this was all very exciting, and she did have questions. She said what has been in the back of her mind all along, and a question that someone could answer another day, is if anything they are doing now is helping in getting the state or someone to require a universal service guarantee. She said for example, the power company is required to provide electricity to a structure, and it seems as though the providers should be required in their territories to do the same for broadband. She said the County is not successful in that at all currently because they have been somewhat divided against themselves and one ISP is played off another so that they are much weaker than they should be.

Ms. Mallek said as of 2020's legislative session, localities have the right to actually be involved in projects on their own dollar without having to try to incentivize a less-than-interested ISP to do a not-so-successful delivery.

Ms. Mallek said that in the White Hall District, she is finding that the ISP who has been paid enormous amounts of money both by taxpayers and by residents of neighborhoods has not even followed up on maintaining the things that they just put in. She said their backbone is so terrible is that they cannot possibly deliver what they promised. She said this is a concern for her where she hopes that some of the things the County is planning now will make better.

Ms. Mallek said she understands completely. She said having survived many years on crummy DSL, with six people at home trying to do school and work, with 320 kb as the download speed, though this is a virtual impossibility, it is the situation all over the White Hall District. She said anyone who is getting their service through CenturyLink has no opportunity to get service or maintenance.

Ms. Mallek said she is very concerned about pouring more money in to pay ISPs who have shown such a terrible track record so far. She said CVEC (Central Virginia Electric Cooperative) is the only one who is really exemplary in the way they are treating their customers.

Ms. Mallek said she had concerns under the "Expand Infrastructure" category. She said that in discussions with members of the ABBA, she does understand that fiber is the goal, but all of the money they are putting into the short term is therefore cutting out money that they will be putting into their better quality, better service fiber.

Ms. Mallek said the affordability component is a great idea, but wireless is not the answer. She said Verizon charges \$125 per month for really crummy service to residents in Greenwood and Western Albemarle for what they call "internet." She said whenever it rains, it does not work. She said it troubles her that the County will be subsidizing that kind of crummy service if there are so many people who do not have access to service at any cost. She said there are also people who might have something going by their road, which is outrageously expensive, and she understands that dilemma as well.

Ms. Mallek said she hopes the RDOF is in Calendar Year 21, and she wondered if someone could answer that.

Ms. Mallek said she is concerned about wireless because it completely leaves out people who are electrosensitive and cannot have it. She said when they are talking about equitable access and opportunity to all, it means health issues as well. She said there are many categories of equal opportunity that they need to be working on, and this is certainly one. She said if they are putting all their eggs in the basket of wireless towers, then the certain segment of people who have had to move out of the city because of their health issues will still have no capability if the County is not bringing them something in the wire, eventually.

Mr. Gallaway said it sounded like there were some points for Mr. Henry or others to respond to.

Mr. Henry said he believed there were some questions and a lot of commentary. He said part of what he would suggest they do is that the ABBA and Board align their strategic goals or plan related to how they implement. He said he would invite Mr. Culp or Mr. Walsh to respond specifically. He said he would not translate the affordability component to just helping one provider, as this is not the strategy. He said there has been some work that staff, Mr. Culp, and Mr. Walsh have done with a potential round of utility providers and some programs there that they are very optimistic about, but it is not ready to be talked about as a formal program yet.

Mr. Henry said he did not hear Ms. Mallek articulate about the funding other than just the concerns. He asked Mr. Culp and Mr. Walsh if they could provide some additional insight on this.

Mr. Walsh told Ms. Mallek that he heard her concerns. He said he lived in White Hall, so she and he have many of the same concerns in that regard. He said as they are looking at the options in front of them, one of the things they have done is reach out to ISPs in their areas and talk to them while trying to be a righteous governmental type of purchaser, meaning they need to talk to everyone fairly and openly.

Mr. Walsh said as far as options for completing the connection of the County and not just trying to do bits and pieces, as Mr. Henry pointed out, they are focused on how they get a fiber connection to people so that they can have broadband not just for today's definition, but for the likely definition that will be the need two, three, or five years from now. He said he looks at his situation five years ago and how his house has met the definition of broadband, but if today, three of his grandchildren were there trying to do schoolwork, they would be out of luck and could not possibly do the work they need to do.

Mr. Walsh said broadband needs are only increasing, and they expect them to. He said they see the likely solutions to that to involve, to a large extent, some sort of fiber or hybrid fiber connectivity to the households. He said they are exploring doing that with vendors in a very substantive way. He said that as Mr. Henry stated, they do not have something to bring to the Board right now, but their preliminary thinking is that this will be achievable and may be very affordable. He said they hope this is something that the Board of Supervisors wants them to move forward with.

Mr. Walsh said he thinks some of the work that has been done recently with wireless service provision has been driven by the short-term availability of the CARES funding in 2020, trying to put that money to use and get some availability for people. He said he would be surprised (as it has not been, historically) if it would be the focus of the direction that the ABBA is going to go in the future. He said for the reasons Ms. Mallek mentioned and others, they do not see this as the likely solution to the needs of broadband for the County. He said they want a long-term solution, and they would like the ABBA to be out of business and solve this problem for the County. He said the quicker they can move to that, the better off they will all be.

Ms. Price expressed that she is a supporter of an "and, and, and" approach to this. She said she believes they need to improve cell coverage (which is a band aid for broadband, but is essential for telephonic communications), and she believes that they need to support more fiber. She said she also believes that they need to look at the equity between the Rural and Development Areas so that they do not improve access in the Rural Areas to the point that they increase pressure to develop the Rural Areas because they have not taken care of the urban areas. She said she recognizes there is still more to do, but she is very supportive of what was proposed here.

Ms. LaPisto-Kirtley said she was very encouraged by what Mr. Henry presented. She said she knew it would not be easy and that they do not have all the answers yet, but with what they are proposing and wanting to do, they are moving forward, and she is very appreciative of that for not only the urban areas, but especially for the rural areas.

Ms. LaPisto-Kirtley said she gets very frustrated herself. She said that there is a road in her area called St. John Road, and CenturyLink was going to put in fiber, but the VATI would not let them because it went to CVEC after a bidding competition. She said the problem is that CVEC is putting fiber in with their electric lines, but CVEC does not provide electricity to St. John Road because that is Dominion. She said Dominion is not doing anything about fiber, and so it is very frustrating.

Ms. LaPisto-Kirtley said she liked where the team was going. She said if there is wireless and fiber and they are looking to the future, she thinks that is what they need to do.

Ms. LaPisto-Kirtley said she believed there was also a provision in the discussion for private donations. She asked if this was correct that they could accept those to increase the monies available.

Mr. Henry replied yes. He said this is one of the program items that staff would like to bring forward.

Ms. LaPisto-Kirtley asked if they were proposing additional cell towers for cell connectivity, but also fiber or something else that will be coming out shortly, such as a hybrid version.

Mr. Henry replied that the proposal is for funding of infrastructure. He said Mr. Walsh mentioned that the primary focus is fiber in the ground. He said he did not mean to get the Board off track or make it confusing in talking about the fixed wireless option. He said this was a reflection of the work that they did in the fall with the CARES Act, and it is an opportunity to triage, in the short-term, while the primary goal of the ABBA and the Board is to get fiber in the ground and connected to all homes.

Mr. Henry said the primary funding would be for that infrastructure in the ground while also recognizing that there may be options that could get access possibly in a couple of months that might not actually get it for a couple of years. He said that balance would have to be worked through and a priority coming out of the ABBA for use of this funding.

Ms. LaPisto-Kirtley said she understood Ms. Mallek's concerns about not giving money to the entities that are not doing the work, not being good actors, and not helping the County out. She

encouraged the County not to do that. She thanked Mr. Henry and expressed her excitement about the work.

Ms. Palmer said that while she agrees with Mr. Walsh's goal to put the ABBA out of business, she would like to know how this new Office of Broadband and its director will work with the ABBA. She asked what this relationship will look like.

Mr. Henry replied that the director is envisioned to support the ABBA directly in support of executing the program. He said it would also be connected into the County Executive's Office for functional and operational management. He said this is similar to how Mr. Roger Johnson, who is the Director of the Economic Development Office, also supports the Economic Development Board and serves that board. He said Mr. Johnson has dual roles within the County and in support of that board. He said he would envision this to be very much the same.

Mr. Henry said they were trying not to get into too much depth on that in the meeting as this is really more of an FY 22 budget discussion.

Ms. Palmer said she would like to see that, and if they are going to get this in the budget discussion in one of the work sessions, this would be great. She said she wants to make sure that she understands how Mr. Henry sees that relationship.

Ms. Palmer said with respect to what will be brought forward in the next budget proposal and work sessions, she wanted to know if this will include some direction to try to get everyone in those 7,500 homes connected to fiber. She asked if this will be the goal of what is brought forward for sustainable funding for the future.

Mr. Henry said the goal is that the present request and any recurring funding would get them to that ultimate outcome. He clarified that this will not be achieved in FY 22. He said they did not fund it to the level that would accomplish that in a year. He said they do think this is still incremental in the work they will do and will take a few years.

Mr. Henry said that Mr. Walsh's vision of ABBA being out of business in five years would be great. He said the need for the office and the work with the community will always continue around broadband. He said many people have talked since the pandemic about access to the internet in the same way that they talk about access to electric and water. He said he thinks that by having that customer service support, upgrades, and other improvements that would happen and a future state of connectivity for everyone, that need of management will never go away, in his opinion.

Ms. Palmer said to be clear, she was not expecting the budget to come forward with something to get everyone connected in a year. She said she would think that it should be a goal of the Board of Supervisors that the ABBA and this new office be working on a plan to get everyone connected. She said she knows this is the goal, but she is wondering about the structure in that plan, going forward. She said she would hope this is coming. She said she is on the ABBA, and she knows that this is everyone's goal. She said she is sure that the whole Board of Supervisors supports that goal. She said she just wanted to comment on Mr. Walsh's statements.

Ms. Palmer said she approves of this. She said it is much needed and that putting some money in to get dedicated staff resources is very important.

Ms. McKeel said she appreciates all the hard work on this report and that, in general, she is supportive. She noted that having said that, while she does like the idea of an establishment of a broadband office, she will only sign off on that office if it has a connected to OEI. She said by this, she means a prospective and not a retrospective review of its work through the lens of equity. She said she wants this taken seriously.

Ms. McKeel said they were talking that day about accessibility and affordability, and she understands and wants to help the Rural Area as much as possible, but they also have issues in the urban areas and Development Area. She said the report referenced equity and OEI, but she does not think that this has been looked at through the lens of that office. She asked if what Mr. Henry was proposing to the Board that day had been reviewed by OEI in terms of who benefits and looking at this work through a different lens. She said she would feel much more comfortable signing off completely on this if she knew that this had happened.

Mr. Henry replied that the framework of affordability and access components have absolutely been worked through with Ms. Siri Russell and OEI to come up with the mechanisms and options on how to do that.

Ms. McKeel said she talked to Ms. Russell that day.

Mr. Henry asked if he could finish. He said in terms of the broader program, as it was presented that day, he has not had a sit-down and worked the components of this through with OEI. He said that day's discussion was not around the office and its structure, as this will happen with the FY 22 budget. He said a key partnering entity of the Broadband Office would be the Office of Equity and Inclusion as much as it would be the County Attorney's Office. He said he does see that it is an integrated component to the work, and the importance of this office is both outward-looking and internal to work across those organizational bounds.

Mr. Henry said he thinks the program has been reviewed in part in what was presented that day, but there is absolutely more work to do.

Ms. McKeel said this sounded good. She said she knew the Board was not approving this that day, but she was simply giving Mr. Henry a heads-up that this is what she would be looking for.

Ms. McKeel said she does agree with Ms. Price and Ms. LaPisto-Kirtley in that it seems to her that while she is all for fiber, she does not think fiber will do it for the last mile for the County. She said she thinks they will have to have some expectation of cell coverage, which gets them to the fact that the County has a 30-year-old cell tower policy that is not serving them at this point in time at all.

Ms. McKeel said if they are talking about connectivity and broadband, she does not see how they solve this problem without reviewing the cell tower policy at the same time because there is a huge connection. She said this was not to say they should not be running fiber, but if they are going to do what Ms. Palmer wants and get it to everyone (which she heartily agrees with), it seems to her that the cell tower policy is going to be a part of this work. She said if they are establishing a Broadband Office, her expectation is that this work would be including cell coverage and not just looking at fiber only.

Ms. McKeel said in terms of the current proposal, she believed she was alright with it, but she would feel much more comfortable from the urban/development area piece if they had more of a presentation, or at least a look through the lens of equity, from OEI. She said she thinks this would be benefit not only the rural area, but the urban area as well.

Ms. McKeel thanked Mr. Henry, adding that this was a great start. She said she thinks they just have more work to do.

Mr. Gallaway said it sounded as if he would have an opportunity to ask some of his questions through the budget piece, as others noted they had questions about as well in terms of what the office actually means and entails. He said generally, he is supportive.

Mr. Gallaway said that on the heels of Ms. McKeel's, Ms. Price's, and others' statements, he does agree that the "and, and, and" approach that Ms. Price opened with was well put, as he is of the same mind. He said he did not know how they would get to everyone as fast as possible without a combination of solutions.

Mr. Gallaway said he knew there were still other areas to cover. He asked Mr. Henry if there was anything that the Board did not address and needed to for this particular item.

Mr. Henry replied no. He said the Board members' input was appreciated and valued. He thanked Mr. Walsh and Mr. Culp for participating. He said there would be a chance at the end of the work session that day to discuss further if there was any action the Board wanted to take or to provide direction otherwise.

Ms. Mallek said she did not want to come down as being against all of these things, as she is in favor of investing to do this better. She said she just wanted to make sure that there were items put out there. She said to identify the areas of poverty and lack of service, the County needs to work on its mapping and make sure where the service gaps are so that they can overlay this with all the impoverished neighborhoods to get a complete picture throughout the County of what the needs are.

Ms. Mallek said there was some mention in the paperwork about the mapping, and she knew they had a survey that was getting occasional information back from citizens. Noting that the answer could come at a later time, she asked if they could find out where the gaps are in the survey information, then hire someone to fill in those gaps where they get someone with a car to go check out the 5 miles where no one has called or reported in about their service. She said they talked about this years ago, and it would very quickly get them a more complete map that could then be overlaid with demographic data and get them somewhere fairly quickly. She said she was leaving this thought for others to think about.

Ms. McKeel pointed out that in getting to Ms. Mallek's point, she thought that the School Division recently did a lot of mapping. She said she knows that they do not cover everyone, but she thought the School Division did a lot of great mapping that perhaps the County was tied into as well. She said she believed that this got to Ms. Mallek's point. She said perhaps she was wrong, but she thought that some of this work had already been done.

Mr. Mike Culp, IT Director, expressed that Mr. Henry did a great job with the presentation. He said Ms. McKeel was correct that the schools have done an outstanding job on the equity lens of this. He said they are taking a very good approach of going out and getting information from not only the school children (meaning households that have ACPs students), but they have also polled their employees. He said employees working for the School Division have also been polled about internet access. He said those mapping layers have been provided to staff and are included in their internal map.

Mr. Culp said they are working very hard. He said they agree with both Ms. Mallek and Ms. McKeel that better mapping is needed. He said it takes a good effort, and fortunately, they have a person who is on the ground doing that type of work, Mr. John Noreen. He said Mr. Noreen is doing an outstanding job in helping the County do better mapping. He said there is no shortage of projects, and they just have to prioritize and work the ones that will give the best benefit.

Mr. Culp said that from the equity lens, the team is also on the community value of this. He said it is definitely an equity issue that needs to quickly be addressed. He said there are lots of ideas about using funding to help the affordability index, bringing down the cost to those who are financially struggling both before and because of the pandemic. He said there was lots of work to come and thanked the Board for listening. He offered to answer any further questions.

Ms. McKeel said this information about the mapping was helpful.

Ms. LaPisto-Kirtley said her comment was for Mr. Culp. She said she understood that the cell phone companies also have mapping because she knows one can call them and give them address, and they will let one know whether or not they will have internet access and if they will be involved in the future. She said she knows that CenturyLink and others have an extensive mapping program of where internet is and is not. She said Mr. Culp is probably already using that information and working with them.

Mr. Culp said Ms. LaPisto-Kirtley was correct. He said his staff use a couple of features, and while the FCC is the primary mapping, the listing is based on what is called the "Form 477." He said he was getting into the weeds, and so to answer the question, they indeed use a wide variety of maps to help them determine where the service gaps are. He said none of them are perfect, so they all need to build more accuracy.

Mr. Gallaway noted that further follow-ups could go to the individuals as needed. He asked Mr. Walsh if he was participating in the coming topics, or if this was a good time for him to adjourn.

Mr. Walsh replied that if the Board was going to take a vote later on, the ABBA should wait to adjourn after that.

Mr. Henry said he would tee up the next item. He said the next report or part of the agenda was a discussion in which Mr. Lance Stewart (Director of Facilities and Environmental Services, who also sits on the Rivanna Solid Waste Authority Board) will be talking about potential convenience center options in the southern part of the County. He said this is reflecting a request and direction from several members of the Board.

Mr. Lance Stewart, Director of Facilities and Environmental Services, said he would be presenting staff's recommendation for the Board's consideration that the Board formally direct staff to pursue the development of the new convenience center to serve the southern part of Albemarle County.

Mr. Stewart said a convenience center is a collection site for residential trash and recyclable waste. He said in the past year, a new convenience center opened at the Ivy Materials Utilization Center (MUC), serving the western portion of the County. He said the construction was funded several years prior, with the intention that it would be the first of several additional convenience centers to be located strategically throughout the County.

Mr. Stewart said there have been a number of times in the past when the Board has discussed the establishment of a convenience center in Southern Albemarle as a priority. He said going back to Calendar Years 2012-2014, the Board had several work sessions specifically regarding a Southern Albemarle convenience center. He said two County-owned properties were carefully considered as potential sites.

Mr. Stewart said that more recently, at a budget work session last February, the Board discussed the possibility of using the Advancing Strategic Priorities Reserve to fund design of an additional convenience center. He said staff anticipated that they would return at a later date with a recommendation, but the action on that matter was deferred due to financial uncertainties associated with the COVID-19 pandemic.

Mr. Stewart said in November of 2020, several Board members expressed support for a Southern Albemarle convenience center during the work session for the FY 22 budget development process.

Mr. Stewart said that when the specific reserve was established, staff was directed that as uses are brought forth in the future, they make sure to consider them in light of the Board's strategic plan and, among other things, ties to other formal plans adopted by the County. He said he would speak this briefly. He said in the strategic plan, the Board's number one priority is the Climate Action Plan they adopted last year, which specifically addresses increasing opportunities for recycling as a means to reduce greenhouse gas emissions. He said it specifically states that they should do this in an equitable manner to provide services in the Rural Areas consistently with how they are available in the urban areas.

Mr. Stewart said the Comprehensive Plan also anticipates that in a later Comprehensive Plan update, the recommendations of the committee that had been established at that time that was still working on the Solid Waste Solutions Advisory Committee would be worked into the next version of the Comprehensive Plan. He said this plan very strongly suggests that Albemarle County lags in the number and location of convenience centers for Rural Areas and that this should be a priority for the County to address in future years.

Mr. Stewart said included in the Board's packet for the day's discussion was a memorandum detailing staff's base assumptions for the extent and level of services that will be provided with a Southern Albemarle convenience center. He said as proposed, the new center would be constructed and operated

by the Rivanna Solid Waste Authority. He said it would be operated on the same schedule as the Ivy and McIntire convenience centers (six days a week, with hours seasonally adjusted).

Mr. Stewart said like the Ivy convenience center, it would include a tag-a-bag program for residential trash. He said there would be a compactor on the site, with the container emptied at least once per day. He said stickers for this program cost \$2 each and may be placed on bags of 32 gallons or less.

Mr. Stewart said recyclables collected would continue to be free to all Albemarle County residents. He said specific recyclables collected would be consistent with those collected at Rivanna's other sites.

Mr. Stewart said the center would be staffed with an attendant to assist residents with any questions they may have, such as what bins to use for different recyclable materials, and to operate the compactors for both trash and cardboard.

Mr. Stewart said if the Board directs staff to proceed with this recommendation and authorizes staff to bring back to them a request to appropriate funds, the next step would be to initiate the site selection process. He said staff does recommend that the process begin by considering properties already owned by the County. He said in addition to reducing the up-front costs, they expect that it would be difficult to locate an appropriate undeveloped site. He said a site would need to be centrally located and of sufficient size to accommodate both the center and sufficient land to allow for visual screening from neighboring properties.

Mr. Stewart said the timeline for that effort is difficult to predict. He said following site selection, however, staff anticipates conducting several project development steps in parallel. He said initiation of this would happen very quickly. He said they would develop and seek the approval for agreements between the County and Rivanna Solid Waste Authority for the construction and operation of the new center. He said at the same time, they would engage with a civil engineering firm to initiate design and to work through the County's process to ensure that the proposed project is consistent with the Comprehensive Plan.

Mr. Stewart said following these steps, staff would expect that the Rivanna-managed procurement and construction duration would be approximately six months. He said the total schedule would be roughly 15 months following the site selection process.

Mr. Stewart said in collaboration with Rivanna throughout the last few months, staff estimated the design and construction efforts to cost \$1.1 million. He said they recommend that funds be committed from the Advancing Strategic Priorities Reserve. He said funding would cover design, construction, and all costs for the purchase of containers and compactors for the center. He said if it is necessary to purchase land for the site, additional funding would be required.

Mr. Stewart said operating costs for the facility are estimated to be \$400,000 in the first year of the center's operation. He said given the project development schedule, staff estimates that these costs would not be incurred prior to FY 23.

Mr. Stewart concluded his formal presentation and offered to answer any questions from the Board.

Ms. Mallek said she is excited about this going forward. She asked if they have to start all over again with a County-owned site, or if they can move on and expand on the preliminary design work that was already done.

Mr. Stewart replied that he did not have a direct answer to that question except that the County has looked at two sites that they own, one of which was purchased specifically to meet the community's future solid waste needs and is certainly a viable solution.

Ms. Price said she is excited and thrilled about this. She said she wholeheartedly supports it and appreciates the support that the other Supervisors have expressed for this over the last year. She said the only thing she would add is that once this one gets approved, they need to look at having a second site on the northern side of the County.

Ms. LaPisto-Kirtley said her comment was "finally." She said she could hardly contain her excitement because this is something that is desperately needed in Southern Albemarle. She said she does look forward to getting one in Northern Albemarle County, but it is definitely long overdue in Southern Albemarle. She commended staff, noting that she liked the idea of using a County-owned property. She said it looked as if they had one or two good sites to bring this forward with.

Ms. Palmer said she knew they did not have a great deal of time, but she wanted to say more than she normally does. She said for everyone who was not on the Board in 2014, she wanted them to understand this long haul of a process. She said in 2013, the then County Board of Supervisors was looking at privatizing all solid waste in the County and closing the transfer station. She said the Board changed, and they took another look at this. She said they decided that having places for people to drop off both commercial and residential trash, without taking over the hauling industry, was a core government service.

Ms. Palmer said that in 2015, when they were looking at the Ivy MUC to begin with, it had actually been out of compliance with the DEQ (Department of Environmental Quality) for stormwater for well over a decade. She said she spoke with a DEQ representative at that time and actually went to him to complain about a private company. She said the representative told her, "Albemarle County is the bad actor here. You've been out of compliance with the DEQ for all these years." She said she asked why they did not close that facility, and he responded, "It is the only one in Albemarle County, and you are one of the very, very few counties in the State of Virginia that have such limited access for trash." She said she thought this was a very interesting statement. She said she did not realize how poorly the County had done to supply this.

Ms. Palmer said that since then, this Board of Supervisors and staff have gone a long way. She said they have dramatically improved the Ivy MUC, and in the plans that the Solid Waste Solutions Committee said back then, they said that they had to develop Ivy as a hub first. She said this was a number one priority to get done before moving out to the rest of the County and putting in the residential convenience centers.

Ms. Palmer said this has been a long time coming, with a lot of thought and support. She said she is thrilled. She said she would suggest that they go ahead and look at the Keene site that was bought by the County for a transfer station in 1990. She said this use as a convenience center would be a much less intensive use of that area. She said she thinks it is what would make the most sense from a location and equity situation. She said this is long overdue, and she would love to see the Keene site actually developed.

Ms. Palmer said if it was okay with the Board, she believed they could skip the discussion of whether they are going to be looking at a more urban area in the Scottsville District, which was the other place in the general Mill Creek area. She said they are now looking at that piece of property for school expansion. She said it makes much more sense to put it down at the Keene site. She said she would like to suggest this if it were acceptable to the Board.

Ms. Palmer said she approves of the work staff has done on this and their recommendation to have the County do the design while working with Rivanna Solid Waste Authority.

Ms. McKeel asked Mr. Gallaway if they wanted to ask staff to respond to the Keene piece that Ms. Palmer was suggesting, or if they should move on.

Mr. Gallaway replied yes and asked staff if they were ready to respond to this.

Mr. Stewart replied that he has been to that site, which was one of the two sites that was studied in 2013 and 2014. He said there was a fit test done at that site at that time to determine the building implications and possible costs. He said staff has recently brushed that off and updated it to ensure that any changes that may have happened in the County Code, any VDOT requirements for entrances, or other state or federal requirements regarding stormwater have been accounted for.

Mr. Stewart added that in 2013 and 2014, they did not have the benefit of the Solid Waste Director being on the same par as Mr. Phil McKalips. He said having Mr. McKalips' input into a refreshed view of the scoping of the footprint and the cost of the operations over the last few months has been extremely helpful. He said the Keene site is certainly very appropriate, and in terms of its physical attributes, it has ample acreage to be screened from neighbors. He said its location is optimal and is basically a few hundred yards off the intersection of Plank Road and Route 20. He said it is at the hub of the central portion of Southern Albemarle, and he thinks it is an optimal site.

Ms. McKeel said she is very supportive of this recycling center in Southern Albemarle. She said Ms. Palmer referenced the Keene site, and she personally would feel much more comfortable about a particular site just to know that the Scottsville Town Council is in support of or would feel comfortable with that site. She said she does not want to get into a situation where the Scottsville Town Council is upset about a site that the County has chosen. She said she recognizes this is not in Scottsville, but it is in Southern Albemarle, and she would like to make sure that whatever site they choose (with the Keene site sounding reasonable to her), the Scottsville Town Council has the ability to weigh in.

Ms. McKeel said she was happy to get started on this, but as Ms. Palmer and everyone says, they are lacking in Albemarle County that they need to put one up 29 North, which is where their population center is. She reminded everyone that they have proffered County land that they would not have to pay for that they could put it on.

Mr. Gallaway said he had no objections and agreed with what was said about seeing this one going into place and serving as the blueprint for the one that will find its way up in the northern part of the County as well. He said this was not a "one and done," and they have to continue going with providing these.

Mr. Gallaway said he was fine with the site, and while he would have to defer to Ms. Palmer and Ms. Price on the sites, it sounded like this one seemed most appropriate due to the previous scoping that was done. He said since it is a lesser use than what was originally done, this seems suitable as well.

Ms. Palmer said perhaps it would be a good time to talk about the public hearing and process going forward. She agreed that of course, the Scottsville Town Council would certainly be involved, which Ms. Price could comment on, as well as the rest of the community. She asked Mr. Stewart if he

was planning on talking about public process.

Mr. Stewart replied that because of some restrictions in the Comprehensive Plan, they will be required to go through that plan review process, and so there will be a public hearing with the Planning Commission on this. He said he looks forward to the opportunity to hear input from the Board on their thoughts about a public process. He said it is difficult to outline how that is with this specific site in mind.

Mr. Stewart said the suggestion to speak with the Scottsville Town Council is a great one, and if the Board does elect to direct staff to come back with an appropriation, he thinks this would be a good time to have given more thought and perhaps received more feedback from the Board members in the southern part of the County on the best methodologies to have any further public process. He said staff could bring it back with that appropriation.

Ms. Palmer said that when this is brought to the Planning Commission, all of the abutting neighbors will be notified. She said she knows some of those abutting neighbors, and she will plan on alerting them to this, making sure that they understand what is going on. She said she knows that Ms. Price has already considered reaching out to the Scottsville Town Manager, who has been involved in a lot of these discussions. She said she knows that some of the Scottsville Town Council are new, so she was not sure if they were all aware of this, but Ms. Price would know better.

Ms. Price said she did speak the night before at the Scottsville Town Council meeting specifically about this proposal coming up. She said she thinks that in general terms, it is fair to say that there is great support from the residents and the Town Council for this type of improvement, but she could not speak specifically for anyone until they actually get the firm proposal.

Ms. Price said they will definitely continue the communications with them. She said she generally meets with the Mayor and Town Administrator the day after Board meetings. She said they will go into more depth and discussion and as a specific proposal comes up, this is the appropriate time for people to be able to formulate their opinions in terms of approval or not. She said that as a general proposal, however, she thinks there is great support for this.

Ms. Mallek said she had a question about the process. She asked if this was a notice of intent from the Board to the Planning Commission to do this Comprehensive Plan and compliance review and if this could come to them quickly. She expressed her concerns about getting behind on the timeline and that she was trying to figure out how to have a 30-day interval to keep this moving along without losing track. She said she has been talking about this since 2010, so she feels so excited they are getting this close and does not want to lose any traction. She said she does not know what is coming, so they need to get on with it.

Mr. Kamptner said this is the review that is required by state law for public facilities that are not already shown on the Comprehensive Plan. He said Community Development will look at the land use map to see whether this type of public facility is shown. He said he was looking at it and that it did not appear to be shown. He said it will thus automatically go to the Planning Commission.

Mr. Kamptner said one thing the Board can do is direct that the Planning Commission conduct a public hearing on the matter. He said the sole issue for the Commission is whether or not the proposed public facility is in substantial accord with the Comprehensive Plan. He said it is their decision and then, they report it to the Board. He said the Board can either do nothing, or they can take up the matter itself.

Ms. Mallek asked if this is the fastest route, or if the fastest or better route is to change the Comprehensive Plan with a sentence identifying this parcel.

Mr. Kamptner replied that the process of the Commission doing the review to find substantial accord, at this point, is the route. He said if there are problems with the Commission making that finding, then an amendment can be made to the Comprehensive Plan, but he believed this would be more time consuming.

Mr. Gallaway asked if there was another item to discuss for this section.

Mr. Stewart replied no. He thanked the Board for their time, noting that this was extremely helpful and encouraging.

Mr. Kevin McDermott, Planning Manager in Community Development, said he was asked to discuss the potential to direct some of the Board's strategic reserve funds to a project that has been on the Board's mind and in their discussions over at least the previous couple of years.

Mr. McDermott said he would provide some background on the Reas Ford/Earlsville Road intersection. He said the County has been aware of safety concerns at the intersections, and the Board has discussed it quite a few times with the Department of Transportation.

Mr. McDermott said in 2019 and again in 2020, VDOT did conduct two safety studies to evaluate the issues of the road. He said much of this was brought on because in 2017, there was a high number of crashes for the intersection, which he believed was eight in one year and is a significant number for an intersection that does not see quite as high of volumes as others in the County. He said at least one of those was a severe injury accident, so VDOT proceeded with multiple safety studies to identify some potential solutions to the issues out there.

Mr. McDermott said in 2019, in partnership with the County, VDOT went out there and made some of the additional recommendations from that study, which included redoing the pavement markings, signage improvements, clearing vegetation. He said with that, they stopped, as these were things that they could do that were low-cost.

Mr. McDermott said following the 2020 study, the County worked with VDOT once again to direct some of the County's Secondary Six-Year money to improve the area by installing a flashing LED stop sign and also two permanent radar speed display signs for the approaches to the intersection on Earlysville Road. He said all of those initial improvements have been done, at this point.

Mr. McDermott said also, as part of the second study, it was identified that if there were long-term improvements desired, they should be looking at the potential to reconfigure that intersection into a roundabout. He said this was the recommendation and there was an initial conceptual study included in that safety study for a roundabout. He said it had shown that it could be done and that it would likely address some of the remaining safety issues. He said the cost was fairly significant and was somewhere in the area of \$2 million for construction, right-of-way, utilities, and design.

Mr. McDermott said staff tried to work with VDOT to see if there was any possibility to get them to fund some of that. He said VDOT was unable to do that, as they did not have the funds available in any of their funding categories. He said staff is now looking at the next steps that the County could take to move forward with something.

Mr. McDermott said under discussion for the day is that under the Board's strategic reserve funds, there is approximately \$350,000 that they could put toward supporting that project. He said with that funding, staff would bring on one of their on-call engineering consultants and have them do a preliminary design on that roundabout so that they can specifically identify what those future costs might be for the construction, right-of-way, and utilities. He said once they have that in hand, staff can come back to the Board and see if they want to move forward with that construction. He said they can also look at the potential for any grants that might help support that. He said if there is a specific design and cost estimate, it makes seeking those grants much easier.

Mr. McDermott offered to answer any questions about the project or process.

Ms. Mallek said this has been a long haul, and she was glad to say that the woman who was T-boned in the first of the seven accidents was finally, after six years, off the walker and able to function. She said it was near-death experience for the woman, who was a young critical care nurse at the hospital, and it was a traumatic event.

Ms. Mallek said all of the things that have been done so far have been a step in the right direction, and she is very grateful. She said everyone is working hard.

Ms. Mallek noted that the tree trimming was not finished south of the intersection, which is something she wished Mr. McDermott would put back on his list with Ms. Carrie Shephard for when the shear is back in the neighborhood. She expressed that the tree work promised was not done, and that they should have done 50 trees but only did two or three.

Ms. Mallek said the County just paid Kimley Horn some amount of money to do an engineering study on this intersection in 2020, and they came back with an enormous hundred yards of right-of-way, which was way beyond what should have been done. She said she wanted to make sure that what staff is planning will be very carefully scoped instead of opening the box to say, "Take as much as you want." She said this is a rural intersection and has needs, but it is not Route 64. She said this is what came back the first time.

Ms. Mallek said she is very much in support of making progress on this, for sure. She said she thinks the wonderful study that was done for the enormous Eastern Avenue Bridge was only \$25,000, so she did not understand why this one was so much, at \$100,000.

Mr. Gallaway asked Mr. McDermott if he had any reaction.

Mr. McDermott replied that obviously, staff will work with the selected consultant to try and get the best project that will address the issues. He said Kimley Horn did the safety study, which was actually funded by VDOT, although the funds they used were from the County. He said they will go back to see if they can tighten this up a bit and find a way to address it.

Ms. Price said she appreciated Mr. McDermott's response to Ms. Mallek's questions regarding some of the expense relationship. She said she supports it. She said when Mr. McDermott addressed in his comments the types of accidents based on the location and traffic flow, safety is a major concern, and so she is supportive of the project.

Ms. LaPisto-Kirtley said she is also supportive.

Ms. Palmer indicated her support as well.

Ms. McKeel said in general, she is supportive of the project, but she did have a question. She said Mr. McDermott stated that VDOT could not help the County with the funding. She asked if this was

because VDOT did not have the money but if they do feel like a roundabout would solve the problems there.

Mr. McDermott replied yes. He explained that the initial study said that the County should consider that, and that after the 2020 follow-up study, VDOT came to the conclusion that they thought that a roundabout would address the issue. He clarified that VDOT was looking at a mini roundabout at that location.

Ms. McKeel asked if they are still looking at a mini roundabout.

Mr. McDermott replied yes.

Ms. McKeel asked Mr. McDermott if he felt that the County has given enough time to watch the changes that have already been made. She asked if at this point, he thinks it is time to move forward, or if he would suggest giving it more time to see what the less expensive changes will do. She said that they do not want to leave people at risk or create safety issues, but she wanted to know what Mr. McDermott's thoughts were on moving this forward or watching it for a while longer.

Mr. McDermott replied that it was hard to say. He said typically, staff uses five years of data to review safety issues. He said it obviously has not been five years since they put in those improvements. He said it does seem as if the improvements have helped, and there have not been any accidents yet in 2021. He said there was one accident in 2020 and one in 2019, which was a great improvement from eight in 2017. He said these things come in fits and starts, however, and they never know if they have really addressed it or if perhaps the change has made people reconsider or pay more attention as they are approaching the intersection.

Mr. McDermott said the improvements they have made look like they could have started a change in that safety record, but it is hard to say after just two years.

Ms. McKeel pointed out that one of those years has been the pandemic, and perhaps there are not so many people driving.

Mr. McDermott agreed.

Mr. Gallaway said he was obviously supportive of that, as he has been after this project for some time, since they first started talking about what could come out of the strategic reserve.

Mr. Gallaway said he liked that Mr. McDermott was using the language "up to approximately \$100,000." He said the studies before did not have those mitigating things that the County has already put in, and of course, those things should be having an impact because they are better than what was there before. He said if it came to be that this was going to be a \$2 million, they would all have to step back, and if their own study reinforces that, they will probably consider it differently. He said he happens to think that it will be a different consideration or outcome from what they will look at here.

Mr. Gallaway said that as he has stated before, those pieces in place there now were never the end goal. He said these were things that could be done immediately and quickly to help get some safety measures for that intersection, knowing that another project would be coming along that the Board could potentially do on a smaller scale.

Mr. Gallaway said if they can use the design elements and this can turn into a \$60,000 or \$80,000 study, then the remainder of the up-to-\$350,000 can be used to help split grant money or for something that can go to the actual project to match or help offset other types of costs, which he thinks is a proper use to earmark it for. He said he is very supportive of this project.

Ms. LaPisto-Kirtley asked if they have been studying this for two years, and one year is a pandemic, if they will continue to study it, or if they will move forward on the roundabout.

Mr. McDermott replied that the motion that would be put before the Board that day would be to move forward with engaging with one of the County's design consultants to do whatever level of design they think might be necessary to get a more specific cost on the future construction. He said the \$2 million cost included engineering, so part of this would get them on that way. He said he believed it was about \$1.2 million in construction costs.

Mr. McDermott said he hoped that the approximately \$100,000 he noted on the slide would get them far enough in that design, which was the recommendation from staff. He said if the Board chooses, staff will engage with the Facilities and Environmental Services Division (FES), bring on a consultant, get a scope that they think is appropriate for that design study, then come back to the Board for the appropriation of that specific amount of money.

Mr. Jeff Richardson, County Executive, said he had one clarifying question about what Mr. McDermott just explained to Ms. LaPisto-Kirtley. He asked Mr. McDermott approximately how long it would take to get this back to the Board for their approval and how long the study would then take.

Mr. McDermott replied that although he was talking about another department (FES), he believed they could be back with the appropriation within 1.5 to two months to get a scope back, or three months at a maximum. He said an engineering study would probably take six to eight months.

Mr. Richardson said the reason he asked this question is that Ms. LaPisto-Kirtley said they have two years of analytics since the changes were made, and they will continue to collect that data. He said over the next eight to ten months, they would continue to collect data on the intersection and the changes that were made. He said he knew that Mr. Gallaway said those were intended to be short-term changes, but staff would still collect data to continue to monitor that.

Mr. Richardson said that once they finish with the study and come back to the Board through engineering staff, they will have close to at least another ten months of performance data that they will continue to build, which would be close to three years of data to see how this is going. He asked Mr. McDermott if this was fair to say.

Mr. McDermott replied that it was a fair statement.

Mr. Richardson told Mr. Gallaway that the Board has the path forward, if it is their will, to move forward with this. He said he appreciated Mr. McDermott trying to thread the needle on giving the Board his opinion as to the changes that have been made and what they will learn moving forward. He said he hoped this helped.

Mr. Gallaway said it was very helpful.

Ms. Mallek updated the Board that Ms. Carrie Shepheard, in response to her about requests for studies on Crozet Avenue, said that they were using a three-year (not a five-year) study time. She said this was offering more perspective, which is quite similar to these studies and how they affect things. She said the two study years were 2018 and 2019, which were pre-COVID, and she does not think they are necessarily at risk from the lower traffic. She said it is surprising how construction and agriculture have continued on unabated, so the truck traffic through there is continuous all day long.

Mr. Gallaway reminded the Board that in the interest of time, they needed to take action.

Mr. McDermott said it was up to the Board to make motions for all three of the projects. He said if they needed to go back, he was sure Mr. Henry or Ms. Birch could walk them through these.

Mr. Gallaway told the Board that the suggested motions were on the screen and that it did not seem that any major concerns or rewrites had to be made to any of them.

Ms. Price **moved** that the Board adopt Motion #1 (that the Board request staff bring back an appropriation request to the Board to provide \$3M in one-time funding to support the expansion of Broadband access and affordability for infrastructure advancement, of which \$2M would be provided from the Pandemic Response, Recovery, and Reconstitution and Contingency Reserve and \$1M would be provided from the Advancing Strategic Priorities Reserve.) Ms. LaPisto-Kirtley **seconded** the motion.

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

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

Ms. Palmer **moved** that the Board request that staff bring back an appropriation request to the Board to provide \$1.1 million in one-time funding from the Advancing Strategic Priorities Reserve to support the development of a Southern Albemarle Convenience Center at the Keene site

Ms. Palmer asked if it was okay for her to add the language "at the Keene site."

Mr. Kamptner replied that this was fine.

Ms. Mallek **seconded** the motion

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

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

Ms. Mallek **moved** the adoption of Motion #3 (the Board request that staff bring back an appropriation request to the Board to provide up to \$350K from the Advancing Strategic Priorities Reserve to support the Conceptual Analysis and Partial Design of Reas Ford and Earlysville Intersection Improvements). Ms. Price **seconded** the motion.

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

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

Mr. Gallaway said these were three significant motions, and that it was good work from the Board

and others. He asked Mr. Walsh to adjourn the ABBA.

At 3:50 p.m., Mr. Walsh said that with the consent of the members of the Broadband Authority in attendance, he would like to declare the meeting of the Broadband Authority adjourned.

Mr. Gallaway thanked Ms. Birch, Mr. Henry, Mr. Stewart, Mr. McDermott, and everyone who participated. He said this was a lot of information to go through and was appreciated.

Ms. Birch said she knew they were out of time, and it could certainly be at another point in time, but she wanted to take a moment to see if there were any projects that the Board wanted to tee up for another discussion such as this one. She said this was an opportunity to do that, but she knew that they were running out of time, so it was up to the Board's discretion.

Mr. Gallaway said that as they will be approaching budget work sessions, this is a reserve that is often discussed during the budget process. He told the Supervisors that if they have things in mind like these, they should have them ready and they can then be tee-ed up for conversation as they go through the budget process, if there was no objection to that approach.

Mr. Gallaway said that as a final comment, the strategic reserve was just created a few years ago and has not been in existence for long. He said he would expect that they will have to track the money that is being spent out of it. He said he would hate to see that in five years, 85% of the money was spent in one strategic area. He said they have to be balanced in how they do it, and of course, he expects this to be a part of the process year in and year out as they consider how to expend monies from it.

Mr. Gallaway asked Mr. Richardson if he had any final comments.

Mr. Richardson said Mr. Gallaway had summed it up by saying that it was a lot of work and information for the Board to take in that day. He said there was a lot of great direction from the Board, and he could not thank each Board member enough for their undivided attention through this. He said he knew they had a heavy evening. He said all the staff members involved worked exceptionally hard, and he could not thank everyone enough.

Recess. The Board adjourned its meeting at 3:52 p.m. and reconvened at 4:04 p.m.

Agenda Item No. 12. **Work Session:** ZTA201900008 - Section 33 - Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions.

The Executive Summary forwarded to the Board states that, at its meeting on January 12, 2021, the Planning Commission held a work session to discuss the proposed amendments to Section 33, containing the submittal and review procedures for Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions. Attachments A, B, and C are the Planning Commission action letter, staff report, and minutes from the meeting.

During the work session, the Planning Commission discussed the proposed amendment of Section 33. The proposed amendments are included as Attachment A2. The Planning Commission offered the following substantive comments:

- Include a provision to allow the Planning Commission to defer an application at the request of an applicant.
- Add a provision to consider equity when evaluating an application.
- Include cultural and heritage resources as a type of study that may be required when submitting a special use permit or zoning map amendment application.

The Planning Commission also requested a summary of the history of Section 33. Staff has prepared a summary as Attachment D.

Following the Planning Commission meeting, staff is continuing work on the draft ordinance, both to address the Commission's comments and to suggest non-substantive clarifications of existing language.

Staff recommends that the Board of Supervisors both (a) provide feedback or specific revisions for the proposed ordinance and (b) direct that this item be scheduled for public hearing.

Mr. Bill Fritz, Development Process Manager, said this is a work session to discuss the potential amendments to Section 33 of the Zoning Ordinance. He said this is the section that contains all the procedures and requirements for the items just mentioned.

Mr. Fritz said the Board's packet included potential amendment language, and staff was present to answer any questions the Board may have about them and, most importantly, to receive direction on the changes the Board may desire.

Mr. Fritz said the proposed amendment corrects some unintended impacts caused by the amendments adopted in 2018, improves submittal and review procedures that correct some technical

errors in the existing ordinance, brings them into compliance with the State Code, and notably removes a requirement that applications must be acted on within 36 months before the project is deemed withdrawn. He said he would talk about this specifically later.

Mr. Fritz said the Planning Commission discussed this on January 12, at their request. He said they wanted a brief history of Section 33, which was included in the Board's packet for informational purposes. He said the Planning Commission also supported the proposed amendments and requested some changes to include a provision to allow the Commission to defer action on an application at the request of the applicant, a provision to consider equity when evaluating an application, and that cultural and heritage resources be included as a type of study that can be required when submitting a special use permit or zoning map amendment.

Mr. Fritz said staff has not yet made these changes, as they wanted to hear what the Board had to say. He said they would then make all the changes at one time.

Mr. Fritz said to provide some background, in 2018, the ordinance was amended due to the desire to fix deficiencies in the ordinance and to improve the process. He said that unfortunately, this did not have the desired effect. He said that in fact, the administration of the ordinance has proven to be complex and resource consumptive.

Mr. Fritz said there was some support to simply repeal the 2018 amendments and revert to the prior ordinance. He said this was not done. He said the need to amend the ordinance in 2018 existed, and simply reverting to the prior ordinance would leave the need to amend the ordinance again. He said this amendment attempts to correct the process issues created by the 2018 amendment and retain the improvements to the ordinance that were adopted in 2018.

Mr. Fritz said the changes that the Board will have before them include a reorganization. He said the proposed amendment reorganizes the process. He said it does not restore it to the pre-2018 process but builds upon the lessons they have learned.

Mr. Fritz said time limits for actions was a major issue in the 2018 amendment. He said the amendment created a 36-month time limit where all applications had to be acted on within 36 months. He said the process involved with this time limit is overly complex and has created an administrative burden.

Mr. Fritz said the proposed amendment removes the time limit and replaces it with a clear statement that the County is not obligated to accept a request for deferral. He said the proposed amendment also clarifies the procedure for reactivating applications and review of applications when they are resubmitted.

Mr. Fritz said it fixes some other problems with procedure. He said currently, a deferred application is not to be reviewed; however, the primary purpose of the deferral is to allow issues to be identified and addressed. He said the proposed amendment clarifies that the public hearing, not the review, is deferred. He said the proposed ordinance provides that once a deferred item is reactivated, the timeline for review is reset. He said the current ordinance creates significant procedural difficulties because the timeline for deferred applications is not clear.

Mr. Fritz said the proposed ordinance allows for the collection of a new fee for a reactivated application, which staff believes is very important. He said a reactivated application may contain so much new information that it essentially requires a new review. He said the proposed ordinance provides that an application is deemed withdrawn if a deferral request is accepted and the project is not reactivated within six months. He said this will allow the County to more easily administer the process and prevent applications from lingering.

Mr. Fritz said the 2018 amendment modified the submittal requirements and allowed the Planning Director to determine that some information may not be required in certain applications. He said the proposed amendments retain the submittal requirements and clarify the procedures for determining what information is required.

Mr. Fritz said the 2018 amendment allowed electronic submissions, which has been retained.

Mr. Fritz said the 2018 amendment included a significant change, which was the notification of certain easement holders when notifications were made on properties with easements. He said this has been retained.

Mr. Fritz said the 2018 amendment adopted revised procedures for the rejection of incomplete applications. He said the amendments, however, were inadequate. He said the proposed amendments clarify timelines, notification of the applicant, collection of fees, and establishment of a start date to calculate the time of review.

Mr. Fritz said the State Code has changed since 2018, and this ordinance reflects those changes, which can be found in the Proffer section.

Mr. Fritz said the 2018 amendment added a provision to allow revocation of special exceptions, which has been retained. He said added to that is a non-severability language to conditions associated with the special exception. He said this change will invalidate the special exception if any one condition is found to be unreasonable, invalid, void, or unlawful.

Mr. Fritz said the proposed ordinance removes a reference to judicial review of denied application. He said this was done in 2018 because it is a self-executing provision in the State Code. He said the proposed amendment does not change this.

Mr. Fritz said the 2018 amendment allowed the Planning Director to require additional community meetings. He said the proposed amendment retains and strengthens this provision.

Mr. Fritz said related to another significant issue staff identified with the 2018 amendments, the proposed ordinance corrects existing and previous errors within the ordinance. He said that for example, the existing ordinance requires that a special use permit for historic taverns and inns be reviewed, considering the factors in Section 33.8. He said Section 33.8, however, describes how to initiate a zoning text amendment, so it points to the wrong place. He said there are numerous internal inconsistencies that staff is fixing.

Mr. Fritz said what staff was looking for was feedback and direction from the Board so that they can schedule public hearings with the Planning Commission and Board of Supervisors. He offered to answer any questions.

Ms. Mallek said she was confused about the requirement that it must be acted upon 36 months, which Mr. Fritz began with. She asked if this was for deferral, or if it was for construction on the project that was approved.

Mr. Fritz replied that it does not affect the time for construction post-approval.

Ms. Mallek said it was just for deferral, then. She said her notes said that if the staff has done a lot of work on a deferral and it never comes back, then they spent a lot of time on something that is not live anymore, which is a concern that they will have to figure out as far as whether it is worth it or not. She said she did not know the answer.

Ms. Mallek asked Mr. Fritz if he could give examples of the kinds of criteria that the Planning Director would use to decide what information is needed. She said the proposal says "...amending the criteria considered by the Director of Planning to not require..."

Mr. Fritz said the 2018 amendment included provisions that would allow the Planning Director to determine what studies were or were not needed in a particular application. He said this was largely left in place, but it expands the authority of the Planning Director to make that decision and provide more guidance. He said staff has pre-application meetings, and they want to make sure that they can be as broad as necessary. He said this amendment tries to ensure that they can get the information they need.

Ms. Mallek said it was not, then, taking away studies but was probably adding some.

Mr. Fritz said it gives them the potential to do more.

Ms. Mallek said she did not want to tie their hands by taking things away. She said the proposal mentioned trends of growth or change, which "allows the County to efficiently review legislative request in order to address or anticipate trends of growth." She said this comes up against a discussion she has heard for 30 years, which is that they should be acting upon the adopted ordinances they have, not making decisions in a zoning legislative context because they have some other goal in mind. She asked Mr. Fritz if he could help her understand if she was going down a rabbit hole on this.

Mr. Fritz said he believed the section Ms. Mallek was talking about was the section that talks about the criteria used for the review of zoning map amendments. He said this comes straight from the State Code, so they have to leave it in there.

Ms. Mallek said the proposal mentioned that "impact on impounding structures may be evaluated during legislative reviews." She said this is fabulous, and what comes to mind is Lake Hollymead, which is owned by the neighborhood, and the destruction of that resulting from a construction project across the street. She asked if this is adopted, if the Board would then be able to require that construction project from 2004 to have better retainment and do a better job of erosion control because of the downstream lake that exists.

Mr. Fritz said he could not speak to the particulars of that project because he did not know them, but the language Ms. Mallek was talking about also comes directly from the State Code, so it is in there. He said he could not answer Ms. Mallek's specific question.

Ms. Mallek said she was sure Mr. Fritz knows about Hollymead Town Center.

Mr. Fritz said he knew some about it, but he did not know enough details.

Ms. Mallek said the community's transportation requirements includes consideration of requirements during the review. She asked if this means that if they do not have transportation assets available, the Board can use it as a reason to deny.

Mr. Fritz said he would focus on the zoning text amendment and then on Ms. Mallek's question. He said the zoning text amendment is not changing anything there because it is language coming from

the State Code. He said that is already there, and it is something they would have to look at on a case-by-case basis to determine whether or not a particular application should be approved or denied, given the transportation network existing to anticipate it.

Ms. Mallek said the Board has always been told that they do not have the right to use public facilities available if they are going to be overloaded if a development comes in. She said if this is a separate question altogether and is one of authority, she would stop.

Mr. Fritz said this might be a topic for a different discussion, but he believes it is something that can and should be looked at during any rezoning review.

Ms. Mallek said her last question was about fees. She asked if fees are paid when an application is submitted. She said she got a sense from reading the proposal that staff is having to chase after people to get fees after the work has begun.

Mr. Fritz replied that there is a bit of awkwardness in the way the existing fees are done now and about when the fees are collected. He said the proposed ordinance clarifies when the fees are done and makes sure that staff is collecting the fees appropriately.

Ms. Mallek asked if staff is requiring all the signatures of owners and agents ahead of time so that they do not have to chase them anymore, either.

Mr. Fritz said this was correct. He said staff goes through a quality control prior to starting work on the application and get the fee before they start.

Ms. Mallek said this was great and that she appreciated it.

Ms. Price thanked Mr. Fritz as well as Ms. Mallek, as Ms. Mallek's questions covered most of hers. She said she would not add anything new, but she would highlight two particular items, including the question about the staff continuing to work on a deferral. She said last year, the Board of Supervisors had two deferrals, one of which never came back. She said the other one came back with, depending on one's perspective, some significant (or perhaps not as significant) revisions. She said the question is how much effort County staff should be putting into continuing to work on a deferral when they do not know whether it will ever come back and what form it could come back in. She said this was simply a comment and not a question there.

Ms. Price said her second point goes back to the fees. She said she knew that they are looking at least at a temporary fix by increasing the amount of fees that Community Development is charging as a first step. She said there is then a rebalancing to make sure there is a rational relationship between the amount of fees that are going to be charged and the amount of work that is required by County staff to do it. She said she believed Mr. Fritz addressed a major point there, which is that they will not conduct work until the fees have been paid.

Ms. Price said in general, this looked to her to be a nice step toward improving the process. She thanked Mr. Fritz and everyone else who worked on it.

Ms. LaPisto-Kirtley said this was good and she liked the direction they were moving. She asked if this addresses the fact that everything has to be built or starting in 36 months, or the development has to start over again if they have not started building.

Mr. Fritz replied no. He said this does not touch that. He said the Board can establish whatever timeline they want for that, and they can do that now. He said the 36-month time limit was from the time the application was submitted until it was acted on, and this is being changed. He said they are not addressing anything post-approval, however, so there is no change there.

Ms. Palmer said she had a couple of process questions. She said in this discussion about deferrals and when the decision is made to do work, in her experience, they are working with the applicant all along through the process and when the applicant decides to do a deferral, there is typically some instruction for them to go and do something, then come back. She said she assumed that staff was not wasting their time until they come back with the changes or some iteration of the changes. She asked if this was correct.

Mr. Fritz replied that it is relatively common that staff gives guidance to an applicant, and the applicant will request deferral so that they can address whatever the concerns are. He said it does happen that someone will request a deferral and submit additional information, then never proceed with the application, but this is the odd application, not the majority. He asked Ms. Palmer if this answered her question.

Ms. Palmer replied yes. She said she was trying to make it clear what staff is actually doing. She said they are not continuing to work on a project that is dormant. She asked if this was correct.

Mr. Fritz replied that the applicant will request deferral, and there will often be meetings or discussions that happen where they talk about what they are trying to address and have the conversation. He said there is work being done and that ultimately, a new packet will be submitted, which activates it.

Mr. Fritz said this ordinance provision makes clear how one reactivates, and that actually

submitting the new information reactivates it. He said they then have the opportunity to say that it resets the applicant's clock. He said currently, it makes it very clear that if one deferred it on Day 60 of the review and resubmit, they do not begin at Day 60, but they start again at Day 0. He said staff needs the time to review the new information.

Mr. Fritz said there have been situations, and there are some of these currently, where the revisions are so significant, it is effectively a new application, and staff does not collect any new fee for that. He said this ordinance would potentially allow the County to collect a new fee.

Ms. Palmer said the fee would make sure that the applicant is serious about going forward because she would assume that most people will not pay a fee, then drop off while staff works on it.

Ms. Palmer said she was also curious about the process. She noted that she was not looking for blame, but she was trying to understand what process did or did not take place in 2018 that led to these inconsistencies, for the Board's general knowledge.

Mr. Fritz replied that the zoning text amendment process followed a different route than it normally had, and it had different resources allocated to it. He said it did not follow normal procedures for a zoning text amendment, and he does not think that they had the robust internal analysis that they otherwise could have had.

Ms. Palmer said that they have this now.

Mr. Fritz said he hoped so. He said this was not to put blame on anyone, and that he thinks everyone who worked on it did so diligently. He said he thinks there were a lot of good ideas, and sometimes when one tries to make a new recipe, it does not quite work out. He said he thinks this is the situation versus there being a bad cook.

Ms. Palmer said she was just wondering about the inconsistencies, and this sounded like a process issue to her.

Mr. Fritz said the inconsistencies were a process issue and something that staff does differently now. He said this is an internal process where they are now much better at finding where those links are. He said it is something that Community Development and the County Attorney's Office comment on a lot when they do zoning text amendments in terms of when they change one section, whether or not they have broken a link internally to the ordinance. He said it is now a focus whereas previously, it was not as big of a focus.

Ms. McKeel said she believed she was set, based on the questions that were already asked. She said she appreciated this. She said she thinks it is important to go back and say that they tried something that did not work, adjust it, and see if they cannot make it better moving forward.

Mr. Fritz said he appreciated Ms. McKeel's comment because the Board would see that they did not throw out the baby with the bathwater. He said staff did not simply say that the 2018 amendment was a bad thing because there is a lot of good in it. He said they kept all of the good.

Ms. McKeel said it is important that they are willing to try something new and say that part of it worked and that they will fix what did not. She said they will keep moving forward and she appreciates this.

Mr. Gallaway said he had to admit that he read the section about deferrals in the Planning Commission minutes four or five times.

Ms. Mallek said she did as well.

Mr. Gallaway said he believed he understood it and had no questions.

Ms. Mallek asked if staff has given thought to any criteria about a deferral when the applicant jumps up after he or she sees that the application is about to fail and wants a deferral. She said the County has not been particularly specific about saying, "Don't come back with the same thing," and they have seen this a couple of times recently.

Ms. Mallek said perhaps staff will be developing criteria for a new submission fee, whether it is a technical change or a small, middle, or large change. She said this was a can of worms that staff will have to figure out because she did not know, but she expected that someone will fight with them unless they have it well squared away.

Mr. Gallaway asked Mr. Kamptner if the Board needed to take a vote on directing staff.

Mr. Kamptner replied that he believed there was a consensus to proceed with the current version of the draft ordinance, and it has two public hearings to go through. He said that unless any Supervisor wanted to highlight any particular issues for further revision, he believed staff had its direction.

The Executive Summary forwarded to the Board states that the Charlottesville Regional Chamber of Commerce (Chamber) sponsors a Defense Affairs Committee (DAC). The DAC provides services to a unique network of academic, industry and government participants to position the region for growth in the defense and intelligence market. The DAC connects local defense industry contractors, veterans, local government, and service providers with interest in the defense and intelligence community who desire visibility and access to local federal government agencies and other support resources.

It is estimated by the Chamber there are more than 2,500 federal workers employed by the National Ground Intelligence Center (NGIC), Defense Intelligence Agency (DIA) and the National Geospatial-Intelligence Agency (NGA) in the national government's defense/intelligence enterprise at Rivanna Station. The Chamber estimates that private defense/intelligence enterprises in the region now employ approximately 2,000 people. In addition to this substantial defense intelligence enterprise, the greater Albemarle-Charlottesville community has more than 14,000 veterans who are an integral part of our community.

The County's adopted economic development strategic plan, Project Enable, identified multiple Goals, Objectives and Strategies to further Economic Development in the County. Goal 3 is to lead the County's readiness to accommodate the business community. The first Objective of this goal is to lead the growth of targeted industries, existing primary businesses, and emerging opportunities. One of the strategies defined in support of this goal is to partner with the Chamber of Commerce through the Defense Affairs Committee on the retention and expansion of the targeted Defense industry.

The mission of the Chamber Defense Affairs Committee is to foster economic vitality by further strengthening the alliance of relationships among the Chamber, the Chamber network, the Central Virginia community, the regional defense and intelligence community, and our veterans.

The activities associated with the successful operation of the DAC evolved beyond the capability of a volunteer committee and the Chamber of Commerce made formal requests to local industries, jurisdictions, and academic partners to fund a two-year pilot, full-time DAC Program Manager.

At its July 3, 2019 meeting, the Board reviewed this request and authorized use of one-time funding in support of the two-year pilot by the area Chamber of Commerce. As part of the funding authorization, the Board requested a six-month report once the new position was hired.

The position was advertised in the Spring of 2020, which drew a strong candidate pool and led to the selection of U.S. Army Reserve Colonel Lettie Bien. The press release of Col. Lettie J. Bien (Ret.) is included as Attachment A. Col. Bien has hit the ground running and respectfully submits the six-month DAC report, Attachment B. She will present the highlights of DAC accomplishments over the past six-month period since her hire, identify key work items planned for 2021 and address any Board questions.

\$50,000 annually for a two-year period, totaling \$100,000, have been paid from the Economic Development Investment Pool to fund this pilot.

Receive the report and address any questions to Col. Lettie J. Bien (Ret.) and staff.

Mr. Trevor Henry, Assistant County Executive, said it was a pleasure to be in front of the Board for a second topic that day, and he believed this one would be less intense than the last. He said it was an honor to be in front of the Board to talk about the work they are doing as a county government entity and in support of the Chamber and Defense Affairs Committee.

Mr. Henry said the purpose of his presentation was to provide both an introduction to the Defense Affairs Committee (DAC) Program Manager and an update on the work that has been going on over the past six months. He said he would answer any questions from the Board on the material presented. He noted that Ms. Lettie Bien provided a nice executive update on the summary of work that had been done to date through the program office.

Mr. Henry said he would provide some background, as there were a couple of Board members who were new since the Board provided some funding to the DAC. He said he would give a quick review of what the DAC is, how it ties to the County's strategies, and the funding piece.

Mr. Henry said the DAC was chartered through the Chamber of Commerce in 2009. He said its purpose is to be a connection of government, private industry, and the military to strengthen their relationship. He said this has representation not just for Albemarle County, but for the region, with strong connection to the regional defense and intelligence community along with veterans.

Mr. Henry said something he learned through his involvement with the DAC and in working primarily with Rivanna Station is that there is some uniqueness to the base in the County and the vital role that the DAC plays. He said due to the nature of how the intelligence community communicates with non-governmental and governmental entities, the DAC has created a conduit to help that communication and strengthen it. He said it is a very important relationship that has been fostered.

Mr. Henry said that several years into the DAC forming, the committee quickly realized the need to have a dedicated resource. He said it is supported by people like himself who support it in their extra time, and to get the program of support that they felt was important as a region to the level that it needed

to be, a request had been made for some funding of a position. He said this worked through a couple of years of a process.

Mr. Henry said fast-forwarding to 2018, the Board approved the strategic plan for the Economic Development Office. He said the Economic Development strategic plan for the County, Project Enable, was approved in December of 2018. He said a component of that plan actually called out membership and support of the DAC. He said that on July 3, 2019, he and Mr. Roger Johnson presented to the Board, and the Board took action to approve funding for a two-year pilot of the position. He said it is \$50,000 over each year, for a total commitment of \$100,000. He said the Board approved this and then went forward through the Chamber with recruiting and hiring the DAC Program Manager.

Mr. Henry said he would note why this is important. He said they received a recent update via the state's office on the economic benefit of the defense industry not only in the state, but in the region, which was even broken down to Albemarle County. He said in the region (the County and surrounding), there are nearly 20,000 veterans. He said the defense industry outside of Rivanna Station, plus Rivanna Station, totals about 5,000 employees. He said the economic impact for Albemarle County alone of this infrastructure is over \$500 million, making it a significant part of the County.

Mr. Henry said looking through an Albemarle County lens, the work that he has had the honor to be a part of has been supporting the DAC Planning Committee as well as the quarterly meetings. He said there was a bit of a hiatus during the beginning of the pandemic, but they have gotten the work back on track. He said the County is the lead funder of the DAC position.

Mr. Henry said the Veterans Affinity Group, which is an internal group of veterans and those who support them, coordinated and sponsored a Zoom welcome webinar for all the military in the area. He said it did not have as many people attend as had been hoped, but for those who did attend, it was a good seminar. He said this was partnered between the affinity group, schools, Mr. Richardson, and Dr. Matt Haas, who welcomed the military to the area. He said Ms. Bien played a big role in supporting that.

Mr. Henry said recently, related to the value of the DAC position and the County's renewed involvement with the DAC is that Rivanna Station (specifically, the Army) has been having a challenge finding a location that would support their new annual physical readiness test. He said there are certain site requirements that they needed to meet, and they were unable to solve that.

Mr. Henry said the Program Manager reached out to him, and he was able to connect with the Parks Department and the Army. He said the pictures shown on the screen were taken a couple of weeks earlier at Darden Towe, depicting how the Army was able to do their first physical readiness test. He said this may seem like a small matter, but the Army was preparing to have to spend money to find a site, and the DAC was able to accommodate this within their relationship. He said it was exciting to be out there and that he actually wanted to give the test a go but obviously did not.

Mr. Henry said finally, he believed the Board was aware of the Our Community Salutes program. He said this is an annual program, and COVID canceled it last year, unfortunately. He said the previous five or six years, the County hosted in their auditorium for the County, City, and adjacent counties all of the high school graduating seniors that are taking their oath of enlistment into all branches of the military, as well as the seniors' families and sponsors. He said he went to his first Community Salutes program in 2019, and it gave him chills because of how well it was attended and the excitement to see it. He said this is an example of the work that Albemarle County is doing for the community.

Mr. Henry said he would introduce Ms. Lettie Bien, a retired U.S. Army Colonel. He said Ms. Bien served 30 years with multiple deployments overseas, including several to the Middle East. He said what is great about Ms. Bien is that she is also part of the Albemarle County community, but she had served in a similar role with the Greater Miami Chamber of Commerce and there, what is called the Defense Alliance down there. He said this was much bigger, and so Ms. Bien has good experience with boots on the ground and the kind of work that the County has been asking her to do for their region.

Mr. Henry said Ms. Bien is an attorney and a long-time community advocate. He said she served for four years on the Economic Development Authority and was actually a founding member of the Our Community Salutes program. He said Ms. Bien is very invested in the region and Albemarle County and works hand in hand with UVA and the ROTC program there.

Mr. Henry said the County posted the position through the Chamber of Commerce and had a cross-functional team that reviewed a lot of good candidates. He said Ms. Bien rose to the top. He said they were able to work through the pandemic pause, and Ms. Bien was able to hit the ground running in July. He said he imagines that from the report that the Board saw, the County is definitely moving the needle in this region as it relates to support of their active duty and veterans.

Ms. Lettie Bien, DAC Program Manager, said that the progress report that was given to the Board ahead of time, as well as this document, was not all-encompassing. She said there were plenty of other things the DAC has done, which she was always happy to talk to the Board about.

Ms. Bien said as a snapshot, the Board could see from the list that UVA Foundation has given her space at North Fork (formerly known as the Research Park), and they now have a small lobby area that they have turned into a welcome and reception center for all incoming military and families as well as local veterans. She said they will do a formal ribbon cutting, but they would like to wait until the COVID issue is behind them. She said there were a couple more things she wanted to get in there, and she will

also be doing a soft opening and let all military personnel in the area know that is there.

Ms. Bien said that the area has already been used. She said they are not doing in-person in processing at the National Ground Intelligence Center (NGIC), and so the headquarters commander has used the facility to do the incoming processing for new military. She said they have already met there twice for a face-to-face opportunity with incoming military.

Ms. Bien said on the DAC page of the Chamber, they now have many resources they have pulled together. She said there are federal, state, and local services; a local discount under Gratitude Cville; and a list of local companies that are certified under the Virginia Values Veterans Program, which is a program where companies can take a course, agree to hire veterans and/or spouses to a certain number, and then receive a certification from the State Department of Veteran and Defense Affairs. She said the page also includes a list of veteran service organizations. She said all of these things are continuously updated and grow, particularly the discounts.

Ms. Bien said DAC had relationships with NGIC before she came on board, as some Board members know, but DAC has established even more at NGIC, at DIA and at Fort Belvoir, who "owns" Rivanna Station. She said the DAC has been in touch with them for anything that they do to make sure that it meets any legal issues and requirements.

Ms. Bien said not just everything is about Rivanna Station, and there are other things such as JAG (Judge Advocate General's) School. She said the JAG School chief of staff has given the DAC a briefing on what they do, and they will be engaging a little more.

Ms. Bien said the County started the NDCC (National Defense Cadet Corps), which is a precursor to Junior ROTC. She said the DAC is hoping to support them and help them grow that program. She said she has linked up the Student Veterans of America at UVA with Colonel Wingate, and they are talking now about how that group of young veterans who are now in university can help and support him and his people, be it as mentors or involved in activities. She said the DAC will make sure they support the NDCC and grow it into a real Junior ROTC.

Ms. Bien said at NGIC, they provided the in-processing location, as discussed. She said that with volunteers from the Chamber's membership, they put together an amazing welcome packet that is in its final rotation of checks and balances. She said they have sent Mr. Henry a copy of it, and there are a few more things to add to it, and it will then go to NGIC. She said when NGIC gets orders for an incoming person, they send them a welcome packet, which is a document. She said the first 14 pages are NGIC-specific, and the last 15 pages are all community-based information. She said the one NGIC had was outdated and not good, so the DAC has rewritten the whole thing.

Ms. Bien said once this document is delivered to NGIC, they will pull out the NGIC specifics and give it to all of the other military entities in the area, including recruiters, ROTC departments, and JAG School. She said they will also post the welcome packet on the DAC's website.

Ms. Bien said there are always behind-the-scenes issues with regard to NGIC, Rivanna Station, and other entities, including the Federal Executive Institute. She said the DAC wants to maintain visibility on their status and what they may need from people who are higher up. She said Ms. Mallek has been wonderful in addressing any issues that they may have to look at.

Ms. Bien said this was a broad sweep of some of the things that the DAC has done, and there are plenty more in the pipeline. She said they are moving and getting people involved both at the Chamber and external to it.

Ms. Bien said in the next slide, she would address the items moving forward. She said the action plan will be revised, noting that it has also been called the "strategic plan" or "prospectus." She said the DAC wants to revise it to make sure it is realistic. She said now that they have ground truth to see what is going on, they are in a better position to know what they can and cannot do, or as the military says, "Crawl, walk, run." She said they are finished crawling, starting their walking, and at some point, they will hopefully run.

Ms. Bien said it is important that the military feel valued. She said they do not have a base, and there is nothing at Rivanna Station that is really supportive of them except for a small childcare center called the Development Center. She said they have human resource people, but they really do not have the kind of support that they have if they are at a real base.

Ms. Bien said the DAC is trying to fill those gaps, and they are looking at the kinds of family challenges they have, then engaging community solutions where they can. She said there are workforce-related activities that they would like to look at. She said they have been talking with the private sector, and she has already found an internship for a 30-year-old Air Force veteran who will graduate from UVA in 2021. She said he is now working with one of the biotech firms in the community who only hires those with master's degrees, but they hired this veteran on.

Ms. Bien said there are other workforce-related activities, as they know that there are veterans in the community who are unemployed or underemployed, and they want to see what they can do to bring them into a fold so that they can have a better quality of life. She said the DAC also needs to make sure that the veterans are receiving the benefits that they earned as oftentimes, this is not the case. She said the DAC will obviously just be a conduit, but they have established a number of people and programs that

can help identify whether or not they are maximizing their veteran benefits that were not a gift but earned.

Ms. Bien said the slide showed that there are established process for spouses and partners of the military to find worthwhile employment while in the region. She said the state has passed a few licensing laws. She said sometimes, a spouse will be a nurse and has to go through a rigamarole to get licensed in Virginia. She said the state is trying very hard to make the licensing requirements for spouses of the defense universe much more agreeable for them to find quick and good employment.

Ms. Bien said this was a snapshot of the work and was not all-inclusive. She said the DAC wants to try to grow the defense community. She said that from an economic development standpoint, the numbers Mr. Henry showed the Board were the numbers the DAC received from the state through all their work in identifying the economic impact of the military for the entire state. She said she thinks there is good news in the fact that she thinks the numbers are lower than they really are, but this is something she is working on to see what they are really talking about, and there are reasons for that such as how they gather their information, what the federal government actually reports and does not report with regard to defense, the private sector, and what is a primary contract versus a subcontract, a grant, or an SVIR contract.

Ms. Bien said there is a lot of nuance to those numbers, and the DAC is going to get down to ground truth so that they see what they really have here, as she believes it is a little more than what they have shown the Board on the slide.

Ms. Bien said something interesting to note was that the private sector defense community is perhaps bigger than the DAC had realized. She said there are a number in Albemarle County that have defense contracts, but nothing to do with Rivanna Station. She said this is an interesting dynamic, meaning the DAC can grow that with other defense events throughout the rest of the federal government.

Ms. Bien concluded her presentation and opened it up to questions from the Board.

Mr. Henry said he had one more update before turning it over to the Board for questions. He said several Board members may know Mr. Wade Woolfrey. He said Mr. Woolfrey is a long-time friend to the community and County and is retiring from his role at NGIC. He said Mr. Woolfrey is a retired intelligence colonel, served for 27 years, and has been in a civilian role at NGIC since 2007. He said Mr. Woolfrey is an Enterprise Operations Advisor.

Mr. Henry said it took him a long time to understand what an Enterprise Operations Advisor is. He said he probably still does not know other than that Mr. Woolfrey knew where all the money was in the federal government, especially the DoD. He said he believed the Board was aware of the 90,000-sqrae-foot addition project that is happening at Rivanna Station, as Ms. Bien mentioned it. He said Mr. Woolfrey was the one who was able to land the needed funding.

Mr. Henry said Mr. Woolfrey has announced his retirement, which is a loss for the community because he has been a great connector of information to the County Government and the DAC. He said the DAC will be working with Mr. Woolfrey on his transition and relief.

Mr. Henry congratulated Mr. Woolfrey for the two careers he has had, adding that he has certainly earned his retirement, though it will be a loss to the community.

Ms. Bien added that Mr. Woolfrey will be staying in the area and while he will not be working for the government, he said he will be engaged and will continue to advise and assist the DAC to the extent that he can.

Ms. Bien said the expansion mentioned is going through a couple of offices and is at Congress now in the MilCon committees, both at the House and Senate. She said they suspect it will go through quickly, and at some point, it goes back to the Army Corps of Engineers before they put it out for contract. She said if there are any problems, the DAC will keep the Board apprised, but she is hopeful that at some time before the end of the year, they move forward on that expansion.

Ms. Mallek said one of the best days she ever had in 2008 was being invited by the commander for NGIC to tour the non-classified areas, as she had had no idea what was going on in the building. She said it was truly amazing, and she hoped the Board would be able to do some things like that again.

Ms. Mallek said several things that Mr. Woolfrey taught her over many years include that it is very important for communities to be involved with the congressional delegation, whether they agree with them or not. She said it is incredibly important that they be invited. She noted that Mr. Woolfrey said he would help with the congressional liaison office to get something set up for the County.

Ms. Mallek said they need to have the senators' offices staff and current congressman come again because they need to be advocating for Rivanna Station all the time in congress. She said they cannot miss a minute, and they almost lost the funding last fall because of continuing resolutions and other rubbish. She said ten years of work on Mr. Woolfrey's part was about to go down the drain, and so he and Senator Kaine's office managed to pull this back on track, which was wonderful because those 200 people who are already working for NGIC need a place to sit in the building.

Ms. Mallek said the number for the contractor tail in 2012 was 10,000, and so she thinks they are being truly conservative about the economic impact across the Central Virginia region. She said several

of the commanders have lived in Fluvanna and got away, and so the County needs to do a better job of letting Ms. Bien share the wonders of Albemarle County with these people when they are coming in so they can keep them closer by.

Ms. Mallek said she hoped that with Mr. Woolfrey's help, they will be able to keep pushing along, and Ms. Bien will let the Board know when it is time to write. She said she always asks Mr. Woolfrey to proof the letters because they have to get the acronyms right or otherwise, they are thrown in the trash. She added they are complicated. She said it has been joyful work on her part to push this along, and she feels very lucky.

Ms. Mallek said she is grateful for the work on the welcome packet because when NGIC was expanding, Mr. Phil Roberts, who was their director in 2009, scolded the counties, expressing that they did not have anything that he could send to his future employees and that he had to make it for them. She said the County did not have anything to tell its wonderful story, so it is a great advantage to have something readily available to those at Fort Belvoir, as they are the ones the County needs to make sure to lure down there. She said many of those employees had been reluctant to leave Northern Virginia, but they have a thousand of them now.

Ms. Price said she could see that the task here was in two parts. She said the task that was mostly addressed that day was what is called in the Navy the Fleet and Family Support Center. She said it reminds her of those few occasions when she was stationed in the Navy not at a military installation, but at least there were military installations nearby. She said she was working where the Army used to have its personnel headquarters, at the Hoffman Buildings at the Eisenhower Metro Station in D.C. She said they still had Navy, Army, and Marine Corps installations they could go to.

Ms. Price said they do not have this here in the area. She said Petersburg is probably the closest large military installation for commissary and exchange. She said the work the DAC is doing to make this a home not just for the military personnel, but for people who work for and with the military, is critical as it makes home life happy, which allows the individuals working to accomplish their mission. She said she could not say enough about that.

Ms. Price said she would piggyback on what Ms. Mallek just said, which is the other part of it. She said they not only need to keep the activities and the people that are assigned and contracted in the area, but they need to expand it. She said this is really where the relationship with congressional delegation is so important because it is a political decision where military personnel and support organizations are located, and they have to continue to show that Albemarle County is the best place for these types of activities.

Ms. Price said she was looking forward to the next step. She said now that the DAC is taking good care of the people who are there, they can continue to keep them and get even more of them there.

Ms. LaPisto-Kirtley said she loved the presentation and was very supportive. She said she loved the tour Ms. Bien and Mr. Henry gave her of North Pointe. She said she would love to someday have a tour of unclassified area of NGIC as well. She said she comes from a military family and so whatever the DAC needs, they have her support. She said she agreed with everything that Ms. Price and Ms. Mallek said.

Ms. Palmer agreed. She said it was a very good presentation that she appreciated. She said she had no idea that the DAC was doing all of those things, and so it was an excellent update. She said she has family members who work at NGIC, so she is supportive not for that reason, but because she understands how important it is.

Ms. McKeel echoed the other Supervisors' comment. She said it was a great report, and the Board thanks Ms. Bien and Mr. Henry very much for being there. She said for those who may not realize, there is a Junior ROTC in the County again (at Monticello High School), which is good news. She said she would love to make sure that people know that as well, as referenced in the presentation.

Ms. McKeel said the report noted, "Complete the economic impact study." She asked Ms. Bien if she knew when that might be finished.

Ms. Bien replied that the state has completed an economic impact study, but they glommed Albemarle County into a region that goes all the way up to Manassas. She said she is working with the contractor who did this on behalf of the state who has now carved out the specific numbers for Albemarle County, Greene County, and the City of Charlottesville, which is the number that Mr. Henry included in the report and is specific to Albemarle County.

Ms. Bien said she is trying to get some ground truth on the methodology of that report to identify what might have been missed. She said for example, as a defense community, when UVA holds a big defense conference (as they have done in the past) out of the Applied Research Institute, 500 people show up and spend the night. She said none of that would be in the report because it is not a federal government event. She said this is why she said there is more there that is defense related they are doing that will not show up on that report.

Ms. Bien said she is trying to look at methodology to also understand the value of federal government contracts that are in the community, broken down by community (e.g., Albemarle County, Greene County, the City of Charlottesville, etc.). She said for example, there is a company in

Charlottesville called Luna Innovations. She said they are amazing, and she got a tour of what they are doing, which includes patents. She said under the Small Business Innovative Grant Program, Luna has some millions in defense contracts. She said they are headquartered in Roanoke, with six people there, while there are 60 in Charlottesville. She said the question is if this contract counts for Roanoke, or if it counts for Charlottesville.

Ms. Bien said the same question would apply for all the companies at North Fork such as Battelle, MITRE, CACI, and Booz Allen. She said the question is if the contracts for these companies working in the area showing up in the area's numbers, or if they are showing up in their headquarters' numbers, which are in Northern Virginia, Maryland, D.C., etc. She said she is trying to get true visibility on what they have.

Ms. Bien said when the report states, "Complete the economic impact study," this is her gathering information. She said she has already spoken to the Weldon Cooper Center, which told her that once they get where they need to go, the center would be happy to help finalize what those numbers should really look like. She said the center has already committed to her that they will help do that.

Ms. McKeel said this was helpful. She said she knew that Ms. Bien was on the Economic Development Authority (EDA). She said if Ms. Bien ever thinks there is any synergy where she could update the EDA on what is going on and thinks this may helpful, she can feel free to reach out.

Ms. Bien said she would if Mr. Henry wants her to do it, since he is her boss.

Ms. McKeel said she thinks the group would perhaps be interested in an update.

Mr. Gallaway noted that his question was answered, as Ms. McKeel asked it. He echoed what was said. He said it was wonderful hearing all of the different things that are being done and thanked the DAC for that. He said he hoped he would not get into trouble by saying that he would be curious in a classified tour, although he knew it would not happen. He said he would like an unclassified tour. He thanked Mr. Henry and Ms. Bien and said the Board looks forward to future updates.

Ms. Price said she believed that all of the Supervisors would appreciate an opportunity for an unclassified tour at NGIC, if this could be arranged. She noted they should consider the public meeting issues and go in sequence. She said it will be helpful to all of them.

Ms. Bien said it is on the to-do list, but no one is going in the building now, even the people who work there at in-processing. She said they could as soon as they get through the pandemic, which she would say has certainly impacted their ability to do some cool things, like an event on how to do business with the federal government. She said she knows they could do this via Zoom, but it is just not the same. She said there are a number of other things they want to do. She said they have some NGIC commands coming up in July. She said the NGIC Commander will be departing, and the DAC will be sure to let the Board know about the incoming person, which they already know who it is. She said she provided Mr. Henry with his bio. She said this is not until July, however, and many things can happen between now and then.

Ms. Bien told Ms. Price that the tours are on the list, and the DAC will get them out there as soon as they possibly can. She invited the Supervisors to come out to her location. She noted she is not there every day, but they can let her know. She said Ms. LaPisto-Kirtley has been there and saw it in its early setup days.

Agenda Item No. 14. Closed Meeting.

At 5:08 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 (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the Board's Rules of Procedure and disruptions during open meetings; and
- Under Subsection (19), to discuss plans to protect public safety as it relates to cybersecurity vulnerabilities during open meetings and briefings by staff members and legal counsel concerning actions taken to respond to these matters.

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

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

Agenda Item No. 15. Certify Closed Meeting.

At 6:03 p.m., Ms. LaPisto-Kirtley **moved** that the Board certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the

closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 16. 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. Judy Schlussel was signed up to speak, but experienced technical issues that the Board Clerks tried to help her troubleshoot.

Mr. Gallaway noted that this technical issue had happened the last time, and they were able to fit Ms. Schlussel in at a later point. He pointed out that Premier Circle was going to be a long topic, and perhaps troubleshooting could allow behind the scenes to push public comment until after Premier Circle.

Ms. Borgersen noted that it seemed like the Schlussels were ready.

Ms. Judy Schlussel said she is a Rio District resident and a member of the Rio29 CAC. She said the February 4 frontpage article of the Daily Progress read, "Supervisors Wary of Long Comp Plan Update Process. Board members had concerns about the length of time County staff had proposed for the update and the length of the plan. County staff envisioned a three-year process to update the plan."

Ms. Schlussel said the reality check is that by the time this document is updated and approved, it will be outdated, with little value. She said therefore, time and money will be wasted. She said County staff had proposed a phased approach for the Comprehensive Plan update. She said the pre-planning phase will last until the third quarter of 2021, and the second phase will start in the summer. She said she is somewhat confused. She asked if this meant that the second phase will, in actuality, be implemented prior to the conclusion of the pre-planning phase.

Ms. Schlussel said the County plans to set up a diverse project advisory group to help provide feedback. She said the reality check is that citizens are not clamoring to be part of another focus group whereby their voices are not heard. She asked the Board to think about the form-based code meeting opportunities held different times and days. She asked how many citizens actually attended those meetings. She said she went to several of the meetings and did not have any problems finding a parking spot or being able to talk to staff because the attendance was so low.

Ms. Schlussel said the article continues, "Another engagement effort would be for local organizations or individuals to lead small subprojects to support the overall plan update effort. Members of both project advisory groups and collaborator artist-led projects would receive stipends." She said the reality check is that she is a member of the Rio29 CAC and does not receive a stipend. She said she is appalled that this would be suggested.

Ms. Schlussel said she takes pride in being able to serve the community, not expecting a stipend from each group of which she is a member. She said she does not think they need to lure citizens to be part of a focus group with compensation.

Ms. Schlussel asked if those who volunteer to be on the advisory group will be retirees who have time to spend on this endeavor. She asked about the single parent who is working full-time, even two jobs, just to be able to put food on the table and be able to pay rent. She said family obligations may be preventing the citizen applying to be in the focus group. She asked if this is equitable.

Ms. Schlussel asked if the application or form have the questions to obtain information to make sure that the group is diverse. She said simply put, there are many potential pitfalls when dangling the stipend as an incentive, hoping to create a diverse advisory group.

Ms. Schlussel said the Comprehensive Plan, master plans, and Zoning Ordinance, as well as various studies that are already in the pipeline should be considered as building blocks. She said if one is not up to date or is out of alignment, it affects the ultimate goal. She said granted, it does take time for evaluation and fact gathering, but these plans should be evaluated in conjunction with one another, not as separate entities.

Mr. Kent Schlussel (Rio District) said that on June 3, 2020, the proposed Parkway Place on the corner of John Warner Parkway and Rio Road was presented to the Board. He said almost 30 people spoke in concern about the large apartment complex of 328 units with entrances and access on Rio Road. He said after a long discussion with the Board, the developer requested deferral of the project until an additional traffic study could be done.

Mr. Schlussel said that in March of 2020, the Planning Commission voted to recommend approval of Parkway Place but had concerns about traffic and recommended a traffic study.

Mr. Schlussel said going back farther to the Board's approval of 999 Rio Road, this Board

recommended that a Rio Road corridor study needed to be done, considering the future developments along the section of Rio Road from John Warner Parkway to the City line.

Mr. Schlusel said Mr. Kevin McDermott stated on June 3, "The reason why we really want to move forward with this corridor study is to really look at the entire context of Rio Road from the City boundary all the way to where the small area plan boundary of Route 29 started. If we look at the whole corridor, we could really get a better idea as to how we expect traffic to move through the corridor and what needs we may have, and how different intersections might work best together."

Mr. Schlusel said he, as well as many others, thought that they might get what was desperately needed to study and receive recommendations on how to improve traffic and safety between the John Warner Parkway and the City line on Rio Road.

Mr. Schlusel said he would move forward to the Board's last meeting that was held on February 3, when staff members presented their version of the Rio Road Corridor Study. He said hopefully, the Board remembered that. He said the study will only be between Mall Drive and John Warner Parkway. He said this section of Rio Road does have issues, but the section of Rio Road between John Warner Parkway and the City line is most complex due to existing and future developments and only being two lanes.

Mr. Schlusel said the current study, as reported to the Board two weeks ago, is nothing more than a bait and switch. He said they baited the citizens to think that a corridor study would be done on the whole corridor and now switched to a much easier problem by leaving out the area that is more problematic. He asked why the switch was done, and at whose direction. He asked why they are ignoring a major issue in this area.

Mr. Schlusel said the Comprehensive Plan is being updated. He asked how they can update this plan without studying the issues along the problematic section of Rio Road. He asked if they will simply approve a plan for this part of the County with no data. He said the Comprehensive Plan is outdated now, but without this study to obtain some objective data, the plan would be useless and would definitely impact the quality of life along this corridor. He said they need to do due diligence and study the whole Rio Road Corridor like they said they were going to do.

Agenda Item No. 17. **Public Hearing: ZMA2020-11 - Premier Circle.**

PROJECT: ZMA202000011 – Premier Circle

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCELS: 061M0000000600

LOCATION: 405 Premier Circle, Charlottesville VA 22901. Located off of Route 29 approximately 600 feet south of the intersection of Branchlands Boulevard and Route 29.

PROPOSAL: Request to rezone the property from C-1 Commercial to NMD

Neighborhood Model District to allow a mixed-use development with up to 140 dwelling units and commercial, retail, office, research and development, light manufacturing/storage/distribution, and institutional uses.

PETITION: Rezone 3.748 acres from C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) to NMD Neighborhood Model District – residential (minimum of two housing types) mixed with commercial, service and industrial uses. Between 80 and 140 dwelling units are proposed with a density between 22 units/acre and 38 units/acre. Non-residential uses are also proposed (maximum 40,000 square feet). A special exception (SE202000023) is requested to allow one unit type.

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area, Steep Slopes – Managed

PROFFERS: Yes

COMPREHENSIVE PLAN: Primary designation is Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Small portions of the property are also Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses and Urban Mixed Use (in Centers) – commercial and retail uses that are in Centers and residential (3 – 34 units/ acre). Located in the Urban Development Area in the Places29 Master Plan. (*Advertised in the Daily Progress on February 1 and 8, 2021*)

The Executive Summary forwarded to the Board states that, at its meeting on December 15, 2020, the Planning Commission voted 7:0 to recommend approval of both (a) ZMA202000011 with changes recommended by staff, and (b) a special exception to allow one unit type under the Neighborhood Model District zoning. The Commission's original staff report, action memo, and minutes are attached (Attachments A, B, and C).

Since the Planning Commission meeting, the applicant has submitted a revised application plan, code of development, and proposed proffers to address the changes recommended by staff and the Planning Commission (Attachments D, E, F and H). VDOT has also provided additional comments on the pedestrian crossing across Route 29 (Attachment K). Additionally, the applicant has removed residential uses from the building proposed in Block 1, the block adjacent and fronting on Route 29. This building

would now have only non-residential uses.

Questions were raised by staff and the Planning Commission concerning the private road, Premier Circle, including:

- the long-term maintenance of the road;
- the current condition of the road; and
- if the road could be brought up to the Virginia Department of Transportation (VDOT) standards.

Though the applicant has addressed all the changes recommended by staff and the Planning Commission, not all of the long-term maintenance and/or upgrades to the existing road have been addressed. The applicant has provided both an analysis of the current condition of Premier Circle (Attachment I) and a memo in response to the concerns about the condition and long-term maintenance of the roadway (Attachment G).

Two issues were identified within the road analysis: safety and maintenance. Safety concerns identified included the need to remove existing vegetation that is encroaching into the road, the lack of striping, and signage. The applicant has offered proffers (Proffer 1a, 1b, and 1c) to address the safety concerns. The County Engineer has reviewed the analysis and found that the safety concerns have been addressed with the inclusion of the proffers.

The analysis further provides information on the feasibility of bringing the road up to VDOT standards and being accepted into the system. The County Engineer has reviewed this information and agrees with its conclusion that Premier Circle could not likely be brought up to VDOT standards and accepted by VDOT with the current layout/alignment.

The last issue identified is the condition and maintenance of the road. The applicant provided extensive information within its memo regarding the history, ownership, condition, and existing road maintenance agreement for Premier Circle. Because the road has multiple owners, the applicant will need to work with those owners on this issue. The applicant has proffered to use its best efforts to update or replace the existing maintenance agreement to address the long-term maintenance and repaving of the road (Proffer 1e). The County Engineer has visually inspected the pavement condition of the road and has reviewed the boring analysis provided by the applicant. Though he believes that the pavement has reached the end of its useful life, he did not find any safety concerns with the pavement condition and the proposed rezoning.

Though the long term maintenance and condition of the road has not been resolved, staff finds that the applicant has addressed the changes recommended by staff and the Planning Commission. Staff further finds that the condition of Premier Circle, with the offered proffers, does not raise a safety concern with the proposed development. Staff recommends that the Board adopt the attached Ordinance to approve ZMA202000011 Premier Circle (Attachment L) and the attached Resolution to approve the Special Exception SE202000023 (Attachment M) to allow one unit type.

Ms. Megan Nedostup, Development Process Manager with Community Development, said this was a public hearing for the request to rezone 3.74 acres from C-1 Commercial to NMD – Neighborhood Model District. She said as a brief overview of her presentation, she would present the site context, current zoning, the master plan's future land use designation, and overview of the proposed rezoning and application plan. She said she would then transition into the changes made since the Planning Commission due to factors favorable and unfavorable to the rezoning, then finally conclude with staff's recommendation on the rezoning and modification request.

Ms. Nedostup said to assist with questions, additional staff present were Mr. Frank Pohl (County Engineer), Mr. Kevin McDermott (Planning Manager), Dr. Stacey Pethia (Housing Principal Planner), and Mr. Roger Johnson and Mr. J.T. Newberry (Economic Development).

Ms. Nedostup presented a vicinity map of the site. She indicated on the map to Route 29 and said that the site is outlined in gold, with a gold star. She indicated to Premier Circle Road, the access road and private street that serves the site. She said Westfield Road is just south of the site, and one could see the Big Lots and Food Lion across Route 29.

Ms. Nedostup presented an enlarged map of the site. She said one could see that there is currently a motel on the property (Red Carpet Inn), which consists of four buildings and a parking area with one entrance. She indicated to entrance location off of Premier Circle, which is a private street.

Ms. Nedostup said the zoning of the property is currently C-1 Commercial, which allows for retail sales and service, with residential by special use permit. She noted that this was the pink area shown on the map and that there are a number of parcels nearby that are currently zoned C-1.

Ms. Nedostup presented a map of the Comprehensive Plan land use for the Places29 Master Plan area, which Premier Circle is within. She said the site is located in between two center areas, a neighborhood service center just south of the site and a community center across Route 29 where Food Lion and Big Lots is located.

Ms. Nedostup said the future land use plan's primary designation on the site is Office, Research, and Development/Flex/Light Industrial, with residential as a secondary use. She said the master plan

does not specify a maximum recommended density for the residential as a secondary use. She said this proposed development would be between 22 and 38 units per acre.

Ms. Nedostup said while residential is intended to be secondary in this designation, the master plan states that the primary and secondary uses are expected to be made over an entire contiguous designation and not an individual parcel. She said while it is adjacent to other designated properties, staff found that the residential units proposed are secondary in relation to the entire area. She said the designation was shown in purple on the map and contained all of those parcels.

Ms. Nedostup presented a map from the application plan, noting that Route 29 was shown at the bottom of the screen, Westfield Road was shown on the left side, and indicated to where Premier Circle was shown. She said this was Sheet 4 from the application plan. She said the applicant's proposal includes two buildings and parking to accommodate between 80 and 140 residential units. She said one building is nonresidential only, and so the site will have two buildings. She said since the Planning Commission, the building closest to Route 29 was revised to only contain nonresidential units. She said of the residential units, 60% will be affordable.

Ms. Nedostup said the maximum height is proposed to be four stories, with a setback requirement for the building closest to the single-family detached homes. She indicated to the Berkeley subdivision at the top of the screen and explained that the indicated building would contain that setback requirement.

Ms. Nedostup presented an image from Sheet 5 of the plan, noting that Route 29 was shown at the bottom of the screen. She said this showed the 20-foot landscape buffer and 50 feet for structure between the development and the existing single-family homes. She said it shows future pedestrian connections to adjacent properties along the southern boundary line, and it indicates a bus stop within the site. She said this has also been revised since the Planning Commission. She said that since Premier Circle is a private street, it would require an easement to have a bus stop located within that right-of-way. She said they have relocated it onsite, but there is a provision to allow (if the owners agree) an easement to locate it along Premier Circle.

Ms. Nedostup said the applicant has provided for 60% or more affordable units onsite for sale or rent within the code of development. She said this will equate to 84 units if the maximum of 140 units were built. She said 15% is what is recommended within the Comprehensive Plan.

Ms. Nedostup said the students within the proposed development would attend Woodbrook Elementary, Jouett Middle, and Albemarle High Schools. She said there are no capacity concerns at Woodbrook or at Jouett Middle, but Albemarle High is over capacity. She said the High School Center II project has been identified and will help with the capacity issues at Albemarle when it comes online.

Ms. Nedostup said the applicant has stated that 80 of the units will be for single adults, and 60 units could potentially have children. She said there is the potential, however, for 80 units in the future to be converted to multi-bedroom units, which could have children. She presented the yield rates on the screen, noting that this was why staff was recommending playgrounds be included in the amenity options in the code of development.

Ms. Nedostup presented a summary of the revisions made since the Planning Commission, which were outlined in detail in her transmittal summary. She said there were two issues raised regarding the private street of Premier Circle. She presented the other changes were made and said the proposed building closest to Route 29 was revised to contain nonresidential units, with a maximum of 40,000 square feet of nonresidential being proposed in the development. She said playground was added as an amenity type, and this will be determined at the site plan, depending on the units.

Ms. Nedostup said as mentioned, the proposed transit stop was adjusted, and proffers were offered to address concerns raised regarding the private street. She said the concerns that were raised were safety and long-term maintenance. She said the applicant has proffered to address the safety concerns. She said the County Engineer has reviewed the analysis provided by the applicant in proffers and found that safety concerns have been addressed, which had included the clearing of some vegetation that has overgrown into the road, some pavement markings, and signage.

Ms. Nedostup said the second issue is the long-term maintenance of Premier Circle. She said the applicant provided a detailed memo regarding the history, ownership, condition, and existing road maintenance agreement for Premier Circle. She said because the road has multiple owners, the applicant would need to work with those owners on this issue and has proffered to use its best efforts to update or replace the existing maintenance agreement to adjust the long-term maintenance and repaving of the road.

Ms. Nedostup said the County Engineer has visually inspected the pavement, the condition of the road onsite, and has reviewed the coring analysis provided by the applicant. She said that while he does believe that the pavement has reached the end of its useful life, he did not find any safety concerns with the pavement condition in the proposed rezoning. She said Mr. Frank Pohl, County Engineer, was present to answer any questions regarding this issue.

Ms. Nedostup said the updated favorable factors include that the rezoning is consistent with the majority of the applicable Neighborhood Model Principles, it provides affordable housing that exceeds the policy within the Comprehensive Plan, and it is consistent with the majority of the recommendations within

the Places29 Master Plan and Comprehensive Plan.

Ms. Nedostup said the unfavorable factors include the long-term maintenance of Premier Circle not being resolved and that there are not adequate pedestrian facilities to cross Route 29 for the services for the residents of this development at this time.

Ms. Nedostup said in addition to the rezoning request, the applicant is requesting to have one housing type within the Neighborhood Model District. She said NMD requires two housing type, but the Board can waive this requirement upon finding that it meets at least one of the criteria. She said these criteria include at least two housing types that are already present within a quarter mile and/or the proposal being an infill project. She said staff finds that the Premier Circle development meets both of these criteria and recommends approval of this exception.

Ms. Nedostup concluded her presentation and offered to answer questions. She said additional staff was available as well.

Ms. LaPisto-Kirtley asked staff if the applicant is continuing to work with them on Premier Circle as far as the upkeep, noting that this may be a question for the applicant.

Ms. Nedostup replied yes. She said the applicant could best answer that, but the proffers state that they would work on that issue.

Ms. Palmer said she had a question for Mr. Pohl. She said she is very familiar with this road because the Planning Commissioner for the Samuel Miller District had her office there for a few years, and she had all of her meetings over there. She said she knows the sight distance issue and its condition. She said she is curious what it means when staff says that it has reached its useful life, but there are no safety concerns. She asked what happens to a road when it meets its useful life, and if anyone is required to do anything about that if it is a private road.

Mr. Frank Pohl, County Engineer, replied that he could answer the first question. He said what he means by "useful life" is that it is 20 to 30 years. He said they see VDOT sometimes require the repaving of roads before they are accepted, after the road has been in service for ten years. He said the useful life can vary based on the design of the road. He said basically, what was stated in the letter, which he thought was a good summary of the condition of the road by Timmons Group, is that it is cracking, but there are no potholes, it is still traversable, and there is no gravel on it from the road deteriorating. He said this is what he means by "still safe" and "convenient," even though it has cracks in it.

Mr. Pohl said there will come a point where the road needs to be repaved, and this is not a surface that VDOT would accept, which is what is used as the useful life gauge. He said he was not sure if this answered Ms. Palmer's question.

Ms. Palmer said that it did. She said she was wondering if this was a question of milling the surface off and repaving it, as they see VDOT doing on roads all the time.

Mr. Pohl said this is an option. He said he did not know how to answer the maintenance issue, as that is a legal issue between the owners and funding. He said he thinks the applicant is trying to address that, as Ms. Nedostup mentioned.

Ms. Palmer said she was just trying to figure out what "useful life of the road" meant to Mr. Pohl, and he answered that.

Mr. Gallaway opened the public hearing and invited the applicant to begin.

Ms. Lorrie Schweller, representative of the applicant, said she had a presentation to share. She said they are requesting to rezone to Neighborhood Model Development the property that is currently occupied by Red Carpet Inn to redevelop it for affordable and supportive housing.

Ms. Schweller said she was joined by the project proponents that include Virginia Supportive Housing (VSH), Piedmont Housing Alliance (PHA), and the Thomas Jefferson Area Coalition for the Homeless (TJACH). She said all of these nonprofits will be using this project, and she wanted to turn the presentation over briefly to Mr. Anthony Haro of TJACH to introduce the project.

Mr. Anthony Haro, Director for TJACH, said he would speak briefly on the impacts of this project. He said this effort represents a unique collaboration between Piedmont Housing Alliance, Virginia Supportive Housing, Charlottesville Area Community Fund, and TJACH and its homeless service provider partners. He said it is particularly powerful because it has the ability to address critical homeless and affordable housing needs that the community currently faces. He said it does this in the medium term through non-congregate emergency shelter during COVID (meaning private rooms for shelter as opposed to large rooms with many people gathered in them).

Mr. Haro said in the longer term, it does this through the development of permanent supportive housing for people who were formerly chronically homeless and for people living in the shelter on the site. He said this provides permanent housing, which actually provides pathways to end homeless. He said the development of affordable housing will increase the County's stock of affordable units as well.

Mr. Haro said this project transforms an aging commercial site into a vibrant mixed-use neighborhood. He said he was proud to be speaking on behalf of the project.

Ms. Schweller said also present that evening were representatives from BRW Architects (namely, Ms. Whitney McDermott), Mr. Craig Kotarski from Timmons Group, and Mr. Steve Schmidt (in case there are questions about the road studies that were done).

Ms. Schweller said the Board saw the four existing buildings that comprise the Red Carpet Inn, and those currently have 115 units. She presented the future land use map, noting that she would talk more about the primary and secondary uses.

Ms. Schweller said that in order to best comply with the Comprehensive Plan, the applicant is proposing a two-block Neighborhood Model Development. She said Block 1, along Route 29, would be purely nonresidential along the corridor. She said in Block 2, immediately south of the Berkeley neighborhood, they are proposing two residential buildings to serve the PHA and VSH clients. She said there is flexibility in that block, however, for nonresidential in the future.

Ms. Schweller presented the entire redevelopment concept. She said in the center is an 80-unit, four-story VSH supportive housing building, which would house individuals at 50% or lower AMI (area median income). She said the building in the rear, closest to the single-family homes in Berkley, would be a 60-unit, three- or four-story PHA building with 30-80% AMI, depending on the structure of the financing. She said in the front would be the commercial building, which the applicant is proposing to be 15,000 square feet due to parking needs, but it could be 5,000 to 20,000 square feet. She said that during the entire period of redevelopment, as Mr. Haro explained, TJACH can use all of the existing hotel rooms for its clients.

Ms. Schweller said the redevelopment would happen in phases. She said Phase 1 starts when VSH applies for LIHTC (Low-Income Housing Tax Credit) funding on March 18. She said its building would happen first, built in 2023 and 2024. She said Phase 2 is the PHA building, and they would apply for LIHTC funding the following year to build in 2024 and 2025. She said finally, the commercial building would be built. She said that during those phases, the amenities associated with each building would be required to be provided, and during the second phase when PHA's building is built, the buffer indicated on the map would be enhanced.

Ms. Schweller presented the timeline. She said there was an urgent deadline coming up (March 18) for the Low-Income Housing Tax Credit that VSH will be applying for, then placement and service by the end of 2024. She said PHA hopes to place and service by the end of 2025. She said TJACH can use existing hotel rooms immediately upon rezoning.

Ms. Schweller said she would talk about transportation and access to resources for the residents. She said as the Board may expect, most of the residents of this community would not have private transportation, and so being close to amenities (e.g., shopping, groceries, retail, and other services) is very important for these individuals. She said this is a great location for them because as one could see, within only a half a mile of home, they would be able to access a number of different grocery stores, retail, banking, and other services.

Ms. Schweller said the closest transit stop is only one-third of a mile away, on the corner of Westfield Rd and Commonwealth Dr.

Ms. Schweller said one could compare this concept to the 15-minute neighborhood under the Rio29 Small Area Plan, where the hope is that people can access goods and services in walking distance. She said one could see on the Google Map on the screen that it is half a mile to the proposed site of the Lidl, to the north, and a mile to the south to Trader Joe's. She said fortunately, there is a transit stop nearby, and the CAT (Charlottesville Area Transit) route does service this area of Route 29. She said it is a one-third-mile walk, and the bus stops every 30 minutes.

Ms. Schweller said the applicant is proposing to provide a potential future bus stop on the property, as indicated on the map on the screen. She said the hope is that the County and City work together to analyze the needs of not only the residents in this community, but those in the Urban Ring and suburbia who need to access the goods and services along Route 29 to determine the best location for these bus stops.

Ms. Schweller said she wanted to address some of the questions that have arisen regarding the private road, the current condition, and the future maintenance. She said Premier Circle is a private road, which was created along with the lots that use it by the recordation of a 1980s subdivision plat. She said a few years later, a declaration for road maintenance and establishment of an association was also recorded.

Ms. Schweller said the current road conditions have been analyzed by Timmons Group, and the coring shows stone of 3 to 6 inches, and pavement of 2.5 to 4.5 inches. She said the geometry, curb cuts, entrances, and building locations indicate to Timmons and to VDOT that it is unlikely that VDOT would accept this road, even if the pavement were upgraded. She said the Board could see from the Timmons report that there is a long list of items that lead one to assume that VDOT acceptance is not in the future for this road. She said the Timmons analysis and VDOT letter, however, do indicate that they think the road is safe, functional, and navigable.

Ms. Schweller said with regard to the legal status of the documents and relation to maintenance and upgrade, the declaration does not establish a clear standard of maintenance. She said the lot owners' obligations are somewhat unclear, and the association has been somewhat dormant. She said there was a concerted effort among the lot owners back in 1995 to do a repaving, so they all pitched in and did that. She said she understands that sometime around 2005, VDOT completely tore up the road 30 feet in width and all the way down to install some improvements for stormwater drainage, then rebuilt the road. She said since that time, though, only minimal maintenance has been done.

Ms. Schweller said the applicant wants to change this and help with this issue. She said the road cannot be upgraded without approval of the owners, and so what the applicant thinks they need to do is get together with the owners, with the current owner's assistance, to amend and restate the declaration. She said the applicant has proffered to try to achieve that.

Ms. Schweller said that in the meantime, PHA and VSH will incorporate road maintenance into their operating budgets for the project and have proffered to do what they can do legally to improve the current status of the road, which includes restriping, clearing limbs and vegetation, installing a stop sign at the southern intersection, and constructing sidewalks to connect the project with Route 29 and with that potential future transit stop.

Ms. Schweller said another concern that was raised is that this project will take away from the County some of its stock of land available for commercial, particularly industrial development. She said she would first point out that the code of development is flexible, so even though they are proposing only residential in Block 2, they are not precluding it in this rezoning.

Ms. Schweller said she would also note that 85% of the parcels that are available for industrial use are those smaller parcels like this one, which is 3.75 acres. She said what the County really needs are the larger parcels, and the applicant is not taking away from those which are still available. She said there are 600 developable acres...

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

Ms. Schweller offered to take any questions.

Mr. Gallaway said if there was any material they did not get to, it would come up in the questions period.

Ms. McKeel said she may have questions later.

As there were no questions from the Supervisors for the applicant, Mr. Gallaway asked if there were any members of the public signed up to speak. He said he would reserve some of his questions for later.

Ms. Julie Anderson (4115 Wythe Avenue, Richmond, VA 23221) said she represents Virginia Supportive Housing (VSH). She said VSH is a nonprofit, formed in 1988 with a mission to end homelessness. She said they work along the I-64 corridor, from Charlottesville to Virginia Beach. She said one of the ways they meet the mission of ending homelessness is by developing affordable, permanent, supportive housing like The Crossings at 4th and Preston in Charlottesville.

Ms. Anderson said Premier Circle will be VSH's second permanent supportive housing development in the Charlottesville region. She said these apartments will include 80 studio apartment units with kitchens and bathrooms. She said the units will be fully furnished, and the building will also include a community room, patio space, computer room, and an exercise room. She said the units will be available for individuals earning 50% or less of area median income (AMI).

Ms. Anderson said permanent supportive housing is where residents sign leases and have their own apartments, but where supportive services are provided onsite to help residents access the services they need in order to maintain housing. She said VSH's supportive services staff assist residents with accessing mainstream community services and resources, engage residents in activities that promote a consistent and safe housing environment, collaborate with property management to prevent lease violations and delinquency, help individuals resolve life issues, and manage their mental health. She said supportive services staff work with residents to ensure a strong sense of social connectedness both within the building as well as with the community as a whole.

Ms. Anderson said services staff provide support for employment, education, and vocational endeavors, as well as transition planning as residents are ready to move onto their next choice of housing.

Ms. Anderson said the building will also have onsite property management, including an assistant property manager, a desk clerk, and maintenance staff. She said the front desk is staffed 16 hours per day, and a night monitor is on call in the evenings.

Ms. Anderson said VSH is excited to be a part of this unique partnership and effectively ending chronic homelessness in the Charlottesville region.

Ms. Anderson said earlier, she mentioned the other localities that VSH works in, and they are

actively following this development as an example of motel conversion to permanent supportive housing. She said they want to make projects like this work in their cities.

Ms. Anderson said permanent supportive housing works. She said over 96% of their residents do not return to homelessness.

Mr. Sunshine Mathon, Executive Director of Piedmont Housing Alliance, said he is also a resident of Albemarle County, living in the Rio District at 434 Olive Lane. He said the Board had heard their staff, presentation, and Mr. Haro and Ms. Anderson talk about the extraordinary opportunity that this site represents for the region as a whole in addressing long-term chronic homelessness and providing additional affordable housing within the community.

Mr. Mathon said he would personally say that over the past year, this project has become a rare moment of light in a very difficult year because of the collaboration that has been brought together.

Mr. Mathon said there were a couple of things that he wanted to highlight, with one being that this the first example of a collaboration like this within the state as a whole. He said there are other municipalities and jurisdictions across the state paying close attention to how well this is done and how it moves forward. He said this is a ground-breaking model and is in a rare location that actually allows for that. He said it is in a sweet spot, adjacent to an existing residential neighborhood but also close enough to nearby commercial to allow walkable and pedestrian access. He said it is phased redevelopment that allows for addressing current, immediate needs while planning for the medium- and long-term as well. He said it is an extraordinary opportunity.

Mr. Mathon said that over the last couple of months, they have worked hard as a team to address the collective concerns they have heard from staff, the Planning Commission, and Supervisors, and they believe they have brought answers as best they can within the constraints of the site to all of those questions. He said although the site is not perfect (adding that it never is), this is a rare and glowing gem amongst the opportunities he has seen in his professional career. He said he looked forward to the Board's support.

Mr. Christopher Hawk (Piedmont Environmental Council) said PEC supports smart growth policies and specific projects that promote inclusive, walkable, public-transit-oriented communities. He said Albemarle's approach to housing should anticipate future demand while providing sufficient affordable housing inventory. He said in order to be truly affordable, that housing promise should be generational in scope; be located in growth areas; and within walking and biking distance to public transit, job centers, schools, and other essential services. He said otherwise, the total cost and stress of living there will prove to be anything but affordable.

Mr. Hawk said PEC supports Premier Circle's updated proffers, as they address their previous concerns, more specifically, regarding pedestrian facilities referenced in Proffer 1D. He said PEC supports the proffer of onsite sidewalk connectivity that will connect to the existing sidewalk system along Route 29 and the proffered onsite transit stop. He said in order for residents to use this, and for future developments to safely maneuver along Route 29, pedestrian connectivity is paramount.

Mr. Hawk said PEC is excited that the Zan Road bike/ped bridge was approved for Smart Scale funding, and they also recommend that Albemarle County work more vigorously with VDOT to provide adequate pedestrian facilities at Greenbrier Drive to improve safety across Route 29.

Mr. Hawk said additionally, regarding private road status (Proffer 1E), PEC supports this proffer to amend the Premier Circle Road maintenance agreement, including an upgrade from private road to public road status, if potentially possible to accomplish. He said they know the applicant's options are limited, given the 80% concurrence requirement in the road maintenance agreement.

Mr. Hawk said lastly, regarding the onsite public transit proffer (Proffer 2), PEC supports the proffered transit stop and acknowledges that the County must request this stop be included. He said utilizing JAUNT for onsite public transit is recommended during the initial period if Charlottesville Transit is not able to immediately provide onsite services. He said the bus stop should be included in recurring schedules to be used if necessary to provide useful services for the future.

Mr. Hawk said affordable housing is integral to creating the vibrant community and vision in Places29. He said PEC asks the County to seek developments that prioritize affordable housing needs, create pedestrian safety, and provide public transit, all while creating livable communities.

Ms. Ebonie Bugg (1113 Cottonwood Road, Rio District) said she was representing the Charlottesville Area Community Foundation (CACF). She said CACF was established in 1967 as an engine for positive change in Charlottesville and the surrounding counties of Albemarle, Buckingham, Fluvanna, Greene, Louisa, Nelson, and Orange. She said they work with local residents, nonprofits, and public and private organizations to facilitate philanthropy and improve quality of life in the area.

Ms. Bugg said the foundation, in partnership with their donors and community partners, are poised to make a significant investment of over \$4 million in support of this project. She said as other speakers indicated, this is unprecedented in the state. She said it is also an unprecedented investment of

capital resources of the foundation.

Ms. Bugg said CACF offers its unwavering support of this project, which will provide vital shelter for the most vulnerable residents in the short-term, as well as long-term affordable housing, permanent supportive housing, and the necessary social support services.

Ms. Bugg said that in addition to providing funding, the foundation will continue to provide staff time, expertise, and capacity building for the ongoing support of the program. She thanked the Board for its careful consideration of this rezoning application and for their listening time.

Mr. Rory Stolzenberg (City resident) said he wanted to call in to say that he strongly supports this project. He said that now, more than ever, supportive housing is needed to meet the needs of people in the community. He said that while no site is perfect, this is a very good spot to put this. He said it is in close proximity to a relatively high-frequency bus line in the system (CAT 5).

Mr. Stolzenberg said he was pleased to see four possible pedestrian connections to the west to connect through those parking lots directly to Westfield Road. He urged County staff and applicants to potentially work with those property owners to get that direction connection, which can shave off the distance to that bus stop even further to give access to the rest of the city.

Mr. Gallaway closed the public hearing. He noted that although he was not sure if the applicant needed to rebut these supportive statements, they were welcome to make comments.

Ms. Schweller noted that JAUNT does serve this property, and it is within the paratransit area that JAUNT serves in Albemarle County. She said she was told by the current property owner that JAUNT actually appears at the site three or four times per day currently, which proves what she heard from JAUNT, which is door-to-door service for those residents who are not able to use CAT.

Mr. Gallaway said it was time for the Board to make questions and comments to staff and the applicant.

Ms. Mallek said she did not have any questions, though she listened attentively. She said she is aware of the success of The Crossings, and she was fairly new on the Board when it finally opened. She said from visiting with the people living there, it makes such a big impression and improvement on their lives. She said she hopes this property will provide the same for the 80 people who will get to live there.

Ms. Price thanked everyone for their presentations, as well as the members of the public who made comments. She said while any site will have some concerns (with the road likely being the major one here), when she looks at the improvements that were made with The Crossings, what the County has done with Southwood, and how this project alone will more than double the affordable housing the County has been able to provide for the last 15 years, any of the concerns that come up to her, in balance, weigh very lightly, and the weight of all of the evidence is in favor of this project. She said she will support it.

Ms. Price noted that they are, however, losing part of 3.75 acres of commercial or industrial property, and she thinks this is something that the County needs to look at in terms of finding a way to find acreage to put back into its commercial and industrial area. She said they must make sure they also maintain the availability to bring jobs in. She said she was very proud, however, to support this project.

Ms. LaPisto-Kirtley said she very much supports this project. She said this is the way they should do things. She said she likes the fact that there will be a commercial building in the front, with housing in the back.

Ms. LaPisto-Kirtley said her only concern, again, is the road. She said she did not want the County to be stuck with that, and she did not want the residents living there to be stuck with that if it continues to deteriorate because they cannot afford to fix it. She said she would like to see this problem fixed, but other than that, she thinks this is a great opportunity.

Ms. LaPisto-Kirtley said she likes the idea that it will be providing a number of affordable homes for the homeless and others. She said this made her happy, and she will be supporting it.

Ms. Palmer said she thinks it is a great infill project. She said they could always make it slightly better with the road, but she was very happy about the work that the Planning Commission and staff did to make sure there was a playground in there. She said she thinks this is important, given how dangerous the road is and the fact that it is on Route 29. She said she is supportive and that the project is great.

Ms. McKeel said she knew everyone had been working together and appreciated the way in which it came together. She said she did have a couple of questions. She said she is very supportive because affordable housing is obviously needed. She said in a way, she feels torn because this is a great location for a commercial property for Albemarle County, but it is also a good location for what was proposed.

Ms. McKeel said she was still not quite clear on ownership and maintenance plan. She said she was not just talking about the maintenance for the road, as this was definitely a concern, but she needed

explanation on maintenance of the property itself and the ownership.

Ms. Schweller replied that the property would be owned by VSH and PHA. She said in the future, they do envision having a subdivision into three parcels, with one for each of them and one for the commercial parcel, which could possibly be sold off to a third party. She said there would probably be some cross easements between the PHA and VSH parcels so that they can use one another's greenspaces and other amenities. She said they own their property, and they are responsible for maintaining that property and fulfilling all the obligations in this rezoning.

Ms. Schweller said VSH and PHA are also committing into their budgets money to help with maintenance of the road. She said this depends on their ability to coordinate with the other property owners, which she is very optimistic about, based on what she has heard from the current owner and the couple of other property owners she has spoken with.

Ms. Schweller said there are two issues with regard to the private road. She said one is actual fee ownership of the road, and one is the easement rights over the road. She said that in terms of who owns the road, unfortunately, the four-sevenths ownership that the current owner ought to have was lost up the chain of title in a deed in lieu transaction. She said she is working on that with the current owner to see if they can clear up that cloud on the title. She noted that the reason this is four-sevenths is that seven lots were created, even though two were combined to form one hotel, and two were combined to form another hotel. She said there are currently only five tax map parcels, so they are dealing with five owners total.

Ms. Schweller said another one seventh was in a deed conveyed to one of the other property owners. She said this is five sevenths that they know where they were supposed to go. She said the other two sevenths were never conveyed to any owners.

Ms. Schweller said the ownership of the road is actually in question and needs to be sorted out. She said the only reason why this is important is because if they are going to convey the property to VDOT for acceptance into their secondary road system, this has to be done by those who own the road, not those who just have an easement over the road.

Ms. Schweller said the other issue is the easement. She said all five of those owners have an easement over that right-of-way, and they can use that road. She said the applicant does not know how far that easement goes, which is why checked in with all the owners about the sidewalks and felt comfortable putting the sidewalks in the right-of-way. She said people were fine with that. She said the applicant was not quite as comfortable putting a public transit station in the right-of-way, which is why this was pulled back onto the property itself.

Ms. Schweller said the declaration provides that all of the property owners need to contribute and work together to maintain the road to the standard in which it was built. She said the applicant does not know what standard this was supposed to be because the declaration refers to a standard that it could not have possibly been built to. She said there were no VDOT road plans because it was never accepted into the VDOT system.

Ms. Schweller said one of the things the applicant wants to establish as they work with the other owners to restate and amend the declaration is determining what the standard of the road is that they all want to have there. She said there are questions in terms of how they will get together to operate as an association, what share will each property owner pay, and what their voting rights are. She said the mechanics are needed there, as the declaration is bare bones. She said this is why the applicant feels they need to amend and restate that declaration so that all of those property owners are required, under a clear contract among themselves, to maintain the road.

Ms. Schweller said the road has not been properly maintained for quite a while. She said it is what Mr. Katarski calls "deferred maintenance" there, and the applicant does not know what standard it should be maintained to. She said they want to sort those things out.

Ms. McKeel said this is her concern because she can point out several areas in the Urban Ring (as others can in their districts) where they have exactly this problem.

Mr. Gallaway said he was not sure if Ms. McKeel saw it in the chat, but Mr. Mathon said that he could also speak to the question of property maintenance.

Ms. McKeel said the devil is always in the details. She said her concern is property maintenance and the maintenance of the road. She asked Mr. Mathon to talk to her about property maintenance.

Mr. Mathon said in this day and age, when a project is funded through the LIHTC program, the construction requirements and attention to detail around durability far exceed standard construction practices and is far better than what they saw even five or ten years ago. He said the explicit reason for that is that the Virginia Housing (the state agency formerly known as VHDA), as much as anyone, wants to ensure that the investment of public dollars into affordable housing is utilized well and is sustained over the long term.

Mr. Mathon said in addition to extremely stringent construction quality standards that all projects that are funded by LIHTC and the state are required to meet, there are also additional points for going above and beyond, oftentimes doing brick as a primary material source, to ensure long-term durability.

Mr. Mathon said in addition, Virginia Housing and ultimately, the equity investor require that there is an ample property maintenance budget that is established at the very beginning with a reserve in place and that every year, adequate funds are put in place to ensure long-term repair.

Mr. Mathon said like any project, home, or building, that budget can manage maintenance, so it can manage when a roof needs to be replaced 15 years from now, or it can manage upkeep of the property grounds, or whatever it might be. He said that like any house or building, there are points in the future where there are major updates that are necessary, which is oftentimes when one will see those projects going back in to recapitalize through the LIHTC process to get that infusion of capital for major impact.

Mr. Mathon said that for the next 30 years, which is typically the arc of time that is looked at when considering planning a budget for maintenance, it is well-resourced and is standard policy at this point across the state.

Ms. McKeel said it was good to hear that the state has ratcheted up its requirements and standards. She said she understands that the applicant will need to sort out the issues around the road, but they will have to do that legally. She said as Ms. Mallek is always saying, if it is not written down somewhere, it will not happen. She asked where it is written down for Albemarle County, for this high-visibility, important area in the middle of the population center and commercial district, how the maintenance will work in the future after she is gone, or when the road is falling apart. She asked where one would go to find all of that.

Ms. Schweller replied that in terms of the building, there is no proffer relating to property maintenance, just like there is not one for most of development that one looks at. She said for the road itself, however, there is a proffer that gives everything they are able to give legally under the declaration and given the constraints that they do not own the property yet. She said they are doing everything that they can do to try to provide assurance that they will work, if this property is rezoned and purchased as planned, with the other owners to amend and restate the declaration to provide for the property maintenance of the road. She said this is the last proffer.

Ms. McKeel said regarding the property maintenance itself, the organizations that are working with the project have this as the standard operating procedure as to how their properties are maintained. She asked if this is correct.

Mr. Mathon replied yes. He clarified that not only is this standard operating procedure within the organizations, but there are annual inspections at the state level as well as annual inspections from equity investors to ensure proper care of the property.

Ms. McKeel said she worries a little because there are multiple organizations in this and sometimes the more people that are involved, the fewer people there are that actually feel responsible. She said sometimes there can be so many people that everyone thinks everyone else is doing the work.

Ms. McKeel said she had another question about the commercial piece. She said the County is giving up valuable commercial property with this rezoning. She said that at one point, they were hearing that the commercial property might turn into residential, at least on a couple of floors. She asked the applicant if they could address that.

Ms. Schweller replied that the applicant decided this was not the best plan. She said the original application had the flexibility to put 20 of Mr. Mathon's units on the second floor, or upper floors, of that front commercial building. She said after the Planning Commission discussion, they decided this was not the best route. She said the front building or entirety of Block 1, which is the one-acre block that sits on Route 29, do not permit any residential uses at all in that block. She said the applicant feels this provides the best placement for the block, as the commercial is along the commercial corridor and has commercial east, west, and south, with residential backing up to the Berkeley neighborhood.

Ms. McKeel said this has helped her process the project and what they are doing. She said she would beg forgiveness about taking up time to ask her next question. She said she saw emails going back and forth between Mr. Roger Johnson, the Economic Development Director, around this property. She said when she talked to some of the developers, they were referencing discussing this with Mr. Johnson. She said she would like to get a sense from Mr. Johnson on this, as this is a valuable commercial piece of property for the County.

Mr. Roger Johnson thanked Ms. McKeel for the question and for the opportunity for Economic Development to weigh in. He said before making any comments, it was important to acknowledge that the comments he was about to make were without prejudice for this particular project. He said these were general comments about Project Enable and the County's strategy. He said he appreciated the noble work that the project group is doing to end homelessness. He noted again that this was without prejudice for this particular project, but just general statements.

Mr. Johnson said that if a project is reducing land intended for job production in the community, it would be incongruent with Project Enable, which is the Economic Development strategic plan. He said one of its goals is to prepare the community to accommodate future jobs and investment, and anytime they give up job-producing land or investment-producing land that offsets the cost of the tax burden, it is inconsistent with that plan of Project Enable.

Mr. Johnson said he was not against the project, but he was principled in saying that these comments would be a little incongruent with Project Enable.

Mr. Johnson said there were other comments and that he wanted to build on what Ms. Price mentioned. He said she had mentioned the County needing to wrestle with the loss of this 3.75 acres of commercial property. He said he would go on to say that it is not a basic arithmetic when talking about the value of commercial properties, but it is more of an algebraic equation. He said one cannot simply supplant it with 3.75 acres anywhere in the community.

Mr. Johnson said there are many factors such as rail served, the numbers of cars that drive by, and the cost. He said some of the same things that Ms. Schweller was saying about retail, banking, and services make this property even more valuable for investors. He said it is not a one-size-fits-all or a like-for-like replacement but is much more complex with that.

Mr. Johnson said that as the community wrestles with making sure there is adequate space for commercial investment and/or job-producing land, they cannot think of it in terms of $A + B = C$, as it is more complex than that. He said that as they go through their future land use and Comprehensive Planning, he will work with CDD to try to ensure there is adequate job-producing and commercial space available. He said Ms. McKeel is absolutely right that this is valuable commercial space, and a reducing it to a smaller amount will attract different types of commercial property there, but this would be true of any project and not necessarily affordable housing.

Ms. McKeel asked Mr. Johnson to help her out with the commercial property building that the applicant is building there, adding that perhaps she could ask Ms. Schweller. She asked if the idea is that they will all work together to create that building that would be the most optimal for commercial. She asked if there will be flexibility in that building or if this was too far down the road and has not happened yet.

Ms. Schweller replied that she would attempt to answer, and perhaps Mr. Mathon would want to weigh in. She asked if the question was for Mr. Johnson.

Ms. McKeel replied that perhaps it was for both of them.

Mr. Johnson said to Ms. Schweller that his office would be happy to work with any developer who wants to produce a commercial tax base in the community. He said they would offer this with anyone including the applicant.

Ms. McKeel said there were things in the way that the building could be created or constructed that would make it more appealing for commercial, as this is the one commercial piece they have left on that site. She said there are certainly things that could be done there that would benefit the residents in that community as well.

Ms. Schweller said this was very true, and she knew that Mr. Mathon has had some preliminary discussions with certain nonprofits who might be a good fit for that because they would mesh with the other services that are being provided to the residents there. She said that likely, the bottom line is that it is too preliminary to know. She said she would defer to Mr. Mathon or to anyone else who wanted to weigh in.

Ms. McKeel said she understands the nonprofit piece, but there may be some commercial pieces that would be advantageous for the County to be able to support.

Mr. Mathon said Ms. Schweller is correct in the sense that they are talking about 2025 and 2026, and regarding the market conditions and what will happen along Route 29 in that period of time, things change quickly in general. He said it is thus difficult to project out exactly what that will be in that period of time and whether it will be an outparcel sale that they sell to a developer to develop a commercial space or if it will be something they jointly develop in some way.

Mr. Mathon said that from the applicant's perspective, it would be ideal that it would be a commercial function (not necessarily a nonprofit) that has at least some secondary benefit to the adjacent uses that they are proposing. He said it was too far out to know exactly what this will be and what the ideal situation is at that time. He said that as they approach that time, they would love to work with Mr. Johnson and others to hone in on the right use for that space.

Ms. McKeel said she appreciated this. She said she obviously supports the project, but she always feels that the devil is in the details, so she had many details she needed to wrap up in her mind. She said any plan or consideration of working with VDOT to get people across Route 29 is probably not going to happen.

Ms. McKeel said they have to figure out how to keep people up and down that corridor on that same side of Route 29, or to use on-demand or other transportation options, as this is a major thoroughfare for VDOT and they will not be considering anything to move people across that will stop traffic. She said this was her opinion, but she believed that it was probably accurate. She said the applicant needs to look at what they are going to do with people to get them moving or walking along that same side of the road.

Mr. Gallaway said he would piggyback onto that, as this was one of the things he was going to comment on. He said not only is it not worthy to try to figure out how to get people across Route 29, but they should be thinking about how to stop them from trying to get across Route 29. He said someone mentioned the bridge that will be connecting from Stonefield over, and there are things coming in the future.

Mr. Gallaway said if it can tie in with other ideas that they have talked about such as on-demand transit (which Ms. McKeel had just mentioned), the combination of something like this and the bridge that connects over to Stonefield suddenly makes the Kroger viable, with the Hydraulic projects to get pedestrians to move in that area. He said what could be there in 10 to 12 years could allow everything to come together and work in a way that will not happen any sooner than that.

Mr. Gallaway said he had some questions for Mr. Haro. He asked if any thought has gone into this beyond trying to get people across and what they will do in the meantime to help the population that is there.

Mr. Gallaway said he would ask his question to Mr. Haro in a better way. He said he wanted to talk about the population that will be served by the emergency shelter before the phases kick in. He said he could not imagine they would get them in there and then leave them to their own devices, and there have to be supports that come along with the emergency shelter operation. He said in terms of helping to move them around to the places they need to be, whether it is health, medical, or groceries, he wanted to know what comes with the support to help these people who will be in the emergency shelters before the phases kick off.

Mr. Haro replied that PACEM (People and Congregations Engaged in Ministry) will be operating the emergency shelter, and they have been a low-barrier emergency shelter provider in the community for many years. He said they practice low-barrier support services and emergency shelter settings and will be providing that type of support including case management and basic needs. He said food will be delivered to the site. He said referrals to mental health and employment services will all be provided as well.

Mr. Haro said in terms of transportation, there are still local bus stops that are close by. He said JAUNT is also still available for people who are able to use it. He said the applicant will problem solve and troubleshoot that as necessary for other individual cases that come up.

Mr. Haro said that in the meantime, the main concerns are food, and food will be delivered for the residents there. He said as far as getting needing to get to other services, he thinks there are adequate resources to be able to help people out currently. He said they will absolutely troubleshoot and solve any issues that come up additionally.

Mr. Gallaway said he would imagine that after the whole project is complete, those types of services will stay in place, or at least the population that Mr. Haro is helping to support.

Mr. Haro asked Mr. Gallaway if he was referring to the case management services.

Mr. Gallaway said he would ask his question better. He said he read in the proposal that after all of the phases are done, some of the people being served in the emergency shelter will move into these affordable units. He said when he hears that some will move in, he is also hearing that some will not. He said it is obviously a great success to transition them into the units for multiple reasons, but he wondered if they would eventually lose the emergency shelter area. He asked Mr. Haro to talk him through how that transition works, or what happens to these people that are served for a while, and if they have to find another place for emergency shelter.

Mr. Haro said this was a great question. He said they are in a unique time with COVID for emergency shelter services. He said they have been sheltering about 80 people at a given time since April in local hotel rooms, who are at an increased risk for serious illness from COVID. He said this provides two to three years where they have solid, reliable, non-congregate emergency shelter for these people while they figure out the next steps.

Mr. Haro said Mr. Gallaway is absolutely right that it is not going to be a permanent emergency shelter. He said this is a critical piece that the applicant is engaging in strategic planning to figure out the next steps for two to three years from now in terms of if they shift back to the congregate model they used previously, or if they can figure out something that perhaps serves the community better, especially during these unique times where it is difficult to understand if congregate is really a viable shelter option, even two years from now.

Mr. Haro said there was not a clear answer to give Mr. Gallaway at that moment, but the applicant identifies this as an issue that they are absolutely going to do their best to tackle. He said these units will be going away, but they do see them as serving a vital role during the pandemic. He said it offers them an opportunity to shift into a new model of emergency shelter for the community in the future. He said the applicant sees it as such, and while they do know it is limited, they are planning to address that head-on.

Mr. Gallaway said he had an understanding that before the buildings happen, they have max units for emergency shelter. He said then, there is the other bookend where it goes away and the new units are there. He asked how the phasing impacts this emergency shelter. He asked if the commercial

building is the last one to come online. He asked if they are taking B, C, and D down all at once, leaving the front building. He asked Mr. Haro if he could talk through the phasing of what happens to people being served in emergency shelters while the other things start to come online.

Mr. Haro said he would do his best to answer, and perhaps Ms. Schweller could also step in. He said from the start, and before the first development (Phase 1, or the permanent supportive housing), they will have access to the whole site, which is 115 rooms. He said once that starts, it gets decreased, depending on the details of the development, to about half capacity, so about 50 rooms. He said this is for PHA's development, and once that starts, it gets decreased to maybe around 20 rooms, as an estimate. He said it was difficult to understand what the impact would be on the site at that point, but it will be a bit of a step-down, gradual kind of plan.

Mr. Haro said an important aspect of the case management and support services is that they are trying to help people end their homelessness as fast as they can the entire time. He said this is partly why the statement is that not everyone will necessarily transition because this will be a changing population of people who need emergency shelter. He said it will not be a static population, it is dynamic.

Mr. Haro said people are falling in and out of homelessness all the time, and the hope is that the group of people who need shelter in June of 2021 will be a totally different group because hopefully, many of those people will have ended homelessness by that time. He said they cannot predict who will be needing that permanent supportive housing until it is ready to be opened, and that is a best practice to evaluate the greatest need at that point in time instead of making those promises too early. He said they want to help people end their homelessness as quickly as they can, and they have a lot of housing programs that can help people do that in the interim.

Mr. Haro said the housing programs will help to decrease the shelter population and hopefully get people out so that they will not need as many beds. He said the applicant will address those needs as they see them. He said in terms of opening up congregate shelter again through PACEM, it hopefully will not be needed, but it is something that is on the table if so.

Mr. Gallaway said he appreciated this. He said he thinks highly of the integrity of TJACH and of Mr. Haro in their commitment to working to solve this issue. He said it thinks it is important for everyone to hear that it is easy when a project like this comes along, when he reads the Planning Commission minutes and statements he could probably make or have made, that they are solving this or ending that. He said this project is too important, however, to not understand how this actually works, especially for that population that will be served, as this phases in as well as the support services.

Mr. Gallaway said obviously, food and shelter is number one, but there are many elements that have to come with it. He said if there is someone who cannot transition into the new unit once the phases are done, he wonders what happens then. He said he fully expects that the applicant will have that game plan, as they have had it in the past, but it is important for the Board to hear what that is so that those who are not educated on it understand what is going to happen.

Mr. Haro said he appreciated this and that Mr. Gallaway was absolutely right. He said he did want to be clear that this development of permanent supportive housing that is in the longer-term development will get them right to the door of effectively ending chronic homelessness, which is long-term homelessness for people with disabilities. He said many times, it is the visual aspect of homelessness, like people living on the streets. He said it will not end homelessness overall, however. He said there will still be needs for emergency shelter in the community, and he wanted to be upfront about that, adding that Mr. Gallaway was absolutely right to state that.

Mr. Haro said this was in line with Mr. Gallaway's question about what happens to emergency shelter needs when the hotel closes. He said they will still need places for people to stay in an emergency situation when they are facing homelessness. He said this is definitely still a need, but this project does have a powerful impact in homelessness.

Mr. Haro said an incredible way to end homelessness is through developments like this. He said they saw chronic homelessness drop by half when The Crossings opened in Charlottesville, and it has not dropped much at all since then. He said they know from the past, locally, that this type of development has a huge, significant impact in ending chronic homelessness, as well as homelessness overall by the provision of affordable units in the community.

Mr. Haro said that because of the pandemic, there are more resources for housing and to pay rent for people experiencing homelessness than there has ever been in the past, but the limiting factor they are experiencing now is the actual units that they can have to help people move into. He said this is actually limiting them in terms of helping people get out of homelessness faster. He said it is not money, but actually the units.

Mr. Haro said this development is exactly the kind of thing that they need where there is the opportunity of affordable housing for people experiencing homelessness to move into a unit. He said this is actually a limiting factor in helping people to get out of shelters. He said it will be moving forward as well, but this is the kind of project that addresses that.

Mr. Gallaway said his next question could be for Ms. Schweller, Mr. Mathon, or for staff. He said obviously, they know what the existing CAT route is for transit. He said they know there is the potential for things down the road in terms of on-demand transit. He said there are things they can do to work with

the City, as someone mentioned along the way, to try to get the CAT route to come in, since the applicant is building a bus stop. He said he thinks those are things that they would be happy to do and can do to work on that.

Mr. Gallaway asked what other things are being thought of to help anyone – whether residents or those in the emergency shelters – navigate so that they are not walking a mile, or even a quarter of a mile if there is weather like the area was about to experience. He asked what the other thoughts are that might not be in the written details, as Ms. McKeel mentioned, that the applicant is committed to in order to make this work and function. He said it is a great opportunity and space, and while it does not have all the perfect things, he wondered what some of the ideas that the applicant discusses that can make work that happen in other places, like shuttles or volunteer organizations. He asked the applicant to talk about those things so that he could understand.

Mr. Mathon replied that, certainly, the Board had heard the suggestion (or at least the idea of exploration) of shuttles at different times. He said that in past experience, it can be difficult to line up the funding to facilitate that. He said while they have been having preliminary conversations about the idea of having shuttles in place, particularly once the impact of COVID starts to trail off, under the current model for people who are living in emergency shelters now, food is brought to them on a regular basis. He said their most basic needs are brought to them so that there is not the risk of exposure to them and to other community members in the broader community.

Mr. Mathon said that in some ways, they currently have the most robust support structure under the COVID operating model. He said when this trails off, however, Mr. Gallaway is right that people are left to be able to navigate existing transportation resources, which usually do not involve cars for themselves. He said the idea of a shuttle is a good one, and the applicant will absolutely continue to explore it, but it is not something that they can promise. He said it is one of those things where there is no preexisting funding source to make that sort of thing happen. He said they will commit to looking to see if they can find resources to bring that idea to reality, but it was not something they could promise at that moment.

Mr. Gallaway asked if in the phasing, the front building (the existing Building A) is the last to come down. He asked if this stays emergency shelter until the last possible moment.

Mr. Haro said this was correct if Mr. Gallaway was referring to the building on Route 29. He said to answer part of that, he believed Ms. Anderson had done some research on The Crossings and the preferred modes of transportation, even in a downtown setting with amenities that are close by, not too dissimilar from this location. He said they know from experience what the preferred modes of transportation are. He asked Ms. Anderson if she wanted to speak to that.

Ms. McKeel asked what the preferred transportation modes are.

Mr. Haro replied that he was asking if the Board wanted to acknowledge someone else to speak, if this was okay.

Ms. Anderson said they surveyed many of their other properties across the state and found that their residents are independent and want to get about on their own time. She said many of them do walk. She said there is a small percentage who own cars. She said a lot of them are using on-demand services and friends to help with transportation. She said they do also find that a lot of the services come to the properties, and they are getting daily food donations at almost all of their properties.

Mr. Gallaway said he was glad Mr. Johnson mentioned the algebraic nature of trying to offset. He said this was not so much for the applicant, but really was a County issue. He said he heard Mr. Johnson say that they could perhaps attack this in the Comprehensive Plan. He said he was trying to think of how to go about figuring this out.

Mr. Gallaway said there is a project that is important to the County that they will prioritize over keeping the property the way it is. He said if they are supportive of it, they are moving forward and clearly stating their priority. He asked if the Comprehensive Plan is three years in the making, how else they can go about recouping this type of property that is not just dealing with Comprehensive Plan changes and is probably a conversation that will take two to five more times. He said he did not need a perfect answer at that moment.

Mr. Johnson said he honestly did not know if he had a perfect answer. He said he did not think there was one prescriptive way to accomplish this particular task. He said he did know that his team was looking at this through the lens of looking at a diversity of product to accommodate businesses there. He said rail serve sites, greenfield sites, infrastructure of existing buildings, and Class A office spaces (such as in partnering with Albemarle Business Campus) are all intended to provide a diversity of product to accommodate all types of businesses.

Mr. Johnson said Economic Development is tackling this problem from a gap analysis perspective. He said putting aside land purposely for job production will require more a detailed plan that will involve Community Development.

Mr. Gallaway said they should put this on a to-do list for Economic Development that says that down the road, they need to be actively thinking of how to recoup this in a way that it is not lost. He said he did not know what the answer was, but perhaps a creative project will come forward that will do it, and

they can think about this in the future for other areas.

Ms. McKeel added that they never even finished their inventory of properties. She said this would be a place where they may want to start.

Mr. Johnson said Ms. McKeel was right. He said there was a gentleman named Mr. Andrew Knuppel who was with the County. He said Mr. Knuppel moved away to another job, then COVID created a job freeze. He said Mr. Knuppel was [inaudible] staffing.

Mr. Gallaway asked Mr. Richardson if he had a comment.

Mr. Jeff Richardson said he was not sure if the Board was able to track Mr. Johnson's comments, but Ms. McKeel was spot on when she said that they need to be focused on a property inventory. He said it was not an excuse, but a fact that they have been in a pandemic for a year, and he has had 5% of his position frozen in the organization. He said periodically, he does need to remind everyone of that because it is not business as usual.

Mr. Richardson said they continue to move forward, and he thinks that with the discussion that evening, being sensitive to what the Board is saying about paying attention to it, staff can certainly put it on the list and try diligently to figure out how to get that done. He said the workload has certainly been a challenge in Community Development and in Economic Development, with their focus also on the COVID pandemic.

Ms. McKeel said she believed what Mr. Johnson was saying, as she has talked to him about it before, is that they did have someone who was doing that work, and they lost him to Texas. She said she hoped he had heat, as they were speaking. She said he was the person who was in charge of that, and he disappeared.

Mr. Richardson said the connection he was making was that with him leaving, there have been some positions that have been frozen as well.

Ms. Mallek said this was an important question that she hoped they would continue to talk about all across the different districts because it happens all over the place. She said normally, she does not want to put residential in places where they have jobs, and certainly, the job creation so that people do not have to travel too far is important, but this is a residential property. She said it is really a short-term residential property (as in, overnight in a hotel), and in her mind, they are changing it to a shorter or medium-term residential property, and she hopes are adding a multistory combination office with something currently unknown in the front.

Ms. Mallek said there are all sorts of great ideas flying around about ways that perhaps the Career Works or job training workforce center could be there. She said they are currently in an expensive space up the road. She said businesses of that sort that would also be able to offer job services and training to the clients on the property could help them speed their way along. She said this was just dreaming on her part, but she thinks there is a synergy there that is entirely possible. She said she hopes that the commercial type of activities in that front building are wildly successful in that spot. She said it is a little off the track, so they will see how that all turns out.

Mr. Gallaway said he took much longer than everyone else, so he appreciated Ms. Schweller and Mr. Mathon answering the questions. He said he especially appreciated Mr. Haro taking the time for him to understand the cycle of how this will work, from start to finish. He said he was not kidding when he said he does appreciate and respect Mr. Haro's organization, and he is especially grateful for the passion he knows Mr. Haro has for doing the work that he does.

Mr. Gallaway asked the Board if there were any additional questions or comments for staff or the applicant and heard none.

Mr. Gallaway asked Mr. Kamptner if he had to make two separate motions, one for the application and one for the special exception.

Mr. Kamptner replied yes.

Mr. Gallaway **moved** that the Board adopt the ordinance in Attachment L approving ZMA2020-11 Premier Circle. Ms. Mallek **seconded** the motion.

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

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

Mr. Gallaway **moved** that the Board adopt the resolution in Attachment M to modify the requirement for two housing types within a Neighborhood Model District for ZMA2020-11 Premier Circle. Ms. Mallek **seconded** the motion.

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

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

NAYS: None

Mr. Gallaway congratulated the applicant. He said the County looked forward to working with them as they find success for the project.

Ms. Schweller thanked the Board for their support on behalf of the applicant.

ORDINANCE NO. 21-A(3)
ZMA 2020-00011

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCEL 061M0-00-00-00600

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2020-00011 and their attachments, including the code of development dated January 4, 2021, the application plan dated January 15, 2021, and the proffers dated January 25, 2021, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-20A.1 and 18-33.27, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2020-00011 with the code of development dated January 4, 2021, the application plan dated January 15, 2021, and the proffers dated January 25, 2021.

* * * * *

CODE OF DEVELOPMENT

The following is a Code of Development (“COD”) drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia and specific to tax map parcel 061M0-00-00-00600. This Code of Development establishes the unifying design guidelines, specific regulations and block characteristics. The COD also provides certainty about permitted uses, locations and appearance of central features.

I. Table of Uses by Block (Section 20A.5a)

The table below establishes the permitted and prohibited uses by block.
“BR” = By-Right, “SP” = Special Permit, “N” = Not Permitted

TABLE A. USES: BY-RIGHT, by Special Permit, and Not Permitted		
BLOCK	BLOCK 1	BLOCK 2
	Non-residential	Mixed-Use or Residential
Residential		
Single Family Detached	N	N
Single Family Attached	N	N
Multifamily	N ¹	BR
Assisted Living Facilities (20A.8a)	N	BR
Skilled Nursing Facilities (20A.8a)	N	BR
Group Homes (20A.8a)	N	BR
Transient Lodging	N ¹	BR
Home Occupation, Class A	N	BR
Accessory Uses and Buildings Including Storage	N	BR
Non-Residential		
Retail (Neighborhood, Community and Regional)	BR	BR
General Commercial Service	BR	BR
Office/R&D	BR	BR
Flex	BR	BR
Light Manufacturing / Storage / Distribution	BR	SP
Stand Alone Parking	N	N
Heavy Manufacturing / Storage / Distribution	N	N
Warehousing / Distribution	BR	N
Institutional	BR	SP
Public Uses (5.1.12)	BR	BR
Farmers’ Markets (5.1.47)	BR	BR
Family Day Homes (5.1.56)	BR	BR
Childcare Center	BR	BR
Auto Service Uses	N	N
Electric, gas, oil, and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters, and related facilities for distribution of local service and owned and operated by a public utility. Water distribution / sewage collection lines, pumping stations / appurtenances owned and operated by the ACSA. Except as otherwise expressly provided, central water supplies / central sewage systems in conformance with all applicable law.	BR	BR

Premier Circle, ZMA 2020-00011
September 21, 2020; Second Submission November 20, 2020; Third Submission January 4, 2021

BLOCK	BLOCK 1	BLOCK 2
	Mixed-Use or Non-residential	Mixed-Use or Residential
Temporary construction uses	BR	BR
SWM facilities shown on an approved final site plan or subdivision plat	BR	BR
Tier I and Tier II personal wireless service facilities	BR	BR
Accessory Uses and Buildings including home occupation, Class A and storage	BR	BR

Notes to Table A:

1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
2. Reference to uses not otherwise defined or listed in this Code of Development shall be defined as listed first, in the Albemarle County Zoning Ordinance, or second in the “Future Land Use Plan and Transportation Network” Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015. If no definition of the use is provided (Code of Development, Zoning Ordinance, Comprehensive Plan) or if there is uncertainty as to whether such use is included in the uses listed in Table A, then such use must be officially determined by the Zoning Administrator to be permitted in a particular Block.
3. The Project must contain at least two uses at final build-out.
4. The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property. See section VII of this Code of Development for Supplemental Regulations regarding Affordable Housing and Residential Uses.

Premier Circle, ZMA 2020-00011
September 21, 2020; Second Submission November 20, 2020; Third Submission January 4, 2021

II. Development Square Footage Proposed and Residential Density (Section 20A.b and c)

TABLE B. DENSITY, HOUSING TYPE, AND NON-RESIDENTIAL USE BY BLOCK								
BLOCK	APPROX. BLOCK SIZE	MIN. DWELLING UNITS	MAX. DWELLING UNITS ¹	MAX PROJECT GROSS DENSITY	PERMITTED HOUSING TYPES	MAX NON-RESIDENT. SINGLE BUILDING FOOTPRINT (SF)	MIN NON-RESIDENT. GROSS BUILDING AREA	MAX NON-RESIDENT. GROSS BUILDING AREA
BLOCK 1 Non-Residential	46,609 SF (1.07 acres)	0	0 ¹	0 DUA	NA ¹	20,000 ⁵	5,000	40,000
BLOCK 2 Mixed-Use or Residential	116,740 SF (2.68 acres)	80	140 ¹	37 DUA	Multifamily, Special Needs Housing	5,000	0	35,000
TOTAL	163,335 SF (3.75 acres)	80	140 ¹	37 DUA	MF, SNH	20,000 ⁵	5,000	40,000

- Notes to Table B:
- 1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
 - 2. Total maximum non-residential square footage per the Project may not exceed the total however the total square footage may be allowed in Block 1 only.
 - 3. Total maximum gross density may not exceed 140 dwelling units for the entire Project; however, the total density may be allowed in Block 2 only.
 - 4. The size of the blocks may vary by 10%.
 - 5. The maximum non-residential single building footprint area is 10,000 sf for retail-only uses.

III. Green Space, Amenities (Section 20A.5d) and Recreational Facilities

TABLE C. MINIMUM GREEN SPACE AND AMENITIES BY BLOCK							
	AMENITY AREA MIN SF	AMENITY AREA %	AMENITIES	GREEN SPACE MIN SF	GREEN SPACE %	GREEN SPACE ELEMENTS	AMENITY & GREEN SPACE %
Block 1 Non- Residential	4,661	10% (4,661 of 46,609 total SF)	Courtyard/Plaza, Landscaping, Seating, Streetscape, Playgrounds	9,322	20% (9,322 of 46,609 total SF)	Entrance Corridor Landscape and Streetscape	20%
Block 2 Mixed-Use or Residential	11,674	10% (11,674 of 116,740 total SF)	Outdoor Courtyards/Plazas with Landscaping and Seating; Meditative Garden; Indoor Community Rooms; Indoor Computer Rooms, Playgrounds	23,348	20% (23,348 of 116,740 total SF)	Landscaped Buffer and Streetscape at Premier	20%
TOTAL	16,335 ⁵	10% (16,335 of 163,350 total SF)		32,670	20% (32,670 of 163,350 total SF)		20%

- Notes to Table C:
1. Location of amenities and greenspace shall be assessed at the site plan stage of development.
 2. The minimum amenity space and greenspace area per block may vary so long as the overall total is provided per the Project.
 3. Amenity Space may be provided within buildings.
 4. Amenity Space may be within Greenspace per the Zoning Ordinance Section 20A.9.d.
 5. A minimum of 2,500 sf of Amenity Space must be provided by the end of Phase 1 redevelopment of the site per the phasing plan outlined on the Application Plan.

TABLE D: RECREATIONAL FACILITY REQUIREMENTS		
BLOCK	FACILITY	MIN. FACILITY AREA SF
Blocks 1 & 2	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If Planning Director approves the substitution, one (1) 2,000 sf contiguous community garden may be provided as substitution for the requirements of 4.16 per each residential multifamily building constructed. If a community garden is provided, the garden shall provide the following: <ul style="list-style-type: none">• raised garden beds• a continuous perimeter fence• accessibility• adequate sun exposure• adequate size, location, shape, slope and condition of the land• a water source• a plan for long-term maintenance	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If approved, a 2,000 SF contiguous space must be provided per community garden with proportions adequate to the associated activity.
	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If Planning Director approves the substitution, one (1) 500 sf interior fitness room may be provided as substitution for the requirements of 4.16 per each residential multifamily building constructed. This fitness room shall provide equipment appropriate for the residents to whom it serves.	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If approved, a 500 SF min space per fitness room with proportions adequate to fitness and required clearances around equipment.

- Notes to Table D:
1. Location of recreational facilities shall be assessed at the site plan stage of development and substitutions other than those listed above may be approved by the planning director to provide recreational space(s) appropriate to the population and demographic of this project.
 2. Recreational facilities must be accessible to the residents whom they serve and are not required to be accessible to the public.

IV. Architectural Standards and Landscape Treatment (Sections 20A.5g and h)

Landscaped Buffer Next to Street

A Landscaped Buffer shall be provided adjacent to the Entrance Corridor as specified in the Entrance Corridor Design guidelines, subject to the following conditions:

1. Street trees shall be appropriate for the grade of the terrain.

Premier Circle, ZMA 2020-00011
September 21, 2020; Second Submission November 20, 2020; Third Submission January 4, 2021

2. Street trees shall be placed to avoid utility easements and overhead powerlines.
3. A row of vegetative screening as specified in Section 18-32.7.9.7 shall be used adjacent to parking along the Entrance Corridor.
4. The landscaping shall allow for future potential pedestrian paths or sidewalks to comply with Urban Frontage or Landscape Development Frontage as described in the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

Landscaping Along Premier Circle

Landscaping along Premier Circle and any interior roads shall be provided as specified in Interior Roads section of the Entrance Corridor Design guidelines.

Landscaping of Buildings and Other Structures at Entrance Corridor

Landscaping along Buildings in Block 1 shall be provided as specified in the Entrance Corridor Design guidelines.

Landscaping of Parking Areas

Landscaping in parking areas in Block 1 adjacent to the Entrance Corridor shall be provided as specified in the Entrance Corridor Design guidelines.

Landscaped Buffer Next to UDA Boundary

A 20' minimum landscaped Buffer shall be provided adjacent to the UDA Boundary as described in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the northwest property line between the Property and Berkley Subdivision. This buffer must contain a mixture of ever green or deciduous trees and shrubs and provide screening to comply with the Zoning Ordinance Section 32.7.9.7 where required. This buffer may be disturbed but must be replanted.

V. Lot and Building Height Regulations (Section 20A.5 i)

TABLE E. LOT AND BUILDING REGULATIONS		
	BLOCK 1	BLOCK 2
	Non-Residential	Mixed-Use or Residential
Building Height		
Stories		
Min.	1 Min.	1 Min.
Max.	4 Max. ⁷	4 Max.
Max. Height	50'	50'
Building Setbacks		
Front at Entrance Corridor	30' Min. – 50' Max.	NA
Front	10' Min. – 50' Max.	5' Min. (No. Max.)
Rear	10' Min. (No Max.)	5' Min. (No Max.)
Side	5' Min. (No Max.)	0' Min. (No Max.)
Along the UDA Boundary <i>(also described as the northwest property line between the Property and Berkley Subdivision)</i>	NA	50' Min. (No Max.)
Stepback along building face that directly faces UDA Boundary <i>(also described as the northwest property line between the Property and Berkley Subdivision)</i>		
Min. At Building Height Of	NA	15' 3 Stories (OR 40')
Other		
Lot Size (Min. or Max.)	None	None
Residential Units Allowable	See TABLE B	
Residential Unit Type		
Parking		
Min. Required	20 – 133, depending on mixture of uses	28 – 106, depending on unit count, etc.
Total Required	48 – 239, depending on mixture of uses	

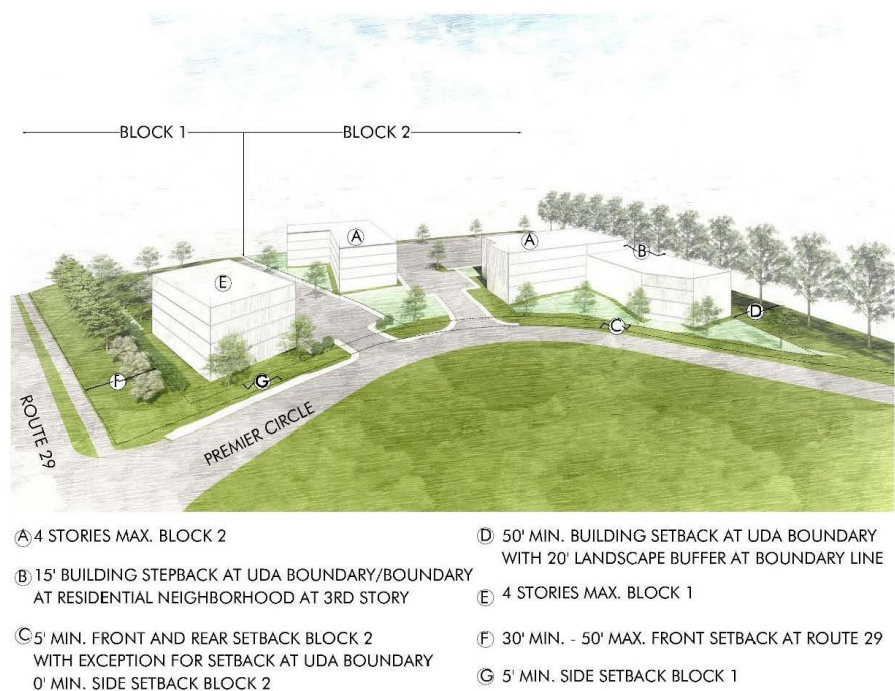
Notes to Table E:

1. Porches, eaves, and awnings shall be considered part of the structure and shall not extend closer to the street than the required setbacks.
2. The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density and types of residential units pursuant to Section VI of this Code of Development and non-residential uses pursuant to 18-4.12.6 . Minimum parking requirements may restrict some uses that historically require large amounts of parking. Multiple parking alternatives per 18-4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.
3. Minimum building separation shall be required pursuant to the Zoning Ordinance Section 4.11.

Premier Circle, ZMA 2020-00011
September 21, 2020; Second Submission November 20, 2020; Third Submission January 4, 2021

- 4. Any primary structure in Block 1 shall conform to provisions of the Entrance Corridor Design Guidelines.
- 5. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to the Zoning Ordinance Section 4.12.19.
- 6. At the UDA Boundary as described in the “Future Land Use Plan and Transportation Network” Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the NW property line between the Property and Berkeley Subdivision, a 20’ minimum landscaped buffer shall be maintained as measured from the property line. See Section IV. of this Code of Development for more regulations regarding the Landscaped Buffer Next to the UDA Boundary.
- 7. Total building height may only be 3 stories for retail uses per the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

Figure 1: LOT AND BUILDING REGULATIONS ILLUSTRATED



VI. Parking Regulations (Section 20A.5 i)

TABLE F. RESIDENTIAL PARKING REQUIREMENTS	
RESIDENTIAL USE	NUMBER OF PARKING SPACES
multifamily	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3
special needs housing	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3

Location of Parking

The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to the uses described in Table E in section VI of this Code of Development and pursuant to the Zoning Ordinance Section 4.12.6. Multiple parking alternatives per Section 4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.

Screening

Pursuant to the Zoning Ordinance Section 32.7.9.7, the parking areas along Premier Circle and Route 29 boundaries of the Property are required to be screened as specified in the Zoning Ordinance Section 32.7.9.7(b).

VII. Supplemental Regulations for Affordable Housing and Residential Uses

The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property, subject to the following conditions:

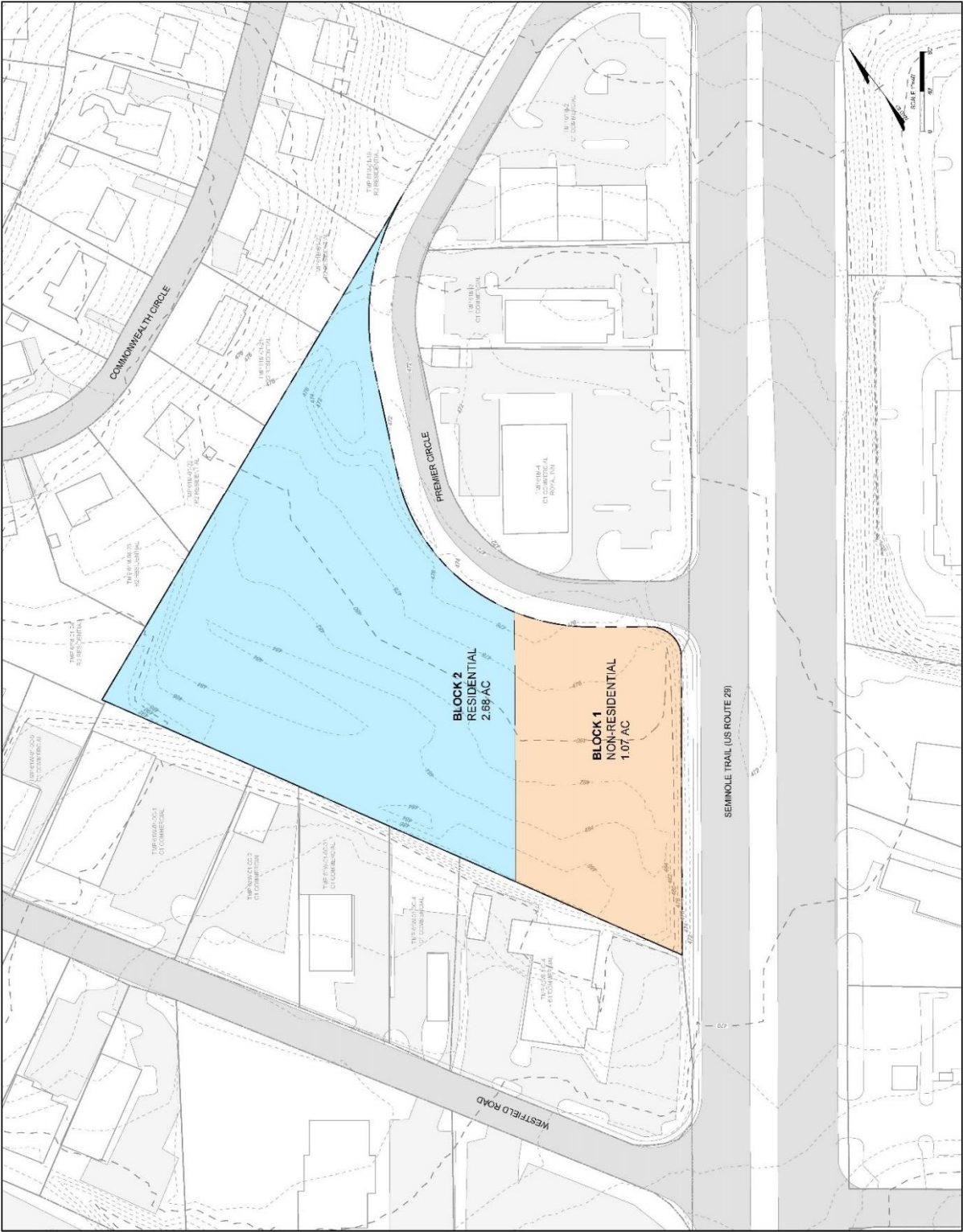
1. These units may be created as for-sale or for-rent. The affordable housing objective may be met through any of the permitted housing types per Section I of this Code of Development.
2. "For-Sale Affordable Housing Units" shall be a residential unit offered for sale to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. All purchasers of for-sale affordable units shall be approved by Albemarle County Community Development Department or its designee. The Owner shall provide the County or its designee a period of 120 days to identify and pre-qualify an eligible purchaser for the affordable units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If Albemarle County or its designee does not provide a qualified purchaser within this 120-day period for such For-Sale Affordable Housing Units, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

Premier Circle, ZMA 2020-00011
September 21, 2020; Second Submission November 20, 2020; Third Submission January 4, 2021

- 3. "For-Rent Affordable Housing Units" shall be a residential unit offered for rent to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by HUD from time to time) at an initial rent that does not exceed the then-current and applicable U.S. Department of Housing and Urban Development (HUD) Fair Market Rents minus an allowance for any tenant-provided utilities. The designated affordable rental units shall remain affordable for a minimum of 15 years after initial occupancy.
- 4. Affordable Units shall also be defined as a for-rent or for-sale dwelling unit for households with income less than 80% or below the Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development such that housing costs do not exceed HUD's affordability standard of thirty percent (30%) of household income.
- 5. Each subdivision plat or site plan shall designate the number of affordable units provided and the minimum number of required affordable units per the Code of Development.

VIII. Pedestrian Circulation and Access to Public Transit

- 1. **On-site Bus Stop:** Following commencement of construction of Phase I of the Project, upon demand by the County of Albemarle, the Owner shall construct a Charlottesville Area Transit (CAT) stop (the "Transit Stop") on the Property. The Transit Stop shall be designed and constructed in coordination with, and shall be approved by, the appropriate County authority and CAT and shall incorporate pedestrian access and signage consistent with similar existing CAT transit stops. The Owner shall dedicate any such portion of the Transit stop located on the Property to public use or grant an easement as necessary to allow for the public access and usage of the Transit Stop.
- 2. **Inter-parcel Pedestrian Connection:** The Application Plan shows potential future pedestrian connections between the Property and the parcels along the northeast side of Westfield Road. Any such future pedestrian connection will be subject to future development and access easement agreements; therefore, it is not intended that any or all depicted connections will be made, rather that these are identified as potential points of connection to future development on the neighboring property(ies). The connections may provide a direct route for residents to access the future development of a Neighborhood Service Center and to the existing bus stop on Commonwealth Drive. The Applicant will grant such inter-parcel easement(s) across the Property at the request of the County.



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Premier Circle

405 PREMIER CIRCLE
TMP 61M-6

OK

ZNA 2020-00011

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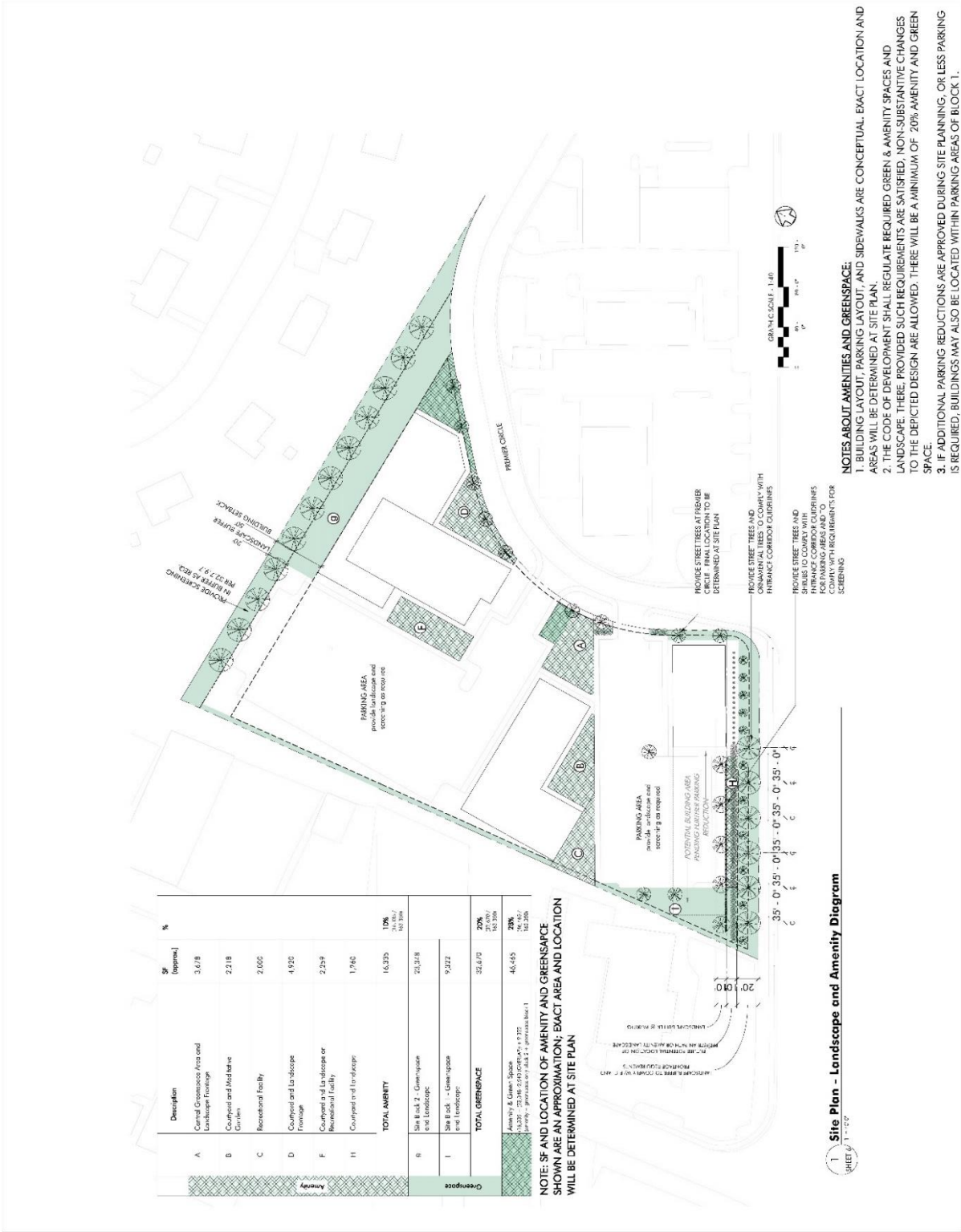
JOB NUMBER 20030
DATE 07.21.2022
DRAWN BY
APPROVED BY
2017 © Brown & Root, P.C.

ZNA 2020-00011

REV	NO.	DATE	DESCRIPTION
1	1	07.21.2022	ISSUED FOR PERMIT
2	2	07.21.2022	ISSUED FOR PERMIT
3	3	07.21.2022	ISSUED FOR PERMIT
4	4	07.21.2022	ISSUED FOR PERMIT
5	5	07.21.2022	ISSUED FOR PERMIT
6	6	07.21.2022	ISSUED FOR PERMIT
7	7	07.21.2022	ISSUED FOR PERMIT
8	8	07.21.2022	ISSUED FOR PERMIT
9	9	07.21.2022	ISSUED FOR PERMIT
10	10	07.21.2022	ISSUED FOR PERMIT

SHEET
3

BLOCK NETWORK



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Premier Circle
 402 PREMIER CIRCLE
 TWP 61/14-6
 FOR
 ZNA 2020.00011

1 BLOCK 2 BUILD-OUT PHASE 1
2 BLOCK 2 BUILD-OUT CONTINUES
3 NEW PARKING FOR NEW BUILDINGS
4 CONSTRUCTED SCREENED PER 22.7/7.1 CONCEP- TUAL LOCATION SHOWN
5 REMOVAL OF EXISTING INFRASTRUCTURE
6 PRELIMINARY FOR SALE
7 LANDSCAPE BUFFER MAINTAINED AND REPAIRED AS NECESSARY
8 NEW AMENITY AND GREENSPACE COMPLEX BLOCK 2 CONCEP- TUAL LOCATION SHOWN AT THE CONCLUSION OF PHASE 2
9 NEW ENTRANCE CORRIDOR STREET

Phase 2 - RESIDENTIAL BUILD-OUT CONTINUES

1 NEW ENTRANCE FOR CONSTRUCTION AND ACCESS TO EXISTING PARKING (CONCEPTUAL LOCATION SHOWN)
2 SINGLE USE INFRASTRUCTURE TO BE MAINTAINED - ALL EXISTING CONDITIONS
3 EXISTING PARKING TO REMAIN PHASE 1
4 EXISTING UNITS TO REMAIN FOR EACH USE AS EMERGENCY SHELTER
5 EXISTING UNITS POSSIBLY TO REMAIN SHELTER
6 BLOCK 2 BUILD-OUT BEGINS
7 LANDSCAPE BUFFER MAINTAINED AND REPAIRED AS NECESSARY
8 REMOVAL OF EXISTING INFRASTRUCTURE
9 LANDSCAPE CORRELATION CONCEPTUAL CONCLUSION SHOWN BY THE CONCLUSION OF PHASE 1
10 SHELTER: POSSIBLE CONSTRUCTION OF SHELTER FOR THE ELDERLY STOP BY THE CONCLUSION OF PHASE 1 AND TO BUILDING AND ZONING REGULATIONS AND STANDARDS.

Phase 1 - AFFORDABLE UNITS CONSTRUCTED

1 BUILDING COMPLETE
2 MIXED-USE OR NON-RESIDENTIAL PHASE 3 BUILD-OUT
3 ALL LANDSCAPE BUFFER COMPLETE
4 NEW ENTRY CORRIDOR ACCESS CONSTRUCTED - SCREENED PER 22.7/7.1 CONCEP- TUAL LOCATION SHOWN AT THE CONCLUSION OF PHASE 3
5 LANDSCAPE AT ENTRANCE CORRIDOR COMPLETE
6 LANDSCAPE AT ENTRANCE CORRIDOR COMPLETE

Phase 3 - NON-RESIDENTIAL/MIXED-USE CONSTRUCTION

1 BUILDING COMPLETE
2 MIXED-USE OR NON-RESIDENTIAL PHASE 4 BUILD-OUT
3 ALL LANDSCAPE BUFFER COMPLETE
4 NEW ENTRY CORRIDOR ACCESS CONSTRUCTED - SCREENED PER 22.7/7.1 CONCEP- TUAL LOCATION SHOWN AT THE CONCLUSION OF PHASE 4
5 LANDSCAPE AT ENTRANCE CORRIDOR COMPLETE
6 LANDSCAPE AT ENTRANCE CORRIDOR COMPLETE

Phase 4 - AFFORDABLE UNITS CONSTRUCTED

JOB NUMBER 2003
 DATE 09.21.2020
 DRAWN BY Author
 APPROVED BY Approval
 2017 © BrewerArchitects, p.c.

ZNA 2020.00011

REVISIONS
 NO. DATE DESCRIPTION
 1 11/11/2019 INITIAL
 2 11/11/2019 INITIAL
 3 11/11/2019 INITIAL

SHEET
7

PHASING DIAGRAM

NOTES ABOUT PHASING:
 1. BUILDING LAYOUT, PARKING LAYOUT, AND SIDEWALKS ARE CONCEPTUAL EXACT LOCATION AND AREAS WILL BE DETERMINED AT SITE PLAN
 2. THE PHASES ILLUSTRATED ARE INTENDED TO BE DIAGRAMMATIC AND THE SEQUENCE OF PHASING COULD VARY



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Premier Circle
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FOR
ZMA 2020-0011

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ZMA 2020-0011

REVISIONS
1. 05/21/2021
2. 05/21/2021
3. 05/21/2021
4. 05/21/2021
5. 05/21/2021

SHEET
8

CONCEPTUAL
STREET
SECTION

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA 2020-00011

Project Name: **Premier Circle**

Parcel Number: **061M0-00-00-00600**

Owner of Record: **Tiota, Ltd.**

Date: January 25, 2021

Approximately 3.75 acres to be rezoned from C-1 Commercial to NMD – Neighborhood Model Development

Tiota, Ltd. is the sole owner (the “Owner”) of Parcel Number 061M0-00-00-00600 (the “Property”), which is the subject of rezoning application ZMA 2020-00011, a project known as “Premier Circle” (the “Project”). The Project’s conceptual plan, dated September 21, 2020, last revised January 4, 2021, prepared by BRW Architects and Timmons Group, is entitled “Premier Circle, ZMA 2020-00011, County of Albemarle, Virginia, Rio District” (the “Concept Plan”). A Code of Development, drafted by BRW Architects in accordance with *County Code* § 18-20A.5, specific to Parcel Number 061M0-00-00-0600, is entitled “Premier Circle, ZMA 2020-00011,” dated September 21, 2020, last revised January 15, 2021.

Pursuant to *Albemarle County Code* § 18-33.3, the Owner hereby voluntarily proffers the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning. The owner and applicant specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signature(s) below.

1. Premier Circle Improvements:

- (a) To contribute to traffic safety, the Owner must restripe the centerline and stop bars at each end of Premier Circle and repaint faded directional arrows or other traffic control striping in accordance with Virginia Department of Transportation (VDOT) standards. The Owner must complete such restriping before the County issues a Certificate of Occupancy for the building(s) constructed in Phase I of the Project.
- (b) Within thirty (30) days of the issuance of a land disturbance permit for the Project, the Owner must trim vegetation obstructing free vehicular passage over the Premier Circle right-of-way, and, throughout the existence of the Project, will ensure that Premier Circle is kept clear of limbs and other vegetation that may impede safe passage over the road.

- (c) No later than thirty (30) days following the issuance of a land disturbance permit for the Project, the Owner must install a stop sign at the southern terminus of Premier Circle, at its intersection with U.S. Route 29 North (Seminole Trail).
- (d) Prior to issuance of the first Certificate of Occupancy, the Owner must construct sidewalks in the Premier Circle right-of-way to connect the entrance of the Project to the existing sidewalk system along U.S. Route 29 North (Seminole Trail) and to the transit stop described in the proffer below. The general location of the sidewalks within the Premier Circle right-of-way is shown on Sheet 5 of the Concept Plan. If the transit stop is located in front of the Project, the Owner must connect the sidewalk along Premier Circle to that transit stop.
- (e) Commencing no later than thirty (30) days following site plan approval, the Owner must use commercially reasonable efforts to cause the Declaration, dated November 1, 1983, recorded in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 797, page 242 (the "Declaration") to be amended and/or restated to upgrade the applicable road standard, specify members' obligations to contribute to road maintenance, and add association governance provisions.

2. **Transit Stop.**

Following commencement of construction of Phase I of the Project, upon demand by the County of Albemarle, the Owner must construct a transit stop (the "Transit Stop") on the Property. The Transit Stop must be designed and constructed in coordination with, and is subject to the approval of, the appropriate County and transit authorities. The Transit Stop must incorporate pedestrian access and signage consistent with similar existing transit stops. The Owner must either (a) dedicate any portion(s) of the Transit Stop located on the Property to public use or (b) grant any easement necessary to allow public access and usage of the Transit Stop.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

Signature Page for Proffer Statement for Premier Circle, ZMA 2020-00011
TMP 061M0-00-00-00600

OWNER:

TIOTA, LTD.,
a Virginia corporation

By: 

Christopher S. Tyler, President

44296587v1

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* * * * *

**RESOLUTION TO APPROVE
SE202000023 PREMIER CIRCLE**

NOW BE IT RESOLVED that, upon consideration of the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-20A.8(a) and 18-33.49, the Albemarle County Board of Supervisors hereby approves SE202000023 Premier Circle to allow for one housing type in the development.

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said there was a motion that came out that they were going to handle and asked if they should make that first.

Ms. Price said she would be happy to make that motion.

Ms. Price **moved** that the Board direct staff to develop a registration process and program for persons wanting to speak during "From the Public," which may include the speaker's name, telephone

number, email address, address, and magisterial district; and to revise the guide provided to speakers during "From the Public" to include information regarding disruptive behavior. Ms. McKeel **seconded** the motion.

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

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

Mr. Gallaway asked if there were other items.

Ms. Mallek said that from listening to people who spoke at the meeting that day, noting that she did not want to steal Mr. Gallaway's thunder if this was something he wanted to address, she had also thought that the corridor study was going to be much longer in length. She asked if there was an update on that decision and if there was any further analysis. She said she remembered some discussion a month ago about asking the consultant, but she believed it was up to the County to demand what they want them to do.

Mr. Gallaway said he would defer to Mr. Jeff Richardson and Mr. Doug Walker if they wanted to comment. He said he did have a good meeting with staff today, and the consultant was part of that. He said he thinks there could be some good resolutions coming out of that that will alleviate the concerns. He said he thinks more of that will come as they continue through the study and the updates that they receive. He said he will provide CAC and others with updates. He said he has communicated with some of the public speakers who have emailed that he will be providing an update, and they will go from there.

Mr. Gallaway asked Mr. Walker if he had anything to add.

Mr. Walker replied no, noting that this captured it fine.

Mr. Gallaway said he believed they would be able to get this resolved.

Ms. McKeel reminded everyone to have their devices charging as they go to bed that evening (due to the winter storm), as they may need them the next day.

Agenda Item No. 19. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said he had two items to talk about to give the Board an update on local government operations specific to COVID-19 and how they have been working. He reported to the Board that the Incident Management Team (IMT) has recommended that Albemarle County continue with its current building posture through May 17. He said he has accepted that recommendation, and they will be continuing their service delivery model until at least May 17.

Mr. Richardson said they will be revisiting this around the mid-May timeframe, and one of their key deadlines will be the first half of the year tax bill collection. He said they will be thinking about that as it relates to their customer service and will be going through all the checkpoints they have previously with the Health District, COVID metrics, and so forth. He said they will continue to monitor this situation and revisit it in April. He said anytime the Board has questions or concerns, they can contact him, and he would be happy to walk through that with them.

Richardson said they had previously looked at making a change on March 15, but in consultation with the Health District, and after also talking with their departments, looking at customer service feedback, and in light of the current and projected health metrics, they believe it is prudent to remain with the majority of staff teleworking and supporting customers in the way that they have going on one year now.

Mr. Richardson said he wanted to recognize the IMT, both Mr. Trevor Henry and Mr. Doug Walker, and have them talk about the weather situation and building situation going into the following day.

Mr. Doug Walker, Deputy County Executive, said they had been following the weather and were expecting some implications overnight and into the next day. He said depending on the weather service one favors, it could be anywhere from 2 inches to 2 feet of snow. He said this was a bit of a hyperbole, but the National Weather Service, which is the forecaster of record out of Sterling, was predicting 2 to 6 inches of snow, and up to a quarter inch of ice.

Mr. Walker said the County is large, and so that variation would likely be experienced from west to east in terms of the volume of snow being higher in the western part of the County and lower in the eastern part. He said some suggest that the reverse is true with the ice accumulation, with more on the eastern side.

Mr. Walker said that obviously, with any of these systems, it is highly unpredictable, so they were planning for the worst case, which was widespread power outages because of the icing. He said this was how the emergency management prepared for the County's approach the next day with regard to the Police Department and Fire Rescue. He said they were working in collaboration with their regional partners at UVA and the City. He said they did have the opportunity to establish sheltering, should that

become necessary. He said he believed they had a good plan in place for the information they had to work with. He said all of these circumstances are a bit different.

Mr. Walker said with regard to the County Office Building, the building would be physically closed on February 18, but because of the widespread use of telework technology, they did intend to have those who do and can telework to do so. He said it is an interesting adaptation that they have discovered over the experience with the pandemic over the last ten months that unfortunately for some employees, they do not necessarily get a snow day. He said this enables their crews to focus their energy on keeping the critical infrastructure clear without having to worry about parking lots and sidewalks.

Mr. Walker said if they were to experience widespread power outages, this may also impact the employees' ability to deliver services, but he did think that the resident customers should expect (all things being relatively normal) that the County will be operating as normally as they possibly can.

Mr. Walker said as has been the case in the recent past, he would try to be the Supervisors' point of contact, should they have concerns, questions, or issues that are not answered on the news. He said they will try to get into some type of tempo to push information out to the Board with updates, starting at some point in the morning. He said if the Supervisors have concerns or they hear from constituents, although he may not have the answer, he can certainly get them to those who do. He said this seems to have worked well in the past, and they will try that again on February 18 both with pushing information out and being a point of contact for them.

Mr. Walker said he would defer to Mr. Richardson or Mr. Henry to see if he had forgotten about anything that would be useful.

Mr. Henry said he believed Mr. Walker had covered it.

Mr. Gallaway said he had been driving that Saturday night on I-64, and there were between two or three dozen trees that were either down or halfway down on the interstate. He said they get used to the fact that if they are in an urban area, on an interstate, or in high traffic, things like that are not an issue. He asked everyone to be careful.

Ms. Price said on Route 20 going to Scottsville, there were pine trees everywhere.

Agenda Item No. 20. Adjourn.

At 7:56 p.m., the Board adjourned their meeting to February 24, 2021 at 12:00 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." Mr. Gallaway said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors homepage.

Chair

Approved by Board
Date 04/05/2023
Initials CKB