

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 16, 2021 at 3:30 p.m.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:30 p.m. by Chair Ned Gallaway.

Mr. Gallaway stated that 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." He said that the opportunities for the public to access and participate in the electronic meeting were posted on the Albemarle County website, on the Board of Supervisors' homepage, and on the Albemarle County calendar. He stated that participation included the opportunity to comment on those matters for which comments from the public would be received.

She stated that Mr. Gallaway was absent but may be joining the meeting in the evening.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel said she would like to briefly discuss an item at the end of the meeting about a new state code that gives authority to use photo speed-monitoring devices at school crossing zones.

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

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

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

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

Ms. Mallek said that on Independence Day weekend, the Crozet Fireman's Parade would begin at 5:00 p.m., organizing at the Crozet Elementary School starting at 4:00 p.m., then a music festival at Crozet Park until dark when the fireworks go off.

Ms. Mallek said Free Union has their homemaker's sponsored parade that begins on Sunday, July 4th, at 4:00 p.m., adding that it is straight from the past and wonderful fun for half an hour.

Ms. Mallek said the Earlysville parade is a new date from what she had announced two weeks ago and would be Monday, July 5, at 10:00 a.m., to coincide with the cool part of the day and not interfere with the churches on the route having Sunday services. She said there would be neighbors walking dogs, decorations, children, baby carriages, and everything else. Ms. Mallek commented that the event is as old-fashioned as they can get.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Resolution of Appreciation for Michael Freitas.

Mr. Gallaway **moved** to adopt the Resolution of Appreciation for Michael Freitas. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Mr. Stewart said he strongly believes everything in the resolution is true and, if anything, understated. He said he was speaking on behalf of himself and many other people who have come to know, like, and respect Mr. Freitas in thanking him for what he does. Mr. Stewart told fellow Board members that in their roles, they probably are not aware that Mr. Freitas is one of the funniest people they have ever met. He said Mr. Freitas' friendship and sharp wit and his absolute staunchness at the post would be missed until the end of their professional careers, and he has been a real inspiration to them.

Mr. Freitas thanked the Board and quipped they were probably waiting for him to tell them that he had a PowerPoint presentation to share; however, at this point, he does not, so he is truly at a loss for words. He said that he was grateful to have had the opportunity to serve the County, and the only thing he can say is he wishes Board members and staff success in the future.

Ms. Price said when she reads this particular resolution, what strikes her are that the first four “whereases” address what Mr. Freitas has done, but the final “whereas” and the “therefore be it resolved” identify who he is. She said that was such a testament to their appreciation for who he is as well as what he has done.

Ms. Mallek said that her oldest memory of Mr. Freitas was in 2008 when he came to the Crozet firehouse to talk to the community at the Crozet Community Association meeting about recycling—and found himself faced with a large group of people who were so enthusiastic they just mowed him over, wanting the recycling center that they had been promised 10 years before. She said that was just one example of what he has had to balance all these years, but she is particularly grateful for all the help. She noted that it is a lot of work on the part of him and his staff every time they have a veterans organization meeting in the building, and she appreciates his willingness to just step right up and say, “Absolutely,” when there is a request made to have a November 11 meeting inside because it is freezing outside and those kinds of things. She thanked him and said she hoped they could see him again soon.

Ms. Palmer said she had not had a lot of contact with Mr. Freitas until a few years ago when Yancey Elementary closed, and he had the job of keeping it going and speaking with all the residents who were just heartbroken about how they would move forward again. She said she appreciated all the time and effort that he put in and all the time that he took to explain things to her that she did not understand, but he had not made a lot of jokes at any of those meetings, so she was pretty disappointed in that. She said Mr. Stewart had uncovered something that she had not seen or heard, and she regretted that she did not get to witness that. She thanked Mr. Freitas for that difficult job, especially in the beginning; she was sure it was rewarding, but in the beginning, it was a little tough.

Ms. McKeel told Mr. Freitas when she looks at his resolution of appreciation, four words jump out at her: innovation, community, stewardship, and integrity. She said that certainly captures the way they feel about him; there are not very many people that she can honestly say are recognized or pointed out to her when she goes out into the community, and he would be amazed at how often people say, “Michael Freitas was just so wonderful; he helped me, and I appreciate it.” She thanked him for all his years on behalf of all of those constituents. She suggested there are a lot of times when the Supervisors could use a little humor during public comment and asked him to join them occasionally and share one of those jokes with them.

Mr. Freitas said he would put it on his calendar.

Ms. LaPisto-Kirtley teased that even though she had not had the opportunity to work with Mr. Freitas for the many years some of her colleagues had and to be able to enjoy his professionalism, the thing that bothered her the most was they did not have a PowerPoint that day, and she was devastated by that, but maybe he could come back under public comment and give them a PowerPoint.

Mr. Gallaway said the timing of this information was great because they would roll out sort of an open-mic type of situation in the July agenda, so they would start off and give him five minutes and see if he could kill it.

Mr. Gallaway said he appreciated Ms. McKeel's comments about working with constituents because everyone he knew that Mr. Freitas had interfaced with from his district has said the same with their Community Advisory Committee members and for other issues, so the Rio District appreciated that attentiveness. He said he always thinks of professionalism and even keel when he thinks of Mr. Freitas and very much appreciated all his commitment to the County. He said on behalf of the whole Board and the citizens of the County, they appreciated his time and service.

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### Resolution of Appreciation for Michael Freitas

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| <b>WHEREAS,</b> | Michael Freitas has faithfully served the County of Albemarle for over 15 years as the Chief of Public Works in a manner that exemplifies our community and organizational values; and   |
| <b>WHEREAS,</b> | Michael has shepherded countless operational initiatives and enhancement projects, where his skills, knowledge, and INNOVATION have resulted in operational savings and improved services to the community; and  |
| <b>WHEREAS,</b> | Michael's focus on COMMUNITY has resulted in equitable and inclusive access to County facilities and services, including the Yancey School Community Center; and   |
| <b>WHEREAS,</b> | Michael's commitment to STEWARDSHIP within the Facilities and Environmental Services Department has led to the retrofitting of many of our facilities' operational systems to reduce energy consumption and provide cleaner air to breath inside County buildings; and |

**WHEREAS,** Michael embodies our organization's core value of INTEGRITY as he looks beyond his home department to how his team's work will affect the organization; encourages others to strive for their personal and professional best; views the organization's success as his team's success; and is dedicated to providing the highest level of service to the community.

**NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, hereby honor Michael Freitas and commend him for his years of exceptional service to the County of Albemarle; the Facilities and Environmental Services Department; Albemarle County residents; the broader community in which we live; and the Commonwealth of Virginia; with the knowledge that Albemarle County has been strengthened and distinguished by Michael's leadership, dedication, professionalism and compassion in meeting organizational and community needs.

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Item No. 6.b. Resolution of Appreciation for Phyllis Savides.

Ms. McKeel **moved** to adopt the Resolution of Appreciation for Phyllis Savides. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Mr. Walker said the Board knows they are limited in how many words they can put on these resolutions, so it is always a challenge to pick the words that best convey what she has meant to them, her department, the organization, and the community. He said her resolution deservedly focuses so much on all that she has meant to the Department of Social Services and the extraordinary work that they do as a department to serve the community.

Mr. Walker noted what Ms. Savides has meant to their organization beyond just the department in her role on the leadership team and the operations team. He said she is a highly valued partner; she is sought out by her colleagues for her wisdom, experience, and thoughtfulness with which she approaches issues. He said she and others in social services have led the way with their high-performance organization (HPO) work and were doing it "before HPO was cool in Albemarle County," adding that her department's example has been of enormous organizational value.

Mr. Walker said Ms. Savides is forever a champion of the underdog, and that is a role that she relishes in all their conversations by making sure that they do not forget what and who they are in it for. He said she provides an organizational conscience and an extraordinary depth of wisdom, and those who engage with her listen. He said she provides a voice of compassion naturally from the work that she does professionally, but it also conveys in how she engages with her colleagues and in helping all department heads convey that same sensitivity. Mr. Walker said Ms. Savides is a counselor, a coach, and a therapist at times, and she embodies what he would call the heart and soul of public service and again the "why" they do this work.

Ms. Savides stated that it has truly been her honor to serve the residents of Albemarle County and most especially the staff of the Department of Social Services. She said when this Board appointed her on July 8, 2015, she shared that her goal was to help social services continue to provide the highest quality services to the most vulnerable individuals and families of Albemarle County. She said that goal has served as her compass over the past six years, and she is deeply grateful for the Board's support and advocacy. She said that her almost 23 years working for Albemarle County had been the highlight of her career. She said that while retiring brings some sadness, she is doing so with pride, as she has been proud to call herself an Albemarle County employee. She thanked the Board for this recognition and said she was humbly grateful.

Ms. LaPisto-Kirtley said the word that stood out for her the most that summarizes Ms. Savides is "compassion," and for that she is grateful. Ms. LaPisto-Kirtley said that as a CASA volunteer for five years, she knows how important the Department of Social Services is all over the region and how many families are helped, so she is very thankful for Ms. Savides' service and wishes her Godspeed in her retirement and travels.

Ms. Palmer said it was hard to figure out what to say after all that Ms. Savides has been to the County. She said she has always been incredibly impressed with her interactions with Ms. Savides whenever she has come before the Board, and with how her compassion and commitment continue to show through and never seems to wane. Ms. Palmer said she wondered what Ms. Savides would do with all that compassion and suspects that she has plans to put it to good work.

Ms. McKeel said it felt like she had known Ms. Savides for a long time and she has been special for Albemarle County. Ms. McKeel said it is evident in DSS meetings how well-respected Ms. Savides is, and she has been especially impressed through COVID when her staff was so challenged. Ms. McKeel said she appreciated Ms. Savides' work and did not realize she was a therapist. Ms. McKeel joked that there are times when she needed one, so perhaps she can find something for her to do occasionally. She said that Ms. Savides would probably travel in retirement, but she hoped she would not to be a stranger.

Ms. Price thanked Mr. Walker for the excellent words he added after the resolution; they captured the essence of this bittersweet moment. She told Ms. Savides it was difficult just in the year and a half that she has been on the Board to see her leave after everything she has done as a thoughtful, kind, caring, compassionate, service-oriented leader. Ms. Price said there is nothing more important than what they do for the people in the community, and her department is “the pointy end of the sword” in getting that done. She said that steadfast leadership and calm in the face of the storm are how she would describe Ms. Savides, and she wishes her fair winds and following seas in this next journey of her life.

Ms. Mallek said that considering the daily task that DSS has to do helping people on the worst day of their lives, just like the police department and the fire and rescue department, DSS is a public safety agency and has all the emotion and the highly charged situations as their sister and brother agencies. Ms. Mallek said that Ms. Savides’ leadership has created a personal attention atmosphere in the building and in home visits with families.

Ms. Mallek said she was forever impacted by just one hour of a meeting with a constituent and several of DSS staff members, and while they could not solve the problem that this grandfather had, she was still so impressed. Ms. Mallek said she had asked them how they do this all day long every day, day after day and hour after hour, helping people who desperately need them. She said Mr. John Freeman’s response was, “If we help one child every day, we feel as if we’ve had a good day.” Ms. Mallek said she had taken that to heart and thought if she could do one good thing and make a little success, then she could say to herself it was an okay day. She said Ms. Savides had given them so much and set the bar quite high to be able to keep all those different threads and activities going in challenging situations.

Mr. Gallaway said that years ago in a budget meeting during a discussion of DSS positions, he remembered Ms. Savides standing up and saying, “Look, we need these, and you need to do this,” and the Board did. He said he remembered it being done in a way that was not combative or finger-pointing, and he always appreciated that approach. He said that when he hears others say that her leadership will be missed, that is the type of approach she has been taking, and the Board sees behind the scenes how Ms. Savides works with everybody else.

Mr. Gallaway said that for somebody to rise from therapist to stay with an organization and make it to assistant director and then director is rare, and that reflects on her specifically. He said there is a huge debt of gratitude owed to Ms. Savides because of how she led the department through the transformation of COVID when people desperately needed these services, and they were able to keep the services out there and online. He stated it is often said that local government from a government policy standpoint is the one that can have the fastest or the most immediate impact on people’s lives, and that is because of people like Ms. Savides and those who work in her department.

Mr. Gallaway said if he had to think of a word for Ms. Savides, it would be a “stalwart” of Albemarle County, and he knows that every Supervisor is very appreciative of her time and commitment. Mr. Gallaway commented that there are many citizens in the County whose lives are better because of her and her leadership. He told Ms. Savides he appreciates her time, and they would be smiling with her as she gets to travel and enjoy her retirement.

Mr. Gallaway mentioned he could not wait until they get back in person; the recognitions and the personal recognitions are much better in person.

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### **Resolution of Appreciation for Phyllis Colman Savides**

**WHEREAS**, Phyllis Colman Savides has faithfully served the County of Albemarle for over 22 years with the Department of Social Services serving children and families as a therapist and in the foster care system before serving in the role of Assistant Director and then Director for the last 10 years; and

**WHEREAS**, Phyllis has shown superior leadership in moving to and maintaining team-based management, advancing a “leadership at all levels” philosophy, and expanding High Performance Organization principles throughout the Department; and

**WHEREAS**, Phyllis initiated and coordinated several state-wide pilot projects to improve services such as a new Foster Care Casework process, Structured Decision Making pilot, the Child and Family Services Review Program Improvement Plan pilot, and the concurrent planning pilot, and was a leader on the Charlottesville Area Foster Families Advisory Board working to enhance recruitment, training, and support for our local foster families in meeting the needs of our local foster children; and

**WHEREAS**, Phyllis championed numerous initiatives within the Department to better serve staff and residents of Albemarle County, including a new on-call backup system for child welfare, Kinship Care Guidelines, advancing concurrent planning within the department, and revising the Fraud program, and she successfully advocated for the county to manage its own Agency Review Budget Team process, working with the Office of Management & Budget to secure a facilitator; and

**WHEREAS**, Phyllis is highly regarded throughout her department, the County organization and the community as a thoughtful, kind, caring and compassionate service-oriented leader who fights vigorously for those most in need, acknowledging especially her leadership during the Covid-19 pandemic and the instrumental role she played in the county’s efforts to provide critical financial assistance to individuals and families in crisis.

**NOW THEREFORE BE IT RESOLVED**, by the Albemarle County Board of Supervisors that Phyllis Colman Savides is hereby honored and commended for her many years of exceptional service to the County of Albemarle, the Department of Social Services, Albemarle County residents, the broader community in which we live, and the entire Commonwealth of Virginia with knowledge that Albemarle County is strengthened and distinguished by Phyllis' dedication, commitment, professionalism and compassion in meeting community needs.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting, visible testament to the esteem in which Phyllis is held by this Board and previous Boards for her lasting legacy of community service and the tangible results from her work to make Albemarle County better for future generations.

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Non-Agenda Item. Recognition of Siri Russell.

Mr. Richardson said Ms. Russell was on the call that afternoon for items related to American Rescue Plan funding, but the Board wanted to take time now to celebrate her work. He said that the County is an organization of over 800 people, and he has observed in his three years and nine months that the organization has good people like Ms. Russell.

Mr. Richardson stated that Ms. Russell's recognition was a bit different than the previous two, as she would be leaving their organization at the end of the month for an opportunity to further her career with the University of Virginia. He said that is bad news/good news; Ms. Russell would no longer be their director of equity and inclusion, but she would still be a part of the community and a part of their organization, as UVA is a key partner agency. He noted over the last 16-18 months, Ms. Russell has been immersed in work with the County's incident management team and the Blue Ridge Health District, on top of her existing work with DSS and UVA.

Mr. Richardson said that about two and a half years ago, the organization realized that they needed to elevate their efforts specific to equity and inclusion, and they were fortunate to have someone in the County Executive's Office who had been with them over four years. He said she started in Community Development, worked in zoning, and knew most of the 726 square miles in the community before coming to the County Executive's Office. Mr. Richardson said there were people that had vision and saw her leadership and knew she could make the County Executive's Office better than it was, that she could serve their organization with talent. He said that she graciously took the director role in the Office of Equity and Inclusion and has not looked back.

Mr. Richardson said they received a 2020 annual report just a few months ago, and it was an amazing document of what had happened in just two short years. He said when he talked to Ms. Russell about that at her performance review, she never said "I" one time, she said "we" and that is just the start about who Siri Russell is. Mr. Richardson said in that annual report, Ms. Russell referenced 27 agencies they are partnered with in this community. He said that when he asked her about it, she said that they partner with more, and those were just the 27 they were able to recognize at the time.

Mr. Richardson said that Albemarle County is one of 15 cities and counties in the U.S. represented in the International City and County Managers Association (ICMA) first equity officer cohort, and Ms. Russell has been a part of that. He said it was created to advance equity and inclusion in local government leadership through sharing insights on equity, inclusion, and social justice. He said there is not a week that goes by that Ms. Russell's phone does not ring from a county or city asking her for advice; ICMA has reached out to her on numerous occasions and asked for her guidance, and she quietly and confidently leads every day.

Mr. Richardson said Ms. Russell is the epitome of public service; she plants trees in this community every day, and they are the community's trees because the community would enjoy the shade and not Ms. Russell, which is the definition of public service. He said that she does what it takes to make the community better and makes hard things look easy, which is high talent but also high commitment. Mr. Richardson said they are a better organization because of Ms. Russell and her training, commitment, and teamwork in the Office of Equity and Inclusion.

Mr. Richardson said in the last year, there were 69 hours of OEI-sponsored training, and he, along with Mr. Henry, Mr. Walker, Ms. Kilroy, and the OLT participated in a lot of this training. He noted that at times they were on calls at night with training, and there were over 100 people on the call, including County and school employees. He said they were learning and growing as a team, and Ms. Russell is a team builder who makes everybody around her better than they otherwise would be.

Mr. Richardson said he was immensely proud of Ms. Russell as a person; she is a wonderful mom and has a beautiful family. He said they are right here in the community and would continue to be, and he looks forward to seeing her and seeing her continue to grow and develop. He said he appreciated this opportunity to recognize a special person on their leadership team who would continue to be a key part of the community.

Ms. LaPisto-Kirtley told Ms. Russell that she would miss her very much, as she had helped her considerably. She teased that she had called President Jim Ryan about Ms. Russell to tell him maybe she was not that good anyway, but he would not listen to her. She wished Ms. Russell the best because UVA is getting a top candidate. She said she knew it was a good move; it is a sad thing for the County and a good thing for UVA. Ms. LaPisto-Kirtley added that she knows Ms. Russell and knows she would

be involved in the community and be there as a resource for the Board, and she appreciated that.

Ms. Palmer said that everybody who meets Ms. Russell out in the community and everybody she talks to loves her; that is the comment the County gets all the time. She said she received a lot of this feedback from the Yancey community for a few years there, and she hopes Ms. Russell does get some time to enjoy some shade. Ms. Palmer told Ms. Russell they were all enormously proud of her and recognize this is a great opportunity and were just sorry to see her leave.

Ms. McKeel said that as she had told Ms. Russell on the phone, she is truly pleased for her professionally and for her family but still crying for the Board. She said Mr. Richardson captured her essence and her importance to the County very well, and she appreciated his words because he was right on target. Ms. McKeel said over the time she has worked with Ms. Russell, at least twice a week, she thinks she was one of the people phoning her. She said Ms. Russell never failed to pick it up and say she would be right there, and she appreciates that and being able to brainstorm with her. She said they would miss her but hoped to see her around and knew they could always find her.

Ms. Price told Ms. Russell, "Happy Wednesday." She said Ms. Russell always greeted every conversation with happy whatever day of the week it was, and she also wanted to thank Mr. Richardson for his extraordinary comments, which did capture everything. She said what Ms. Russell had done in the Office of Equity and Inclusion is far beyond what she would have ever anticipated, particularly in such a short period of time. She said what Ms. Russell has done is more than words can express, but she has put action into what that office stands for, which is making them a better County and a better community. Ms. Price emphasized that Ms. Russell is literally irreplaceable. She said good for UVA, good for the community, but as all of the Board members feel, they are incredibly sad to see her go. She thanked her for everything she has done and for always being there.

Ms. Mallek said she was thinking back to Lisa Green's office when she first met Ms. Russell when she was brand new and doing something she thought was incredibly important; helping to corral all those highway signs that people just plaster all over the place that make the County look awful. Ms. Mallek said that almost seems silly in comparison to the awful things that have happened in the meantime and all the subsequent personal challenges, but what they do all goes together and makes it all better. She said Ms. Russell has taken on new challenging opportunities whenever she has had the chance, and she is proud of senior staff for recognizing that gleam and that spark and giving her a new challenge.

Ms. Mallek said she was proud of the program that Ms. Russell had developed to recognize the unseen and unappreciated small communities, often built around the little country churches throughout the County, and all those wonderful photographs on the first floor that people comment on when they visit. She said they would count on Ms. Russell's future partnership and wished her good luck with all of her new challenges ahead.

Mr. Gallaway said if he had learned one thing over the last four years, he knew Ms. Russell "loved" having the spotlight on her and people talking about her and even give a little bit of praise, and that speaks to the type of individual she is, which has always been appreciated. He said this is the start of a phenomenal career for her, and he is looking forward to continuing to learn more from her, and she needs to go a lot farther away than UVA for them to stop calling on her.

Mr. Gallaway said he had high expectations because Ms. Russell would be a member of the community and they would be reaching out in kind. He said it might generate more phone calls from him than maybe he has done in the past now that she is not on staff and told her to get ready. Mr. Gallaway told Ms. Russell they appreciate everything she has done for the County, and he is excited for her to have their organization be part of the start of her career. He said he hoped that they would find her coming home one day and coming back to their organization, because things like that do happen.

Ms. Russell said, "Happy Wednesday" and thanked the Board. She told Mr. Gallaway he did not call her enough, so she could not wait for all these phone calls to happen. She said she did not want to say very much but thanked the Board for everything. She said her favorite thing the Board has said in her presence more than once, comes directly from these proclamations and resolutions, and that is, "Now, therefore, be it resolved." Ms. Russell said over the last few years, they have said those words several times, and it has been a resolve for equity and a commitment to inclusion, a diverse community, justice, recognition of lesser-told histories and stories, and furthering collaboration with partners like the City, UVA, and others.

Ms. Russell said she is proud of this organization and each of the Supervisors for their willingness to be affirming and committed, and to do that so consistently and so publicly each and every time. Ms. Russell stated that she would invite them to keep that resolve moving forward, and she knows that they would. She said this community is lucky to have people in these seats who have commitment and passion and especially the incredible staff and leadership of Albemarle County. She thanked them and said they do have her number and she is not going to the moon, so they should not lose it

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

Mr. Roy Vandoorn said he was a 30-year resident of Albemarle County but now part of the City. He said he was speaking on behalf of the Charlottesville chapter of the Virginia Restaurant Lodging and Travel Association (VRLTA). He said that VRLTA is a Virginia nonprofit association whose goal is to

support the health and stability of the hospitality industry.

Mr. Vandoorn said the ARP, which was on the docket for that day, was signed into law specifically to enable localities, which know their local market, to allocate recovery funds effectively. He said the ARP stipulates that 25% of these local funds be devoted to hospitality, but the legislative text is not specific on how local government should meet that goal. He said to help guide localities to determine industry-specific solutions, VRLTA was asked by the Virginia Municipal League and the Virginia Association of Counties to provide industry knowledge to give localities insight about how best to help the hospitality industry recover using ARP funds.

Mr. Vandoorn said while it is true that starting in May, there has been an increase in leisure visitation, recovery is not imminent even with a broader reopening. He provided several examples, the first of which was lodging. He said that Albemarle County just devalued hotel building assessments by over 30%, and that speaks volumes about their losses. He said lodging is a big investment/big debt-service industry, and it would take years of profits to pay the debt back.

Mr. Vandoorn said for restaurants, while several programs like PPP have helped, well-intentioned programs including the Restaurant Recovery Fund did not solve all their financial losses. He said the RRF portion of the ARP only funded about 30% of those applicants that were approved. He said the remaining 70% that includes their own County restaurants may never be funded through the ARP.

Mr. Vandoorn said attractions and destinations have all suffered significant funding loss due to lack of visitation. He said regarding the wedding sector, for almost 15 months, 96% of all weddings were either canceled or rescheduled, yet the hard costs of operation and facilities remain. He said concerning the CACVB (Charlottesville Albemarle Convention & Visitors Bureau), with the sharp decline in TOT (transient occupancy tax) funds, the necessity to chart effective marketing to a post-COVID environment is critical.

Mr. Vandoorn said he had sent each of the Supervisors a copy of the Virginia Municipal League and the ARP plans from both Loudoun and Fairfax County; both of those have been adopted this week by their respective communities. He said many other municipalities are adopting similar language as the Loudoun and Fairfax plans for their communities. He urged the Board to consider the merits of their plans and adopt significant community recovery.

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Mr. Jonathan McMahon, Scottsville District, said he was there to address the Board regarding item 8.1 on the Consent Agenda regarding advertising a public hearing to consider the adoption of an ordinance regarding firearms. He said he had three things he would request; the first is that he is trying to understand the motivation behind their consideration of this ordinance, so he would ask that they pull this from the Consent Agenda for discussion and address the following. He asked whether this was to address a specific problem the County was having and said he was not aware of any issues with firearms at County parks or facilities, at least he had not seen anything in the news, and he is at County parks frequently and has never noticed anything that has made him feel unsafe.

Mr. McMahon said the second thing he would ask is that they not proceed with consideration of this ordinance. He said he did not believe it would prohibit firearms in County facilities and in public parks as intended; it would only accomplish preventing law-abiding gunowners from carrying firearms in these locations. He said people who are not law abiding would not care about the fact that there is a minor penalty or misdemeanor associated with it, and they would not respect the signs banning firearms. He said it would only impact legally carrying citizens, especially citizens of Albemarle County who frequent these facilities the most.

Mr. McMahon said there has been a lot of gun-related crime in the Charlottesville area lately; there was a situation where somebody fired off 40 rounds with a fully automatic weapon near Elliewood Avenue in May, and that person would not respect an ordinance like this and is not going to care. He said likewise, there have been multiple other situations like the situation near 10th and West Main also in May, Timberland Park Apartments and the 900 block of South First Street in March, and multiple shots fired near South Fork Rivanna Reservoir in April. He quoted Albemarle officer Joe George, who had spoken to CBS19 on June 3, who said, "There are definitely gangs in Albemarle and Charlottesville. I think people would be surprised to know how much gang activity there is." Mr. McMahon said Mr. George added that sometimes there are situations where these suspects naturally cross over from Charlottesville to Albemarle.

Mr. McMahon said he would ask that if they would proceed with this ordinance, they would add an exemption for persons having a valid Virginia concealed handgun permit; this represents a responsible group that has been vetted and is not a risk, and this is just a commonsense exemption to add to the exemptions in the ordinance as written. He said it would help mitigate the impact of this ordinance on County citizens by providing a legal path to safely carry a weapon in these facilities.

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Ms. Courtney Cacatian introduced herself as executive director of the Charlottesville Albemarle Convention of Visitors Bureau (CACVB), a jointly funded organization by the City and the County to promote overnight stays amongst other tourism-related support. She said she was also an Albemarle County resident in the Samuel Miller District.

Ms. Cacatian said the CACVB's mission is to enhance the economic prosperity of the City and the County by promoting, selling, and marketing the City of Charlottesville and Albemarle County as a

destination. She said the economic impact generated by visitors bolsters local businesses and attractions and in 2019 sustained 3,400 jobs, generated more than \$406 million in economic impact, and contributed nearly \$14 million to the Albemarle County budget. She said COVID hit the tourism industry especially hard; as their industry begins to climb back, it is essential that they invest in promoting the County to have a strong recovery, especially as visitors venture farther from home and as the events struggle to return.

Ms. Cacatian said at the CACVB, they made organization-wide changes to respond to the crisis and mitigate impact, including closing their brick-and-mortar visitors centers and shifting to a mobile visitor center model; however, their budget would have more than a 20% cut this upcoming fiscal year and likely a 50% decrease the following. She said the American Rescue Plan was signed into law on March 11, sending \$350 billion to governments to address the fiscal impacts of the COVID-19 pandemic. She said the ARP stipulates that funds should be used to aid in relief of hard-hit industries, specifically mentioning travel, tourism, and hospitality. She said this is a once-in-a-lifetime opportunity for Virginia localities to alleviate the economic losses sustained through the pandemic.

Ms. Cacatian said estimates show that in 2020, the Virginia tourism industry lost \$10 billion; the state's lodging industry lost over \$3 billion, and Virginia's restaurant industry lost over \$1.8 billion. She said it is estimated that lodging rooms revenue would not recover until 2023 or 2024, which means lodging accommodations would need support over the next couple of years. She said the lodging industry has not received local COVID relief to date, and she humbly asks the Board of Supervisors to consider providing grants to this sector for recovery.

Ms. Cacatian said with the easing of restrictions and pent-up desire to travel, the CACVB wants to welcome visitors back with consistent, compelling messaging for the next two years—which can only be accomplished with a restored budget. She requested that the Board utilize a portion of the ARP funding to restore the CACVB's marketing budget for the next two fiscal years. She said she is happy to avail herself to answer any questions. She thanked the Board of Supervisors for their time and consideration in supporting the tourism industry, the CACVB, and the return of this strong revenue source for the community.

Mr. Gallaway closed Matters from the Public.

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Agenda Item No. 8. Consent Agenda.

Ms. Price **moved** to approve the Consent Agenda as amended. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 8.1. Set Public Hearing to Consider the Adoption of an Ordinance to Amend County Code Chapters 10, Firearms.

The Executive Summary as forwarded to the Board states that in the 2020 Session, the General Assembly approved an amendment to Virginia Code § 15.2-915 permitting localities to pass an ordinance prohibiting possession, carrying, or transport of firearms, ammunition, or component parts in buildings, public parks, recreation centers, and permitted events areas that are owned or used by the locality or authority or entity controlled by the locality for governmental purposes.

The proposed ordinance would prohibit firearms, ammunition, and component parts from being possessed, carried, or transported into any buildings, parks, and recreation centers owned or used by Albemarle County or authorities or other entities controlled by Albemarle County for governmental purposes. Albemarle County does not currently have a permitting process for events outside of its public parks. Certain persons - most significantly, law enforcement officers and other public safety personnel - are exempted from these prohibitions because of the nature and scope of their employment and other provisions of law.

The County Executive may also grant individuals an exemption. Notice of the prohibitions in the ordinance must be posted at all entrances of buildings, parks, and recreation centers subject to this ordinance. The ordinance also authorizes the County Executive to implement reasonable security measures to prevent unauthorized access to the buildings, public parks, and recreation centers subject to this ordinance.

The cost of the signs to provide the required notice could be covered with currently appropriated funds. There is no anticipated additional budget impact.

Staff recommends that the Board schedule a public hearing to consider the adoption of the attached proposed ordinance.

**By the above-recorded vote, the Board authorized staff to set a public hearing to consider the adoption of an ordinance to amend County Code Chapter 10, Firearms.**

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Item No. 8.2. Office of Housing Staff Request.

Albemarle County's Office of Housing ("ACOH") is the designated local agency for the administration of Housing and Urban Development's ("HUD") Housing Choice Voucher ("HCV") Program ("Program"). HUD funds ACOH through an Annual Budget Authority ("ABA"), which consists of programming fees ("PF") and administrative fees ("AF"). PF's fund programming while AF's pay for staff to support programming. As PF's increase, so do AF's at an administrative fee rate determined by HUD. Programmatic decisions are made based on both the available ABA and the number of vouchers allocated to ACOH. To be rated as a High Performing agency, ACOH must either spend its full ABA or issue all its allocated vouchers. However, if ACOH does not spend its full ABA, funding may be decreased in future years.

During recent planning sessions with HUD representatives, it was determined that programmatic increases must be undertaken to avoid losing future funding and, in an effort, to remain a High

Performing Agency. These programmatic increases will result in additional families being served through the HCV Program. HUD pays for these increases through additional PFs and supports ACOH's need for associated staff through additional AFs. Currently, ACOH administers nearly \$3 million worth of programming without permanent administrative support staff. Creating a permanent administrative support position would enable ACOH to meet the requested programmatic increase with costs being covered almost entirely by earned AFs.

There is no local budget impact. Funding for this request will be achieved by reallocating FY22 budgeted funds from the Social Services Administrative budget to the Housing budget and by increased administrative fees received from HUD. If approved, a supplemental appropriation for the HUD federal revenue will be requested at a subsequent Board meeting.

Staff recommends that the Board approve creation of a permanent administrative and clerical support position within ACOH.

**By the above-recorded vote, the Board approved creation of a permanent administrative and clerical support position within ACOH.**

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Item No. 8.3. VDOT Monthly Report (June) 2021 **was received for information.**

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Agenda Item No. 9. American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF).

The Executive Summary forwarded to the Board states that on March 11, 2021, The American Rescue Plan Act, a \$1.9 trillion relief bill, was signed into law. It provides \$350 billion to state and local governments for the purposes of supporting public health response to the COVID-19 pandemic, as well as providing a way for states and local governments to start the process of economic recovery.

On March 29, 2021, the Board approved the County's American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) initial implementation framework. The framework proposed use of the first tranche of funding, which at that time was estimated to be approximately \$10 million, as follows:

- Approximately \$4 million for human services and economic vitality
- Approximately \$3 million to support the Broadband Affordability & Accessibility Office
- Approximately \$3 million for workforce stabilization and financial foundation initiatives

At the time of the approval of the original framework for the use of ARPA CSLFRF funding, staff was still awaiting guidance from the United States Treasury department.

On May 10, 2021, the U.S. Treasury released the Interim Final Guidance. The report is open to public comment until July 16, 2021, at which time it is expected that the United States Treasury Department will release changes in a final guidance document.

On May 11, 2021, the United States Treasury provided an allocation of \$21.2 million in federal ARPA CSLFRF monies to the County of Albemarle to be deposited in two tranches. The first tranche of funding, \$10.6 million was received on May 21, 2021. The second tranche of funding is expected to be received in May 2022.

The interim guidance provided by the U.S. Treasury lays out the following funding objectives:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control.
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs.
- Support immediate economic stabilization for households and businesses.
- Address systemic public health and economic challenges that have contributed to the inequal impact of the pandemic.

Per the interim final guidance, the expenditures can be incurred during the period beginning March 3, 2021 and ending December 31, 2024. A recipient must return any funds not obligated by December 31, 2024, and any funds not expended to cover such obligations by December 31, 2026.

While the guidance is clear on the four overall funding objectives, there are still many questions being directed to the U.S. Treasury Department to clarify details, including information on the revenue recovery calculation and whether cost incurred applies to sections outside of infrastructure. Following the public comment period on the interim guidance, it is expected that a final guidance document will be issued later in July.

At the June 16 meeting, staff will present more detailed ARPA CSLFRF information that will include the current Treasury guidance and a process for approving projects that align with both the compliance required of the ARPA funds and the Board's priorities.

Staff has been meeting to start to lay out ideas for immediate ARPA CSLFRF funding needs, as well as plans that will help maximize ARPA CSLFRF dollars on recovery projects as we move through the next several fiscal years. Staff will also set up an approval and compliance framework and incorporate updated guidance received from the U.S. Treasury.

On July 7, staff plans to bring to the Board the associated ARPA CSLFRF appropriation request.

The County will receive an allocation of \$21,236,071 in federal ARPA CSLFRF monies for expenditures incurred during the period beginning March 3, 2021 and ending December 31, 2024.

Staff recommends the Board receive the updated guidance and provide feedback on staff's ARPA CSLFRF update and recommended process.

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Ms. Birch stated that before getting started, she wanted to mention several things. She said she wanted to share publicly that she was reflecting on the recognitions that happened by the Board a few moments ago with Mr. Freitas and Ms. Savides and Ms. Russell, and thinking about her short time with them, she cannot come up with three better human beings that the County is losing, and those were enormous shoes to fill.

Ms. Birch said she had two important team members that she wanted to introduce to the Board, one of whom would be presenting a large piece of this presentation, but the other is one of the critical partners for her and for Ms. Allshouse in leading this department. She said Ms. Shenandra Usher had joined them just the past week from Georgia, and she would be their assistant CFO for operations. She said Ms. Usher's responsibility would be the internal workings of finance, and she would oversee revenue administration; real estate; the controller's office, which is accounting, payroll, and risk management; procurements; and Treasury. Ms. Birch said Ms. Usher would focus on the internal operations of their department, whereas Ms. Allshouse's focus is external. She said Ms. Allshouse is assistant CFO for policy and partnerships, so she focuses on all those partnerships and collaborative policy work with regional partners.

Ms. Birch introduced Ms. Kim Gardner, who had joined them in January from Texas. She said Ms. Gardner was a budget analyst for about a month, and then when they learned of ARPA and the American Rescue Plan and all of the compliance and reporting needs for the next several years, they pivoted. Ms. Birch said that Ms. Gardner still reports to Mr. Bowman, who is their chief of budget, but she is their grants manager for both closing out the CARES CRF funding and the pandemic reserve that the Board had established at the time, and now she would be helping with this ARPA funding. Ms. Birch said that Ms. Gardner would give part of the presentation and would be their point person and local expert in the County on this bill.

Mr. Gallaway welcomed Ms. Usher and Ms. Gardner and thanked them for joining the County.

Ms. Birch said that as the Supervisors were aware, staff had provided information in March to the Board related to what was known at that time, and, as some of the speakers from the public had mentioned, March was the timeframe when they were learning about ARPA and what could be done with it, and much of it was unknown. She said they have much more information but it is still not in its final form, so that is what Ms. Gardner would review with the Board.

Ms. Birch said they would provide a status update. She said they would present the framework information the Supervisors had heard once before, and they wanted to have a discussion and the Board's approval of the framework moving forward. She said the Board would see some of the changes being made from the March framework and how they would go about being very strategic and thoughtful, working within the confines of the funding compliance regulations and addressing Board and community needs.

Ms. Birch reported that on March 11, the President signed the bill into law with an allocation of \$1.9 trillion, and of that, \$350 billion was dedicated to ARPA local funding. She said that it is CSLFRF, coronavirus state and local fiscal recovery funds, which is the funding coming directly to the County, and their \$21.2 million came out of that \$350 billion.

Ms. Birch said on May 10, the U.S. Treasury released interim final guidance, which essentially says they are not finished. She said there could be some changes, and they would learn a lot about the

experience with the guidance of communities and other places and what they might need to tweak about what they are expecting from a compliance perspective of localities in particular.

Ms. Birch said on May 11, they submitted all the necessary paperwork and received funding directly from the U.S. Treasury, so the County received half of the \$21.2 million allotted on May 21, \$10.6 million, which is in the coffers. She said the next 50% would come in a year, so they expect to receive the second piece of that next May. Ms. Birch pointed out that this funding came to the County very differently than the CARES CRF, which is funneled through the states then sent directly to counties. She said in this funding, the County's relationship is actually with the U.S. Treasury, and so all the compliance guidelines and reporting are to the U.S. Treasury and not the state, which is different than CARES CRF.

Ms. Birch said her next slide would remind the public and the Board of the general framework at the time, because they did not actually know in March how much money would be received and were using an estimated \$20 million. Ms. Birch's slide showed the approximate numbers from the first tranche of funding allocated to certain categories.

Ms. Birch said the first was about \$4 million; they wanted to continue the work they had started in the CARES CRF funding and the programming they had done on human services and economic activity and business support. She said they would develop some programming and determine community need and how to spend that \$4 million.

Ms. Birch said the Board also supported the use of about \$3 million for broadband, knowing that was probably not all they may want to contribute, but there was significant funding for broadband, so they put in \$3 million because they had already supported that amount in the budget process. She said they would use ARPA funding for that rather than some of the funds in the pandemic risk and in the Board's strategic priorities reserve.

Ms. Birch said the last bucket of money was based somewhat on the budget process in terms of a financial foundation and workforce stabilization, knowing that they might want to do something with that \$3 million for those two things.

Ms. Birch said this was the framework under which they have been working, and they would provide an update to this with a little bit of a nuance, particularly in that last quarter and what they plan to do with the second tranche of money anticipated at the end of next fiscal year. She presented a slide with the agenda and said Ms. Gardner would go through what they know and don't know; then it would come back to her, and she would share with the Board the recommended update to the framework and get their feedback and approval.

Ms. Gardner said the objectives in the fiscal recovery fund documentation for the guidance are very well defined; first and foremost, this is a response to the public health crisis. She said secondly, this is a push for immediate stabilization of businesses and households and is also a path to strengthen support for public services and to help retain jobs. She mentioned that a positive aspect is that the Treasury has put an equity lens on every single piece of this, so they are asking that underserved or unserved populations be considered first.

Ms. Gardner said it is not a pure infrastructure bill, so at the last meeting with the Board, they were not sure how much infrastructure would be built into the guidance; there is not as much as they had thought before.

Ms. Gardner said that regarding funding, Ms. Birch already reviewed that the County received \$10.6 million in the first tranche deposited on May 21, and the second is expected in May of 2022. She said the next slide was similar; the funding categories had not changed and were very well defined in the guidance, and this is where the decisions would be made for how the funds would be spent. She said category A is specific to public health needs and economic harm caused by the pandemic; category B is specific to premium pay; category C is government services to the extent of the reduction in revenue experienced due to COVID revenue reduction or offset calculation; category D is infrastructure, which is limited to water, stormwater, and sewer infrastructure, as well as broadband infrastructure.

Ms. Gardner said that regarding restrictions on use, they already knew that they would not be able to deposit into pension funds or directly or indirectly offset any tax reductions. She said they also cannot fund debt service and cannot use it for non-federal match, such as FEMA matches, legal settlements, and judgments, and they also cannot deposit to a rainy-day fund or keep it in a financial reserve.

Ms. Gardner said there are many other ARPA programs disseminated between the Treasury and the state. She said the three that they are currently considering include the capital projects fund because it is an extension of infrastructure funded to states, and the homeowner assistance fund and emergency rental assistance programs are also funded to states. She said the rest, the state small business credit initiative, the employee retention credit extension, the paid leave credit extension, and the airline and national security relief extension, are also specifically mentioned on the Treasury website. She said their goal is to make sure that as programs come through, they are not duplicating efforts and are ensuring they are matching up the right funding.

Ms. Gardner said the guidance indicates they have time, which is positive news because with CARES CRF, they did not have as much time. She said they have until December 31, 2024 to encumber the costs, so that means have everything ready to go and set aside; by December 31, 2026, they need to

have expended all that money.

Ms. Gardner discussed what they do not know. She said they still do not have the final guidance; the Treasury has comments opened until July 16, then they expect final guidance would be issued after that. She said they do not yet have the determination or number from the reduction in revenue calculation and do not have the full reporting requirements from the Treasury.

Ms. Birch said she wanted to highlight one of the things that they learned about the ARPA funding. She said part of the reason they were able to create the pandemic reserve, in which they had about \$7 million or so, was that they offset the public safety costs because they were focused on COVID-related expenses and created a reserve that allowed the flexibility to spend it where needed. She said they are not able to do a similar thing with ARPA because ARPA specifically restricts their ability to use the funding to set up a reserve.

Ms. Birch said when they had talked to the Board in March, they were discussing how this offset what was lost in revenue and was going to give them the most flexibility in how those funds were spent. She said the difference is slightly nuanced, but she wanted to make sure she followed up with the Board on this; they would have to address that offset, and whatever that calculation would be, they would have to assign specific projects to it. She emphasized that this was where the most flexibility in the law actually is, and it has to be for specific projects that comply with the intention and the guidance set forth in ARPA.

Ms. Birch addressed their updated framework and said the Board would see on the next slide they have changed the original with three pots of funding; economic vitality, broadband, and workforce stabilization/financial foundation. She said their recommendation for the Board is that there is an immediate need for economic vitality, which they are incorporating to include both the human services piece and the economic activity and business support piece. She said there is about \$4 million that the Board had said seemed like a good placeholder in terms of bucketing. Ms. Birch said the second one is broadband, and she would talk a little bit more about both as these have more of an immediate need.

Ms. Birch said the remainder is about \$14.2 million, reflecting the remainder of the first tranche and also the complete second tranche. She said they would receive all the funding in fiscal year 2022, so they should use that \$14.2 million and incorporate it as part of the budget process because they can use the process they have that identifies priorities and needs and allows for them to use this \$14.2 million as an enhancer to their budget. Ms. Birch noted that they still must comply with many things and have the priorities that the Board identified a few months ago, so they should use that same process to determine how to best use the \$14.2 million.

Ms. Birch said she would discuss more about the \$4 million and the \$3 million. She said as it relates to the \$3 million, their recommendation for the Board would be to move forward on both appropriating and giving the authority to the Albemarle Broadband Authority (ABBA) to direct how the \$3 million would be spent. She presented a slide with ARPA guidelines and guidance. She explained that ABBA is the board formed to be able to understand and work within the confines of that, along with their new director of broadband, so that would work together to establish how best to use this \$3 million. Ms. Birch said that it would be leveraging funds that the state has, and also at the same time figuring out what additional funding might they want to support in the planning process. She noted that the last bucket she was referencing, the \$14.2 million, is still sitting without any expenditures attached to it, and they may need to assign it to broadband, because this \$3 million is just to get it rolling.

Ms. Birch said their recommendation is to stay with the \$3 million for now, allow ABBA and their director of broadband to be able to use that and develop a program for how that \$3 million would be spent, and that is bucket one.

Ms. Birch said bucket two is the economic vitality \$4 million for FY22, and this one is hard one for many reasons, but the Board could put significant funding towards economic vitality. She explained that they know based on their experience with CARES CRF funding and how they allocated it in terms of business and economic development through loans to both individuals and businesses, there is continued need. She commented that businesses and households are not yet in the clear, so the question is how to help before tapping the state funding. She said the state would have significant funding available for mortgage offset, rent relief, and utility relief; they do not yet know specifically how that would fund down to local residents, but there must be some programming in between where CARES left off and the state ARPA picks up.

Ms. Birch stated that while they do not have all the programming and the partners identified, they know that some of the areas would still need some support, so the emergency assistance as mentioned can be anything from mortgage, rent, and utility relief. She noted that something more strategic and proactive might be getting job seekers connected with skills and resources, and funding could be provided to existing programming to advance that, such as support for related shelter and childcare.

Ms. Birch said the last piece is aiding the tourism and hospitality industries, which have been significantly impacted. She said they are recommending \$4 million that they had originally set aside for this to connect with their administrative teams in social services, OEI, and Economic Development to come up with the right programming. She said this should connect the intention of ARPA and what Ms. Gardner talked about earlier regarding equity, as well as the experience of the pandemic and using that to overcome challenges. She said that they should have these projects approved through the County Executive's Office, then they would report back to the Board and advise them of the programming they did to help businesses, community partners, and individuals.

Ms. Birch said this funding pool is not as simple in terms of figuring out how to stretch the \$4 million, knowing that existing needs could absorb the entire \$21.2 million. She emphasized that what they wanted to present to the Board was to how to proceed with the interim funding between the CARES CRF and the future potential ARPA for businesses and households.

Ms. Birch said the third bucket is the remaining \$14.2 million, and staff's recommendation would be for the Board to build that into their overall planning and structure for the FY 23-27 budget process. She reminded the Board that on an earlier slide, they set out the dates, and additional information that they did not know in March was that while the deadline is still December 31, 2024, they must encumber the funds and execute projects by that date. She said the additional two years to get the project done and pay the invoices will help ensure they can spend the funding, which aligns well with the FY 23-27 budget planning process and dovetails with both the five-year financial and capital plans.

Ms. Birch presented the next slide of an update to the framework and said staff wanted to hear what the Board was thinking. She said that the Board has heard from a lot of community groups and residents and businesses, so the County wants to make sure that they are presenting a plan with strategies they all embrace. She said they are presenting an option where they address some of the urgent, acute needs of the community but also setting the County up to be more strategic in advancing what ARPA funding had in mind, learning from what created issues during an international pandemic and adjusting for that. Ms. Birch reiterated that broadband was clearly one of those urgent needs.

Ms. Birch said that in summary, the Board has received this update related to ARPA; they are planning in July to appropriate the full \$21 million, which is different than how grant funding has been done in the past. She said that this has been informed by the CARES CRF process, for which they got money in two different tranches but did not know about the second tranche when the first tranche happened, creating a reporting nightmare. She said they want to appropriate it; that does not mean it would be spent without the Board's involvement and budget process, but they need to set up their administrative framework to handle all the compliance that Ms. Gardner has to manage. Ms. Birch noted that this is what they would be bringing back on July 7. She said it just establishes the bucket for them to work within administratively, not the authority of the Board related to the programming.

Ms. Birch said that they had minor reporting to the Treasury on CARES CRF, but in this case it would be exclusive reporting to the Treasury. She stated that the first one is August 31, so they would provide the same reports to the Board as to the Treasury but would also provide quarterly reports to the Board. She said this is a forward-thinking approach because they do not yet have the \$14.2 programmed, but given that they would have this grant for about five years, this sets up the administrative process.

Ms. Birch said the updated framework for the Board's approval and discussion is whether the Board is comfortable with moving forward on \$4 million to be spent in FY22 on economic vitality, providing human services, business, and economic support. She said the approval for the projects would come through the County Executive's Office, then they would report to the Board. She said much of this is because of its acute nature; they are trying to address that by accelerating this more than some of the other funding.

Ms. Birch said the second piece is to move forward with the \$3 million for broadband, which would come under the approval process of ABBA; the remaining \$14.2 million would be incorporated as revenue into the planning process that would have projects associated with allocation of the remaining ARPA funding.

Ms. Birch said she would be happy to answer any questions and looked forward to the Board's discussion as to how they plan for this funding to be spent in the County.

Ms. LaPisto-Kirtley said she approved of this approach, provided the Board is kept up to date with the first \$4 million tranche of money for human services. She commented that broadband is fairly self-explanatory, but there is a lot in human services to be discussed. Ms. LaPisto-Kirtley noted that Ms. Birch had said that also included the businesses, and she appreciates the fact that there can be a critical timeline.

Ms. Palmer asked if it was correct that the first tranche must be spent by the end of December 2022.

Ms. Birch responded that this was not accurate, and both tranches have the same timeline; they have received half the money now and would receive half the money in a year.

Ms. Palmer said that was good to know, and said if they wanted to spend something quickly and needed projects, they have talked about connecting sewer in older neighborhoods. She said they have a few, with one in particular she can think of that fits well with affordable housing, and she knows that some of the initial designs have already been done. She said the VHCD (Virginia Housing and Community Development) grants for this just did not quite make it, and she is hoping that they are looking at those kinds of things because she knows the ACSA (Albemarle County Service Authority) has already identified some of these projects that would be well into the scope of the first tranche.

Ms. Birch said she was reflecting on the projects that had discussed in March with the Board, which would guide them in this process. She said those priority projects identified with Mr. Richardson is

what they would be using to guide their planning for FY 23-27. She said that particular sewer connection was mentioned as part of a priority project for the Board, so it would be part of their planning. She said she could not speak to the current status of that project, but she has noted that it is a priority for the Board and would be discussed later.

Ms. Palmer said there were more than one that have been identified by the ACSA and by other Supervisors, and she knew Ms. McKeel has talked a lot about this. She said when she thinks about affordable housing and keeping up with the older homes, there are some affordable housing neighborhoods that could benefit.

Ms. Palmer said she was a little confused when Ms. Birch was talking about rent support and that the state would have money that they are using for that separately from the money the County is receiving. She said they have heard some complaints about people unable to access that rent relief money and asked Ms. Birch to explain. She said she was assuming that the economic vitality portion of the \$4 million includes that or a continuation of that.

Ms. Birch asked Ms. Gardner to share the figures related to the other ARPA programs and how they know there is additional funding from ARPA for the homeowner assistance fund and emergency rental systems programming. She said she knew Ms. Gardner had done some research on this.

Ms. Birch told Ms. Palmer that it was in addition to whatever was currently in state programming, large dollars, and staff identified at least what Virginia has been provided as part of ARPA. She said Ms. Palmer was correct in mentioning the challenges of getting the funding into the hands of individuals. She said their human services team has been addressing the gap that is accessible now, so part of their thinking was to use a portion of the \$4 million for that. Ms. Birch asked Ms. Gardner to share with the Board the state funding for the two programs.

Ms. Gardner said the homeowner assistance fund is used to prevent mortgage delinquencies, defaults, foreclosures, and loss of utilities. She said Virginia was allocated roughly \$250 million in that fund, and there were two portions of rental assistance payments. She explained that Emergency Rental Assistance 1 (ERA1) was tied to CARES programming, and ERA2 was tied to ARPA funding. She said that ERA2 has a minimum payment to the state at approximately \$352 million, so that would be funding from ARPA that went directly to the state to help with the emergency rental assistance payments for renters.

Ms. Palmer said she wanted the Board to understand where the gaps are and if they are being filled, and it sounded to her like Ms. Birch was saying that this money would go to fill those gaps. She asked if the money they were using now was filling gaps.

Ms. Birch responded that she believed so. She said she did not see either Ms. Russell or Ms. Savides in the meeting, who were much more involved in the CARES CRF funding, but more information about that can be provided.

Ms. Palmer said she knew they had gotten reports on this in the past; she just wondered what the latest update was.

Ms. Emily Kilroy stated that she did not have the full information but could share that the Pathways funding through the Emergency Financial Assistance Program has just worked through the funding that they had available through the CARES program, and they would be announcing the program wrap-up soon. She said the program served over 2,600 households over the course of its run from about June 2020 to June 2021. She said the funds that were expended were worked through a phone hotline, and it was important for the United Way, their partner in this project, to have a hotline to provide some additional wayfinding for other services that might be available. Ms. Kilroy explained that as people were calling and talking to those helping them navigate the program, they were also connecting them with additional state and local and regional resources, forming a patchwork to help ensure that the right funding was being provided through the best path.

Mr. Kilroy said the ARPA funds are envisioned to help support that gap that has been identified moving forward. She said they were also able to provide a lot of support to the community over the life of CARES funding.

Ms. Palmer said any information they could send the Supervisors by email would be great. She said as far as the other information, she does not have a problem with the general outline that Ms. Birch presented; she just has many questions about the specifics, which can be followed up on at a later time.

Ms. McKeel said she appreciated the update on the process and the funds that would be coming in. She said she appreciated Ms. Palmer bringing up the sewer connections and noted that Ms. Russell had worked with Gary O'Connell of the ACSA (Albemarle County Service Authority), learning that many of those areas lacking public sewer hookups were already mapped. Ms. McKeel said that looking at that through an equity lens would be important, noting that this is also critical to their climate change and environmental work.

Ms. McKeel said that in general, she appreciates the direction they are going, and she does not have any suggestions for anything different. She said it would be nice when they come back and talk about this again to be able to bring a few of those details like the list to remind the Board.

Ms. Price thanked Ms. Gardner and Ms. Birch for the information. She said when she sees a situation where they are given a large sum of money, perhaps not knowing exactly how it can be spent, it reminds her of the old saying, "I wanted it in the worst way, and that's the way I got it." She said they were showing the Board a way to avoid that, to take more time and clarify some of the complexities and the consciousness of their commitments; the extra time they are building in now provides an opportunity for decision-making, which would ultimately mean the money would be spent in a better way. She said she totally supports it.

Ms. Mallek thanked staff for the information and said she felt as if the firehose was still blasting right at them, but she understood and supported the framework described. She said she had questions and would like perhaps more information; when they are given homework later when it is appropriate to have updates, then she is glad to have that ahead of time so she can be better prepared if it works out. She said she understood the way that the nonprofits worked together to distribute through DSS and the United Way; and all that collaboration was wildly successful. She said she understood this next batch of money would be followed in the same way.

Ms. Mallek said staff mentioned that the state was going to have more money coming in a similar pot and asked if that money would then be able to reimburse their expenditures, then realized they were using new federal money anyway and so there would be no reimbursement.

Ms. Mallek said staff had mentioned with the money going into the broadband that they would be handing over authority to ABBA to make all these decisions. She said she would like to know more when it is available on how that collaborative process would work so that the rest of the Board would have enough information to share their thoughts with their representatives on ABBA. She said they were not appointed king, but this was part of how ABBA was representing the Board.

Ms. Mallek said since there is such an evolution in the way the program is being done now compared to the way it was done in the last five years, changes of which she is hugely supportive, she would feel more comfortable knowing more about those kinds of details, particularly in the future as they become available.

Ms. Mallek said staff had mentioned that Virginia was getting \$352 million in one of these gap homeowner assistance/rental assistance categories. She asked if these would be awarded to localities by population or if they would be competitive grants that would have to be sent in. She asked if they know any of those kinds of details yet.

Ms. Gardner responded that they do know some of the details. She said with the ERA 2 funding, there were some funds allocated to cities, local governments, and states; there was a complex population calculation, and from what she can tell there is currently just the state portion. She said there are other portions that would be going to the larger populations within Virginia directly. She said it was her understanding that the recipients would go to the state to apply, which is why they are trying to make sure they are avoiding duplicated efforts and making sure that everyone has the information to get the most possible support.

Mr. Gallaway said generally speaking, he is supportive of the framework; it is a good idea to take the time as Ms. Price said to figure this out, but he is not getting his head quite wrapped around it just yet. He said when staff said it was supplemental to the budget process and could be used to offset revenue losses, the Board's approach is typically to use reserve money for one-time expenditures, but this sounds like the supplemental money could be used for operational or for ongoing expenditures. He asked if this was correct.

Ms. Birch said she would not recommend they use it for ongoing; it would still be categorized as one time. She said they do not know the calculation for the revenue offset, so whenever that happens, they want to make sure they have projects identified that they can say to both the Treasury and the Board would be funded out of ARPA once the totality of the need is seen. Ms. Birch said that they could look at compliance and priorities and could use this as a funding source that they may have used general or bond funds for in the past.

Ms. Birch said as a funding source, it would be places that they would ordinarily have been spending. For instance, she explained, they have some stormwater projects with Board priority for some hookups and are working with Rivanna or ACSA to figure out what can be done differently with households. She said that where they ordinarily would have been using general funds, they would now use this as a funding source because it complies with all regulations.

Mr. Gallaway surmised that the money is limited, so if they are not using general funds and the money is then no longer there, they either have to go back in and find the general fund monies to continue a particular program or not continue funding it, so essentially some of the supplemental money would be sunsetted. Mr. Gallaway said he understood they cannot put this money into reserve and noted that they have been getting lots of emails about using ARPA money to put into a housing trust fund. He asked if that was considered putting it into reserves.

Ms. Birch responded affirmatively. She said they would have to tell the federal government what "thing" they used it for, not this "idea" or program or trust fund, etc. She said it must be tied to an expenditure with a path to spend for a specific item that is compliant with the regulations, and affordable housing-related things could typically fit into the compliance category. She said it could not be just sitting in a trust fund gaining interest to pay for something in the future; it needs to be spent on something within

the time period.

Mr. Gallaway said in the itemization of the broadband monies and the other \$4 million, he said they have the categories but have not seen the breakdown of the \$4 million. He asked if the itemization would be coming to the Board in these reports, as they have already been done, or whether this was going to be something the Board could put eyes on and see ahead of time.

Ms. Birch replied that was the decision point: There would be some things right now that they do need to move quickly on, but it does not mean they have to move so quickly that there isn't an opportunity for a review. She said that currently, it is structured that the County Executive's Office would approve this as part of 2022, so for the \$4 million, the professionals on the human services and economic development sides would be working on what they are funding. She said that the Board would know after it happens, working with Mr. Richardson, who would keep the Board apprised of what the County was planning to do.

Ms. Birch said they could go the other way where they present exactly how they would spend it, and the Board approves that funding. She said right now as they have set it up in the framework, the Board would delegate that authority to the County Executive, and then staff would report back to the Board how they spent it, much like CARES. She said that is exactly how they did CARES; they kept the Board in the loop, but there was executive authority to be able to spend it based on the parameters of what they think is the need of the community at the moment.

Mr. Gallaway said that in some ways, they have taken the same approach that had been taken with the County; releasing a certain amount of money up front and then coming back and tying it into the rest of the budget process.

Ms. LaPisto-Kirtley asked if this could be used for broadband advancement. She said if everything goes through ABBA, that is fine, they would have to figure that out, but her question was whether they could do some advancement funding early, perhaps before the VATI (Virginia Telecommunication Initiative) grants come through or are finally approved. She said she wondered whether there was some way to use the money to start a project coming in through CVEC, CenturyLink, Dominion, etc.

Ms. Birch responded they have to make sure that the project is complete, and that includes broadband. She said she did not necessarily know exactly what Ms. LaPisto-Kirtley meant by "advance funding," but if that project cannot be tied up, they could use a portion of this funding to support a broader goal; for example, if they would put up \$100,000 and somebody else was putting up a million. She stressed that it was her understanding that that entire project would have to be complete, so for their \$100,000, they would have to show it was a complete project.

Ms. LaPisto-Kirtley asked if complete project meant it would be done by the end of 2023.

Ms. Birch said they must encumber the funds, which means having a vendor with a purchase order ready to roll, and that must be done by the end of 2024. She said that by the end of 2026, they would have had to pay the vendors, tighten up the expense, and complete the project.

Ms. LaPisto-Kirtley asked if it was correct that this cannot be used for any kind of salary. She said with their affordable housing plan, developers are asking for more of a fast track, i.e., they provide more affordable housing, and they are compensated by the fact that there is a fast-track process. She commented that to have that fast-track process, they may need to hire a person or two to be able to do that.

Ms. Birch asked Ms. Gardner if she knew of administrative fees and costs that the funding could be used for.

Ms. Gardner said she did not know off the top of her head. She said within the guidance specifically for affordable housing, it says it "can be used for affordable housing," and so she is happy to do some digging on that and come back with more detailed information on whether it can be used for an administration offset in that capacity.

Ms. McKeel said she was trying to wrap her head around the discussion with Ms. LaPisto-Kirtley because it was a great question and an interesting concept. She said she was thinking she was asking for positions and people, which they would not want to use one-time money for.

Ms. Birch replied that this is how Ms. Gardner's position is structured right now, and they are planning to use funding from these grants, whatever they can cobble together, to pay for her and get this done. She said that does not mean that they are not prepared for that ongoing cost, and they have established that this funding goes away in the next three years but she has a budget analyst role. She said if they had a brand-new program such as something in affordable housing, it could be set up so that somebody is hired for a specific period of time to coincide only with that grant, so as long as the grant is there, they are paid out of it and would have that role. She said there are ways to go about it where it is not built in; they are not building in an ongoing cost using one-time funding.

Ms. McKeel said she knew they had done that over the years before; she just wanted to make sure that she was understanding that was what was being said. She said she would be interested in hearing back but had thought they would come back to the Board on that one anyway.



Ms. Mallek said if the CIP project could be concluded by the end of 2026, it would be one-time money that could be used under that loss of revenue category if she understood the description correctly.

Ms. Birch said yes, there are categories of funding within that, but they are pretty broad, like general government services or something. She said that was why that bucket was so important for staff to figure out and be comfortable with, because it does provide some flexibility to do capital-related projects that are Board and community priorities and avoid using general funds to support them.

Ms. Birch said she would make sure they come back whenever there is additional information, particularly if it changes, and once the guidance is finalized, if there is any marked change, they would make sure to keep the Board apprised and involved.

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Agenda Item No. 10. **Closed Meeting.**

At 5:38 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider the appointment of an interim director of Social Services; and
- Pertaining to the memorandum of agreement between the County and the City of Charlottesville regarding the County courts:
  1. Under Subsection (3), to discuss and consider the acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
  2. Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the County's rights under the terms of the agreement and under State law; and
  3. Under Subsection (29), to discuss the scope of possible amendments to the agreement, which involve the expenditure of public funds, where discussion in an open meeting would adversely affect the bargaining position of the Board.

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

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

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Agenda Item No. 11. **Certify Closed Meeting.**

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

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

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

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Non-Agenda Item: Vacancies and Appointments.

Ms. Price **moved** that the Board adopt the resolution appointing Mary Stebbins as the interim director of Social Services.

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

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

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Agenda Item No. 12. 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 confirmed there was no one signed up to speak and closed Matters from the Public.

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Agenda Item No. 13. **Public Hearing: CPA2020-00001 Housing Albemarle.** To receive comments on proposed amendments to the Housing Chapter and Appendix 9 of the Albemarle County Comprehensive Plan. The proposed amendments would revise recommendations and strategies related to housing programs in the county. The Policy would revise information related to housing programs by: introducing new housing policy objectives and strategies; identifying a set of priority actions; and

establishing a policy implementation timeline.

The Executive Summary as forwarded to the Board states that during its meeting on May 4, 2021, the Planning Commission voted 7:0 to recommend approval of CPA202000001 Housing Albemarle. The Commission's original staff report, action memo and draft minutes are attached (Attachments A, B, and C).

The Planning Commission engaged in significant discussion about the proposed Housing Policy, and recommended several changes to the document. Five public comments were made during the public hearing. A summary of the Commission's feedback and the public comments, along with staff's response, is provided in Attachment D.

Staff revised the Housing Policy draft to incorporate the Planning Commission's recommendations and updated the document formatting. Other changes to the document based on Planning Commission feedback are summarized in Attachment D. Staff has drafted proposed revisions to both the summary of the Housing chapter of the Comprehensive Plan (Attachment E), and Chapter 9 (Housing) of the Comprehensive Plan (Attachment F). The proposed Housing Policy is provided as Attachment G. The updated Housing Policy would replace Appendix 9 of the Comprehensive Plan.

The proposed Housing Policy identifies seven strategies that the Stakeholder Committee recommends for priority action. These priority strategies, which are outlined on pages xii and 46 of the Housing Policy, are:

- 1A: Explore options with county owned land to develop a permanent affordable housing community.
- 2B & 3B: Provide incentives to increase production of affordable rental and for sale housing.
- 5A: Develop an affordable dwelling unit program structure and guidelines.
- 6A: Develop and implement a sustainable housing trust fund for adoption by the Board of Supervisors.
- 7A: Establish a standing housing advisory committee.
- 10A: In partnership with public, private and nonprofit partners, expand permanent supportive housing opportunities for chronically homeless households.

If the Board adopts the proposed amendments, staff would begin work on these strategies immediately.

Additionally, if the proposed amendments are adopted, staff intends to delay implementation of the recommendation that a minimum of 20% of the total number of housing units in new developments be provided as affordable housing (a proposed Action Step under Strategy 1a) until July 1, 2022, to give applicants time to adjust to the new guideline. This delayed implementation would not apply to the affordable housing requirements of the proposed Rio29 Form Based Code.

Incorporation of the updated housing policies into both the comprehensive plan and zoning ordinance update processes is anticipated in the staffing levels for those projects. As specific housing programs are scoped and brought forward for Board consideration, any budget impacts will be included in those program discussions. Future implementation of some of the individual policy objectives may require County investment. These budget requests will be addressed as policy objectives move forward.

Staff recommends that the Board adopt the attached Resolution (Attachment H) to approve CPA 202000001 and to adopt the following amendments to the Comprehensive Plan: (i) the revised summary of the Housing chapter, (ii) Chapter 9, Housing, and (iii) Appendix 9, the "Housing Albemarle" policy.

The Board agreed to bring the item back on their July 7, 2021 agenda with revised policy language.

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Ms. Jodie Filardo said it was her pleasure to get to be the preamble to the Housing Albemarle conversation.

Ms. Filardo stated that the comprehensive plan for the County is the framework of policy that guides what they do and how they implement that policy moving forward, and that implementation tool is the zoning ordinance. She said the housing policy is the framework for Housing Albemarle, and that framework would give direction to staff on what policy decisions the Board is interested in them pursuing. She said that with that known, they would then be able to develop both ordinances and programs in collaboration with community stakeholders to bring back to the Board for consideration and hopeful adoption.

Ms. Filardo said Dr. Stacy Pethia would walk through the work that has been done on the housing policy and next steps to take to move the policy towards implementation.

Dr. Stacy Pethia, Housing Policy Manager, reported that the public hearing is on CPA2020-00001 Housing Albemarle, the proposed new housing policy for the County. Dr. Pethia said she would go through a brief background on the project and the work that has been done to date, then she would review the feedback received from the work session with the Board in March, the feedback received from the Planning Commission during the public hearing on May 4, and the changes that were made due to both of those conversations. She said she would then review next steps and conclude the presentation and be available for questions.

Dr. Pethia started with a quick overview of the work done to develop the proposed housing policy. She said after the Planning Commission passed a resolution of intent to update the comprehensive plan

with the new housing policy in July 2019, staff began meeting with members of the Albemarle community to learn about their housing needs. She said between October and December of that year, staff met with and collected comments from more than 400 residents and other community stakeholders. She said staff then worked with a seven-member stakeholder committee to draft a set of housing policy recommendations; these recommendations were refined through feedback received during work sessions with the Planning Commission in August 2020, with the Board of Supervisors in October 2020 and March 2021, and during a joint Board of Supervisors and Planning Commission work session December 2020.

Dr. Pethia said feedback was also received from community members during a public comment period in February. She said the feedback received was reviewed by staff and incorporated into the proposed policy; the policy contains 12 broad policy objectives and 49 recommended strategies and associated actions to support County and community efforts to meet the housing needs. She said the recommendations included in the policy fall under seven broad categories and address the housing needs in a range of household income levels, ways to preserve the County's existing affordable housing stock in communities, engaging with the Albemarle community, showing fair access to housing creating a more equitable Albemarle, and enhancing community sustainability.

Dr. Pethia said feedback received from the Board members has been incorporated into the document presented to the Board, and a full list of those changes is included in the agenda packet; however, it was important to highlight the changes made since the work session with the Board in March. She said there was a good deal of discussion among Board members at that time about the proposed policy, and those discussions led to three changes. She said staff added two new action steps under strategies 4c and 8b that are related to accessory apartments; these action steps include taking an inventory of existing accessory apartments in the County to understand how they are being used and how many are being provided as affordable housing, as well as developing a set of performance standards for accessory apartments to ensure that any new accessory units built would blend in with existing communities. She said staff also removed references to providing housing for all current and future residents, understanding that they would do their best to meet those needs but may not always meet every benchmark.

Dr. Pethia said following the March work session with the Board, a public hearing on the proposed housing policy was held with the Planning Commission on May 4; again, there was a good deal of discussion among Planning Commission members, which led to several additional changes to the document. She said these changes included recognizing apartment buildings of the housing type to be encouraged under Strategy 1a, adding a new Strategy 2b to encourage the use of new and innovative construction technologies that help decrease the cost of residential construction, and including the Town of Scottsville as a partner in affordable housing efforts under strategies 2f and 3f.

Dr. Pethia said other changes included adding a new Figure 5 under Objective 3, which illustrates base salaries of several police, fire/rescue, and teacher positions. Dr. Pethia said a new Strategy 4b was added that recommends considering programmatic tools for encouraging the renovation of existing residential structures for affordable housing. She said a new action step was added under strategy 8b to consider allowing apartment buildings in residential neighborhoods where appropriate and where the proposed buildings would integrate into the community. She said finally, a new Strategy 11d was added which recommends the County examine options for helping to decrease the cost of assisted living facilities and to advocate for improvements in the auxiliary grant program.

Dr. Pethia said that staff has had a number of conversations with community members since the public hearing with the Planning Commission that have highlighted several challenges the County may have meeting proposed housing policy objectives. She said the first challenge of a 20% target for affordable housing under rezoning and special use permit applications was discussed in the staff report included in the Board's agenda packets. She said the remaining challenges were raised during conversations that occurred after the agenda materials had been completed; these challenges include a package of developer incentives not yet identified, proposed changes to affordable unit pricing, and the extension of the affordability period for affordable housing units.

Dr. Pethia said that staff recognizes the important role incentives play in supporting developer efforts to meet the other challenges listed; therefore, staff recommends delaying implementation of these four challenges to provide staff the time needed to work with the developer community and the Board of Supervisors to identify and implement incentives to support the construction of affordable housing.

Dr. Pethia said the proposed housing policy identifies six priority actions to be completed within six years from the date the Board approves the housing policy. She said three of these actions would be completed within the next 12 months. She said work on a new application process for the County's housing fund is underway, and staff anticipates bringing a proposed process to the Board in September; this process would also apply to any funds requested from a housing trust fund should one be created.

Dr. Pethia said knowing how important developer incentives are to the County meeting the proposed housing policy objectives, staff would begin working with members of the development community on this project immediately. She said staff anticipates returning to the Board for a work session on this item in the spring. She said four of the stakeholder committee members who worked with staff to develop the proposed housing policy have agreed to continue working with staff to draft a proposed structure, including member selection and committee responsibilities for a housing advisory committee. She said staff anticipates bringing the proposed structure to the Board in early summer 2022.

Dr. Pethia said work on the third and fourth items shown on the slide requires more background

work, which is factored in to the two- to four-year estimates for completion, and the remaining items on the list are either underway, such as the permanent supportive housing project addressed under Premier Circle; or dependent upon completion of another item before moving forward, such as the last item, which is the RFP for an affordable housing project on County land if an appropriate site is identified with staff research.

Dr. Pethia summarized the next steps in a broader perspective. She said staff recommends that the Board approve the proposed housing policy as a framework to guide further work on affordable housing. She said approval of the policy would allow staff to begin working on development of the programs and ordinances needed to make the proposed policy objectives. She said this work would include the involvement of community stakeholders, housing partners, and other County staff. She said as programs and ordinances are drafted, staff would bring each of these forward to the Board for review through work sessions and approval, with the final step in the process being implementation of all Board-approved programs and ordinances.

Ms. LaPisto-Kirtley asked if Board full implementation or approval would be six years from now according to the last slide.

Dr. Pethia said that was the timeline to complete those six priority actions; most of them would be completed within the first one to three years depending upon the amount of background work that needs to happen.

Ms. LaPisto-Kirtley asked Dr. Pethia to go back to the ones that would be completed in the first one to three years.

Ms. LaPisto-Kirtley said she is concerned with the whole timeline and asked in a practical sense when developers would know what is expected of them if they want a rezoning or a special use permit; if it would take 12 months to develop an incentive package with the developers, she was not sure anyone would be building anything between now and then.

Dr. Pethia said those changes in the proposed policy would not take effect until a developer incentive package is approved; until then, things would operate the same as they are now, so the current policy would remain in effect with the 15% affordable housing and the rezonings and special use permits.

Ms. LaPisto-Kirtley said they have not even gone into her concern with the whole proposal regarding the amount of time. She said they had 15% of AMI over a number of years and have sold 44 units in 10 years, and now they are saying 20% AMI for 30 to 40 years, depending on whether it is rental or purchase, and asked what would ensure the success of this new proposal if the first program did not work that well.

Dr. Pethia replied that the incentive package for developers would help them meet those expectations of 20% for 30 years' rental and 40 years' homeownership. She said the change in the proposed affordable pricing, particularly for the for-sale units, would open those units up to more homebuyers in the County. She said part of the problem with the program now is that the for-sale price for affordable units is too high for the majority of people that work with local housing nonprofits through homebuyer programs. She said Piedmont Housing Alliance offers those programs; the majority of homebuyers they work with have incomes around 60% AMI. She said the current home sale price is affordable to 85% AMI households, so it has made it difficult to pair low- and moderate-income homebuyers with the proper units.

Ms. LaPisto-Kirtley asked if they were also changing the AMI criteria, using statewide instead of County.

Dr. Pethia answered no and said the for-sale units are still targeted to households with incomes no greater than 80% AMI; with the rental units, the target households are 60% AMI or less, but that does not affect the pricing of the rental units.

Ms. LaPisto-Kirtley said they all want affordable units, everyone in the County wants to have a good affordable housing fund, but she also wants one that works, and that is her concern. She said she does not want to have another one where they go another 10-20 years and it is not working; she wants to have something that works and is afraid of declaring certain things without working together with the developers, because otherwise they would go by-right and are not even going to ask for a special use permit. She said if they develop by-right, the County does not get any affordable housing, and that is what concerns her. She said whether they like it or not, they are all an integral part of this equation and need to work together.

Ms. Palmer said there is so much in the housing policy, and she appreciates the attempt at covering absolutely everything that could possibly be covered, but there is one section with respect to workforce housing, with the one example given as teachers, and supplying some kind of credit for them to be able to afford the housing. She said she was wondering if their pay scale was considered, such as the current public safety pay scale, and whether they could be helping this situation, obviously not solving the situation, but helping the long-term affordability issue. Ms. Palmer suggested that they take the public safety pay scale and compare that to affordability, rather than just concentrating on the peer communities and what they are paying those workers.

Dr. Pethia responded that looking at pay scales was out of her purview but is a potential

approach.

Ms. Palmer said at some point, she would love to hear from somebody such as Mr. Richardson on this.

Ms. McKeel said that staff had done an extraordinary amount of work and she appreciated the detail, but she is concerned about the lack of the incentives being addressed and the timeline for them to happen, with the same concern that Ms. LaPisto-Kirtley had about what would happen in the meantime. She said there is nothing clear to the Chamber of Commerce, representing the business community and the developers, about how this would play out without the incentives.

Ms. McKeel said she was looking at Objective 3, Strategy 3d and Strategy 3e: "Develop mechanisms (such as deed restrictions) to ensure affordable for-sale units developed with County incentives and other types of County support remain affordable for a minimum of 40 years with the long-term goal ..." She said 40 years is a long time, and "other types of County support" seems to be vague to her. She asked for an idea whether they were talking about monetary support or programmatic support or just a letter of support. She said that as an aside, Strategy 3d repeats Strategy 3e; it is the same strategy.

Dr. Pethia said that looking beyond the incentive package, other support would include any funds provided to the housing fund or a potential future housing trust fund, for example.

Ms. McKeel asked if it would be good to clarify that. She said she knew they did not want to be limiting in any way, and she understood that; it just seemed vague.

Dr. Pethia said she could fix that.

Ms. McKeel said the report talked about the evaluation of County-owned land like an inventory, and she has talked for years about building affordable housing on County-owned property. She said she thought that Economic Development was doing an inventory of property, and there is a study underway of all of the properties because of the Lambs Lane campus and the Berkmar proffer, and now they would be doing another evaluation of County-owned land. She asked for help understanding how all of that marries together because they did not need to be doing three inventories and three studies.

Dr. Pethia explained that the recommendation was written before the current study started, so this is coordinating those efforts. She emphasized that it is not doing a separate one but working with the current studies to identify parcels that the County owns that may be available and then doing some additional in-house research to see if they would be appropriate for an affordable housing development.

Ms. McKeel said that made sense to coordinate it, and she would be concerned or very insistent that Economic Development be involved in that. She said they are doing an inventory right now, but her concern is that if they continue to take commercial land away from economic development work, then there is not going to be any land to use for economic development.

Dr. Pethia said she understood how important that was.

Ms. Price echoed appreciation for the work that had gone into this. She told Dr. Pethia that she understood she had been sort of shepherding this through the process, and County staff, the Planning Commissioners, constituents, and businesspeople have all contributed to provide valuable information.

Ms. Price said she also shared concern about not having incentives as part of the package when it is approved, and part of the reason for that is if the Board approves part of this and then does not get the incentives done in a timely manner, they are simply adding another layer of confusion to the community. She said she understood some of the things like looking at County land could come a bit later, but she would like to see the major part of this be more complete before supporting it.

Ms. Price said she had already raised her concerns in an email to Dr. Pethia and appreciated the depth and breadth of the responses she had provided in terms of not having the incentives at this point. She said she also believed that without having the incentives, moving from 15% to 20% of affordable housing, 10 to 30 years for rental affordable housing, 40 years for sale, it is just too much to ask without having the complete package.

Ms. Mallek said she thinks she is understanding that this is a comp plan amendment, and so in the comp plan, they do not have those implementation details worked out; she understands how the plan was to do this part now and then the details after, which would then be adopted by ordinance and become the implementation, but if the role of the Board is to do more first, she is okay with that as well.

Ms. Mallek said she was in the same sort of timetable confusion, and it seemed as though there were several years' worth of work to do. Ms. Mallek asked if they are ready for a housing committee now, because it seemed that would be when they have more facts available for people to give feedback to, not having them involved in the development of the process and all the legalese that would be happening next. She said that is something she would be glad to have feedback about, but there is a process for people being appointed to County committees. She said she thought she understood Dr. Pethia to say that the people she had chosen to help her before would be continuing on and wanted to get clarification about that. Ms. Mallek added that she knew there were several who were not County people, and it was important to her that they focus on their County people when talking about a County advisory committee.

Mr. Gallaway said on page 38 of the actual policy, Objective 4, "Preserve and maintain the County's aging housing stock and existing communities," and on page 24 of the PDF (38 of the file), it says, "Within the next 10 years, the affordability period for four of these properties are set to expire. This could potentially force 455 low-income households to search for affordable housing ..." He said when he went down and read through the strategies, he was trying to track how the strategies solve that problem. He said granted the caveat is put in there that not all of these would be lost, but it is not like they just get there and all 455 disappear, and he gets that some of the rehabilitation projects and grants etc. could help owners do that work without having to take them to market rate to recoup their investment. Mr. Gallaway asked Dr. Pethia to talk through the remainder of those strategies and how that plays out, and maybe hearing it would help him understand that section.

Dr. Pethia said there is a recommended strategy to work with owners of affordable housing to figure out ways to help preserve at least some of those units as affordable. She said that Strategy 4c to "develop strategies to encourage owners of naturally occurring affordable rental housing to preserve all, or a portion, of these units as affordable housing," could apply to owners of affordable housing as listed in those units that are set to expire. She said all of those buildings have used low-income housing tax credit financing to make those units affordable for 30 years, and their compliance period is nearing an end. She said she fully expects the owners as nonprofits to pursue another round of low-income housing tax credits to rehab those units and keep them affordable for a further 15 to 30 years, but if they were not going to do that and were thinking of turning the building into market-rate units, this approach contemplates working with owners of affordable housing to find ways to help preserve at least some of those units.

Mr. Gallaway asked if the zero-interest housing rehabilitation loan program were something they helped them find or if they would provide that.

Dr. Pethia said that could actually be done through the housing fund.

Mr. Gallaway said they could use trust fund money to just do that program, then apply for it.

Dr. Pethia confirmed this and said that the City of Richmond has done something similar with their housing fund.

Mr. Gallaway asked for clarification about the 3D printing construction materials and asked if there was some prohibition in place now that limited that from being used.

Dr. Pethia replied not that she knew of, but it is a fairly new technology. She said Virginia Housing has purchased a 3D printer that they have been using to create units as sort of a pilot program. She said she does not think there is anything in Virginia law that says they cannot do that.

Mr. Gallaway said the 3D kind of stands out, but it says, "...and other emerging technologies," and he wanted to be clear if there were some sort of regulation or something in place that prevented that now so that people did not think they couldn't do that now or that they had to wait for this policy to be in place first.

Mr. Gallaway opened the public comments.

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Ms. Lori Schweller with Williams Mullen spoke in favor of the proposed policy and in favor of the recommendation to tie implementation with incentives. She said they clearly all want this policy to have its intended effect, and like some of the Supervisors, private developers fear that would not happen if regulations are not adopted to offset the increased costs.

Ms. Schweller said looking at rental only for the sake of simplicity, she would share some calculations of the significant cost increase the plan would add to a project. She referred to slides delivered to the Board earlier and noted that the proposed changes address three basic variables; percentage of units, period of affordability, and definition of affordability. She said that focusing on the new definition of affordability for rentals, 25% of gross income at 65% AMI is based on HUD's rental limits for the housing choice voucher, formerly known as Section 8, for which public funds are available. She said for private developers, for a two-unit apartment, comparing market rate for that unit at \$1,625 a month to the current policy rate at \$1,500 a month, the new proposed policy would be a monthly rental of \$1,272 per month. She said the difference per month for one unit between market rate and affordable under the current policy is \$125 a month; under the proposed policy, it is \$353 a month. She noted that there is a greater difference between the old and new rent subsidies than there is between market rate rent and rent under the current policy.

Ms. Schweller said if that were extrapolated out over a hypothetical project with 200 units, for 40 units, that new policy would cost almost \$170,000 a year in subsidies, and over a 30-year affordability period, it is more than \$5 million. She said these numbers are high enough to make a rezoning or special use permit infeasible. She said they all want the affordable housing policy to work, so they urge the Board to hold off on implementation until workable incentives are in place to make it viable.

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Mr. Neil Williamson said he serves as president of the Free Enterprise Forum, a privately funded public policy organization focused on Central Virginia's local governments. He said they have been engaged in the Housing Albemarle efforts from the very start. He said the Forum applauds the work staff

has completed thus far and concurs with staff that Housing Albemarle is dangerously incomplete. He said that as drafted, it places unworkable burdens on the development/builder community and would result in fewer rezonings and thus fewer affordable units, as well as a reduced number of new units constructed and thus more restricted supply. He said given the anticipated demand levels, this could increase prices in market rent, thereby negatively impacting affordability across all price points.

Mr. Williamson said as drafted, Housing Albemarle would harm housing affordability, but it does not have to be this way. He said that throughout the proposal, there are suggestions of working with stakeholders to develop appropriate incentives to help offset the cost of developer subsidies and encourage the construction of new affordable housing, and to tap fee relief, rent abatement, tax increment financing, Community Development Department fee rebates, and bond financing. He added that these are just a few examples that need to be fleshed out if Housing Albemarle goals are to be met.

Mr. Williamson said that based on Dr. Pethia's testimony earlier that evening, he recognizes the importance of these incentives to make the proposed policy viable. He said the development and builder communities want to continue to do their part and stand ready and willing to engage in these discussions and develop new equitable, workable solutions to the housing affordability challenges, but the development community cannot do this alone; this must be a shared effort.

Mr. Williamson said that the forum asks the Board of Supervisors to endorse the concepts of the Housing Albemarle plan and follow staff's recommendation to postpone final approval until a full vetting of the necessary incentives can be developed and formally adopted as part of the plan.

Mr. Williamson said that absent the incentives, this aspirational plan would fail, as it would drive landowners to develop under the existing low-density zoning rather than a diversity of housing product as envisioned by the comprehensive plan. He said that perhaps worse, as drafted, Housing Albemarle would restrict development, reduce housing supply, hinder housing affordability, and due to a lack of supply, push residential development into the County's rural areas and farther into outlying localities, thus increasing sprawl. Mr. Williamson asked the Board to please hit the pause button and thanked them for the opportunity to speak.

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Ms. Anne Weidhaas said she was working for the Town of Scottsville as a planning intern, and Mayor Ron Smith and administrator Matt Lawless send their regards that they cannot attend this meeting. She said the purpose of this public comment was to speak on behalf of the Town of Scottsville in favor of the proposed amendments to the housing chapter and Appendix 9 to the comp plan and to recognize and thank the Planning Commission on behalf of the town for addressing the town's concerns and incorporating changes to the document that were advocated for in the previous Planning Commission meeting.

Ms. Weidhaas said the edits made by the Planning Commission to the current version of the draft adequately represent the Town of Scottsville as an active partner and more accurately represent the partnership between the County and the town and positions them for growth together. She said as Scottsville also prepares for an upcoming comprehensive plan update, they are enthusiastic about the potential to continue to align plans and work together more closely with the County and appreciate the Planning Commission's willingness to listen and work together. Ms. Weidhaas thanked the Board for their time and thoughtful process.

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Ms. Muriel Grim, Rio District, said she was with the National Resources Committee of the League of Women Voters of the Charlottesville area. She said they had emailed the Board a similar statement along with a list of examples. She said there is a critical need today for affordable housing; the housing policy must address this need, but affordability should not be the only housing policy goal. She said the more comprehensive goal is assurance of a desirable home that is within each family's financial means.

Ms. Grim said housing should provide affordable livability for everyone; in addition to the safe, decent, and sanitary housing goal in the comprehensive plan, a community is actually livable when it has an environment that supports good health and convenient access to shopping, services, social gathering places, and green space. She said it is a place where the residents, both owners and renters, can easily afford the housing and also afford transportation, utilities, home upkeep, and taxes.

Ms. Grim said homeowners in a livable community should expect their homes to be a source of increasing wealth. She said government policies, expenditures, and ordinances are crucial in creating livability; its policies must focus on affordable livability and not just the cost of the house. Ms. Grim said many objectives and strategies in the March 17, 2021, version of the housing policy would lead to livable housing; unless carefully written, followed, and monitored, others' objectives and strategies could conflict with the comprehensive plan's vision and decrease the overall quality of life, and they have compiled examples of both.

Ms. Grim said some additional things that are not in the housing policy that would support livability are: 1) clearly defining the words "affordable" and "workforce" and distinguishing among the ranges of needs covered by each type of housing; 2) addressing the ability to build wealth with homeownership; 3) reestablishing the buyer's club that provided potential owners with the ability to be ready to purchase the right property when it becomes available; 4) supporting using communication technologies to create virtual communities as a means to facilitate their access to service providers, transportation, social events, etc.

Ms. Grim said that most importantly, before insertion into the comp plan, all objectives and strategies must be evaluated in terms of how well they support affordable livability, greenhouse gas emission reduction and climate change resiliency, and the comprehensive plan's vision and goals.

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Mr. Tom Eckman, Rivanna District, said he was a member of IMPACT, which has been pressing for close to five years now to get more affordable housing. He said it has taken a long time and a lot of work, but he applauded the creation of a housing policy that includes a housing trust fund. He said over the years, they have heard hundreds of stories of people struggling to find affordable housing. He said a senior couple living on a fixed income had told them after paying utilities and rent, they only had \$50 left to live on the rest of the month; a woman entering Kroger was approached by a woman and a child wanting her to buy her food stamps so she could pay her rent; school bus drivers when they met with the superintendent said they were having to live outside the County because they cannot afford to live here.

Mr. Eckman said a housing trust fund can leverage money by eight times to build more affordable housing; it acts as an incentive for developers to actually build and create more housing, but it has to be funded. He said they have been pushing for \$5 million in the fund annually because that amount could create 167 units per year for low-income housing. He encouraged the Board to find \$3 million to put in the housing fund from the American Rescue Plan or other sources now. He said he has a senior friend who has been living on the edge of homelessness for many years, and he would say to him, "Tom, I could use one of those affordable units." Mr. Eckman said that unfortunately, Gary was diagnosed with Lou Gehrig's disease a year ago, and it may be too late for him now.

Mr. Eckman asked the Board to create a sense of urgency and get \$3 million in the housing fund now so that with the current \$2 million, there would be \$5 million that could be transferred to the affordable housing trust fund when it commences in January of 2022. He asked the Board to get staff working on the housing trust fund, which can incentivize building more homes, and he hopes they can kickstart building 167 affordable units in 2022.

Mr. Eckman urged the Board to expedite approval of the housing policy and have staff work to get this trust fund up and running by January of 2022 with \$5 million in it. Mr. Eckman said he also wanted to plug in for land development, which is 25% to 30% of the cost of a development. He said if somebody like the County donated land, 25% to 30% of those units could be made affordable for as long as the land was able to be given away. He asked the Board to please consider these recommendations.

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Ms. Vikki Bravo said she was also in attendance as a member of IMPACT and noted that they had 14 people there that evening. She said that those representing IMPACT's 26 congregations are pleased that the Board is moving towards creating an affordable housing trust fund. She said two things that are known about affordable housing trust funds are: They are best practice around the country, and municipalities can better reach their housing goals if they are adequately funded. She urged the Board to appropriate \$3 million from ARPA to the affordable housing trust fund or reallocate \$3 million of savings from ARPA appropriations to other expenses.

Ms. Bravo said affordable housing has been a crisis in the community for years; now more than ever, affordable housing is needed to energize the recovery from the pandemic. She said the County needs workers to be able to live there. She said the security guard who guarded her synagogue could not afford to live in the community, either the City or the County. She said she has a friend who works at a nonprofit who is forced to commute from outside the City and County to provide a critical service the community needs; ironically, she helps people get emergency assistance to pay rent and utilities and find housing and to avoid homelessness.

Ms. Bravo said essential workers should not have to stress about their housing and should have opportunities to live closer to those they serve. Ms. Bravo asked how they can be told they are appreciated but then not given a chance to live here. She said this is a way to give them a chance to live near where they work, and as the comprehensive plan states, to enhance the wellbeing and quality of life for all community members. She said this is a way to show seniors that their quality of life matters. She urged the Board to appropriate \$3 million of ARPA funding to the affordable housing trust fund upon its creation or reallocate \$3 million of savings from ARPA appropriations to other expenses.

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Ms. Valerie Long thanked the Board for the opportunity to speak and Dr. Pethia for all of the good work that she and her team have put into this proposed policy. She said that she supported and agreed with the objectives to provide affordable housing in the County, but she reiterated the critical need for solutions to address those challenges to be collaborative and economically viable for the development community. She said she had raised this issue in the last work session that the Board held on the draft plan, and she was particularly appreciative of Dr. Pethia's recommendation to delay implementation of the new policy expectations on developers until a package of incentives could be developed and implemented so that the policy has a much better chance of success.

Ms. Long recalled that when the existing policy was being discussed and reviewed in 2005, she and others had expressed concern at that time that it felt like the burdens for solving the problem were being placed entirely on the development community. She said there was a challenge and a risk that this program would not be successful if it was implemented that way. She said unfortunately, much of those predictions bore out, and it would be a shame to not learn from the shortcomings of the current plan and



to not work collaboratively to develop realistic and viable solutions.

Ms. Long said she was encouraged by the comments from several of the Board members that evening and appreciates that the Board understands the challenges involved and the desire of the development community to be collaborative and find solutions that can be economically viable. She said they would encourage the Board to implement Dr. Pethia's recommendation in that regard and know that the development community stands ready and willing to work collaboratively with Dr. Pethia, her team, and others to figure out a way to make this work as quickly as possible.

Mr. Gallaway closed the public comment portion and brought the matter back to the Board.

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Ms. Palmer said she assumed something like RST that is offering 75% affordable housing units, a Low-income Housing Tax Credit (LIHTC) private company project would not be affected at all by this housing policy, and neither would Brookdale, but they did put money into that one in the form of real estate tax relief. She asked how something like that would be dealt with and whether that would have changed or whether basically the same thing would have come to their Board under that circumstance because it is well over 20% affordable units. She asked if she was right that basically the LIHTC would not be affected as much.

Dr. Pethia said that was correct, and she believed the property tax incentives provided to Brookdale gave extra funding that filled a gap between the LIHTC funding, their private investors, and what they needed to make that project work. She said the same thing could happen with future LIHTC projects; it generally does not, but it may. She said Premier Circle was a good example; they would also be doing a tax credit project, and she does not have any idea if they would pursue additional funds from the County. She said the incentive package can be used for almost any development.

Ms. Palmer confirmed that they would still get the rezonings for these kinds of projects, and it would not be affected by this housing policy.

Dr. Pethia said that was correct.

Ms. Palmer asked if Dr. Pethia could give an example of a recent rental unit project for a rezoning that this would affect.

Dr. Pethia mentioned Brookhill and said this policy would have affected them. She noted that the 20% affordable housing, the longer-term affordability period, and the lower prices would have an impact on their project.

Ms. Palmer confirmed that this was for their rental. She said she was not as involved in that but did not remember they had a significant rental component to that.

Ms. Palmer said she appreciated that Ms. Mallek had pointed out that this is a comp plan amendment and is not supposed to have all the particulars in it. She said that as she read the portion about the advisory committee and Dr. Pethia's inclusion that the composition of this advisory committee is to be determined, she was concerned about any conflict of interest with those members. She said she understood that there is a need to have professional people from the community that can weigh in and advise; it is just kind of a cautionary tale; particularly with some of the nonprofits and the developers.

Ms. Palmer commented that she is concerned about how they allocate to the different forms of affordable housing. She explained that they currently have a lot of money in the Habitat ownership model for affordable housing, and the reason in part may be because the County did not have its own housing policy or trust fund in place, and she wondered if there perhaps should have been less money going to that initially. She said that phase one of Habitat is only 15% affordable, although she recognized it is a big project with several phases and many positive aspects, and almost across the street, Brookdale has 90 units of affordable housing for rental. She reiterated her concerns about how they apportion the money in this housing fund to these different categories of affordability and asked if Dr. Pethia had any comment about that going forward.

Dr. Pethia said they have been working on a new application process for nonprofits and developers requesting funding through the County for affordable housing projects; that would apply to the current housing fund and could apply to a trust fund if one is created in the future. She provided a brief overview of that process and said it would provide the Board the opportunity to set recommendations for funding. She said it could be an annual process in which the Board decides to focus on affordable rental housing or focus on rehab, or it could be every two years, etc., and they could set that time period.

Dr. Pethia said it also includes a standard application and an evaluation tool that has a number of different items drawn from the proposed housing policy and broader County goals that are included in the comprehensive plan so that they can evaluate how well those proposals and requests for funding meet County goals, whether that is through the housing policy or broader land use goals that they have as well.

Dr. Pethia said those applications would be reviewed, measured against that metric, then brought back to the Board with recommendations for approval or the Board can select their own. She said there would thus be a way for Board members to evaluate the types of proposals that come in, whether the Board feels they are meeting County goals, etc.

Ms. Palmer confirmed they would get the information on these different categories on some basis that would be updated as they go forward. She said her personal feeling was that the rental has the most return on investment in getting people into housing that is needed now.

Ms. Palmer said she struggled with the concept of the County going out and buying land, and some of the other Supervisors had already mentioned that that has some problems because there is only so much land in the development area to buy. She said she cringed at the County getting into rental housing ownership but recognized there were lots of different models for that and for working with nonprofits. She said she thinks the land trust is the only way to keep things permanent for a long period of time. She said she also recognized that land has gotten so expensive around the area that a government is one of the few entities that actually can afford it, so they have that issue too along with other conflicting concerns. She said this is a difficult problem, and she recognized how complicated it would be.

Ms. Palmer said basically she thinks that this is a good comp plan amendment in its entirety. She said she shared concerns about the interim period of giving developers good direction, but it is a pretty good comp plan amendment.

Ms. Palmer said she would like to hear from somebody at some point about her earlier question about their teacher and safety pay scale and looking at that up against affordability and not just other jurisdictional area comparisons at a later date.

Mr. Walker said Ms. Palmer had clarified at a later date, and they can certainly engage with the Board around those issues.

Mr. Kamptner said staff would come back with more information, but one thing he could share was that HR had told them that the salary structure does not consider the cost of living in Albemarle County.

Ms. McKeel told Dr. Pethia that she appreciated the draft and supported a lot of it but would come back again to the incentive piece. She said she appreciated the offer with the delay for the developers; if they were the federal government, they would put an asterisk at the bottom of the page. She asked how they would make sure that it is recorded and entered. She said she was not sure she was excited to support the policy without the incentives and asked Dr. Pethia how they would make that clear.

Dr. Pethia responded that the Board could choose to approve the policy that evening, and that would be included within the resolution. She said they would make a motion to approve the housing policy on the condition that these four items are delayed until the incentives package is complete. She added that she could make a note within the policy document itself in the portions that would be going directly into the comprehensive plan.

Ms. McKeel said she would feel a lot more comfortable if something is actually noted, she is just not sure exactly where. Ms. McKeel said on the resolution itself (Attachment H), it says, "Now, therefore, be it resolved 'Housing Albemarle' policy (Appendix 9), all dated June 16, 2021," and asked if that was the wrong date.

Dr. Pethia said she forgot to change the dates; they should be dated the day they are approved.

Ms. McKeel confirmed they would be approving it with the inclusion of language.

Mr. Kamptner said just to be clear, none of the three items being adopted has that date on them and asked for confirmation they were talking about Attachments E, F, G.

Dr. Pethia said she believed so.

Mr. Kamptner said E, F, and G appeared to be the most recent versions of the three documents.

Ms. Price said she may not understand all the subtleties between the comprehensive plan not having the particulars and other documents that do. She said she was still hung up on approving a set of changes to the period of time, the percentage of affordable housing, and the calculation of what affordable housing would be unless they know they have incentives that would actually achieve the goals they are setting by those approvals.

Ms. Price said it was important for the community to understand this, and there are many in the community that did not want to see rezonings, so the arguments the Board hears are that it has already been zoned a certain way and should not be rezoned. She said the community needs to understand that if rezonings are not redone, there is only by-right development, and if that's the case, the development area would be filled much faster because it would be a lower density and create urban sprawl versus having rezonings that increase density. Ms. Price stated that to get the density needed and achieve the desired affordable housing, they must know that their incentives would actually achieve those goals. She said if they do not have calculations, the best they can do is show the incentives that would achieve those goals. Ms. Price stated that she does not want to approve these objectives before she knows they can actually meet them; to do so, in her mind, makes them feel good about what they are approving but is not necessarily going to do the good that they need for it to achieve.

Ms. Price said that while she totally supports the concepts and appreciates the variety of

community speakers who participated from the development community, from IMPACT, and other individuals, who all want to see more affordable housing, she is still not in a position to vote for approval of this plan in the absence of incentives that show her they can achieve those objectives.

Ms. McKeel asked if Dr. Pethia could speak to that if possible.

Dr. Pethia said the recommendation is to approve the policy document, and the reason for that is there are 49 strategies and objectives included that could move forward without any work on an incentive package. She said they have only talked about a few of those that evening, but there are 49. She said 45 of those can move forward without an incentive package; the idea would be then to delay those that the Board is concerned about (the extended time period for affordable units, the change in the affordable price, and the 20% affordable units under rezonings) and delay implementation of those three items until the developer incentive package is established.

Dr. Pethia said everything else could go forward, and those four items would just be stalled until the developer package is together and approved, then those other three items take effect. She said everything related to rezoning would continue just as it has been today and in the past 20 years or so. She said there would be no change in the current requirements under rezonings and special use permits; they would continue to operate just as they are until that new incentive package is put together. Dr. Pethia asked if that helped.

Ms. McKeel said it did help her somewhat, but she still has concerns.

Ms. Price said she would be more comfortable with rather than pausing them, simply not having them approved; they could approve the other concept things, but those items would come back to the Board for approval. She said if they approved them without knowing that the incentive package would achieve those goals, they would have to come back and come up with a new calculation for those variables: the percentage of affordable housing, the term, and the calculation of how affordable housing is figured.

Mr. Walker said the Board is aware of staff's intent in trying to work to affect the policy change and then move quickly into the implementation aspects of what the policy is indicating, and this is consistent with how they typically do their comp plan ahead of the zoning work. He said it was only a month or so ago when they heard the concerns about drawing these closer together, and they made some adjustments in some cases to tie the zoning implementation aspects and the planning aspects closer together so there was not as big a gap, but still the implementation of zoning is driven by what the policy notion is within the plan.

Mr. Walker said staff's interest here is listening to the Board, which is not comfortable with how those policy aspects would be implemented to satisfy the interests of developers so that the County can get what it wants. He said a similar analogy is the process they went through with the small area plan and Rio 29 that then led very quickly to consideration of the form-based code. He said it would have been much more difficult to have done the form-based code work without the policy framework that was contained within the planning document of the small area plan at Rio 29.

Mr. Walker emphasized that the intent here is to have the policy drive the implementation. He said he thought staff was suggesting holding out specific elements so there can be a correlation between their perceived policy objectives in those areas and the incentives needed to match those objectives. He said if they removed the objectives from what has been adopted, they may not necessarily know what they are trying to match up with implementation strategies and incentives. He said that would be an argument for keeping it in there as delayed, so that they have something to work against in creating incentives to match.

Ms. Price said the last time the housing policy came before the Board, she was very supportive of each of these changes, but it is now the cost aspect that has raised some concerns. She said Mr. Walker may have answered her concerns in terms of specific actions for now.

Ms. McKeel said hers too.

Ms. Mallek said she was going in the other direction because she started out sanguine with the approach of the comp plan and then waited for the other details, and now she is wondering if the new policy could operate without these four extremely important issues. She asked if they then were creating a situation where they have adopted something that cannot be implemented. She said many of the Supervisors would remember over the last 20 years, they have had multiple enormous efforts that completely flopped for various reasons, and she did not want this to get halfway done and then find that they do not have middle ground here.

Ms. Mallek asked if they were better off saying they would solve these incentive problems now, then perhaps staff can come up with the 10 things that needed to be done immediately that the Board could sanction and at the next meeting send them to work on those. She said this was a logistical thing that she did not have the answer to, but she now has stronger concerns than she did at the beginning of the meeting.

Ms. Mallek said she had some questions and would like to get an answer about the committee that did not get answered when she had asked it before. She asked if this would be standard committee process or whether they were planning to propose something different.

Dr. Pethia said she would review the standard committee process, but she wanted to make sure they involved community members in determining what this committee would be. She said since they had the stakeholder committee for the housing policy development, they had expressed interest in continuing to work with staff to come up with a structure for a housing advisory committee. She said that structure would obviously be brought back to the Board for their blessing before anything is ever done with that, and this is just a temporary planning committee.

Dr. Pethia said she understood that there are procedures already followed; those would be worked into the process itself. She said the group would be working with her to consider the composition, the types of positions and organizations and community representatives that may sit on that board, the number of people that would be there, terms of service, and their exact charge. Dr. Pethia said she envisions that role as providing feedback on programs being created and help review requests for funding. She said they do that with the ABRT process and have community committees that do not make decisions but review and score applications, with those scores and recommendations brought to the Board for their funding contemplations.

Ms. Mallek said she was even more concerned than she was a few minutes prior. She said she cannot go there with having a self-appointed advisory group deciding how money would be spent.

Mr. Walker said he was under the impression that, as with all Board-appointed committees, the framework for those would be approved by the Board, including the charge and the charter and the details of membership. He said that this is driven by the awareness and acceptance of the Board as they consider those organizing documents, and it would not be approved until then. He said if he was wrong, then Dr. Pethia would tell him, but his assumption was that this would be a Board-appointed committee.

Ms. Mallek said she would want to ensure that people are not led to think something different because of the way it has been described before where they think their decisions are being carried right forward. She said she just wanted to make sure there are no misunderstandings.

Dr. Pethia said that Mr. Walker was correct: There would be a process in which they are Board-appointed, and this initial group was to help pull together the proposal of what the committee would be doing. She said she saw them as a way for the County to communicate housing issues and exchange information with the community members, to have them act somewhat as advisors and provide feedback on any proposed programs and help staff to monitor progress towards meeting goals. She said in her mind, they would most likely meet just four times a year. She said she has worked with such committees in the past, and they have been valuable if they are done right, and she is hoping she can do it right, but everything would be with the Board's approval.

Ms. Mallek said there is a reference in 12d about using the very latest construction materials, and she had raised the question at a different work session and thinks it is important that builders or individuals have the ability to deal with their own health issues in the houses they live in. She said that unhealthy houses are being created everywhere with a lot of the chemicals that are used in construction and the super-tight nonbreathable houses. She said that state building code is still struggling with how to fix this, but it would be another couple of years before they got any solutions, if they ever did. She said she wanted them to be careful about the kinds of statements made that make it sound like they are forcing everybody down one path here.

Ms. Mallek referred to what the speaker had said earlier about livability; she is concerned that so many of the suggestions about taking away parking requirements and setbacks and greenspace are just creating unpleasant places to live where people do not have the amenities that other people do, so she would be continuing to be concerned about those issues, but that would be for a later effort.

Ms. Mallek asked whether there was consideration also of an ombudsman person who might help identify areas where tenants need assistance, perhaps Dr. Pethia or someone in her office, so that when people have particular issues and do not know where to turn, there is somebody in an official capacity who is able to help.

Ms. Mallek asked if they are providing money to help support the rehabilitation of an older property with the reasoning to keep it affordable, if there were a way to then have an agreement that in receipt of this rehab money, these properties would be affordable. She said when they give money to AHIP or for PHA, they have agreements they have to meet in response to receiving the public dollars. She said that was another important issue they need to be keeping track of.

Ms. Mallek told Dr. Pethia she had not given her a chance to answer about whether the new policy can actually operate without these four being finished.

Mr. Kamptner said he had his nine-page memo of all the enabling authority they have to do various things, but it would take him some time to pull up the answer to that.

Dr. Pethia said that per Ms. Mallek's question about whether or not there could be conditions attached to any funding they provided for housing rehab or affordable housing, they are able to do that. She said the City does it with a housing fund; several other jurisdictions throughout the state also attach requirements, particularly in terms of length of affordability. Dr. Pethia said the County would have to provide funding or something else; they cannot just tell them to do that, but it is a possibility.

Mr. Kamptner reminded Dr. Pethia that the first question was whether those four particular issues can be extracted from the policy and whether it can work as it is, and related to that, whether the text that goes around all the discussions still works, whether it is still cohesive, or whether it needs further amendment if those four were delayed.

Dr. Pethia confirmed that the policy would still work without those four areas within it, as they are separate and specific to rezoning applications. She said that everything else within it pertains to very separate programs related to housing rehabilitation or fair housing, so the policy would work without those four elements.

Mr. Gallaway asked Dr. Pethia to tell him the four elements again.

Dr. Pethia answered that the incentives are the 20% affordable housing under rezonings and special use permits, the new proposed affordable pricing for those units, and the proposed affordability periods.

Mr. Gallaway noted the four were all tied together.

Dr. Pethia agreed.

Mr. Gallaway told Dr. Pethia that the Board recognizes that 90% of this is great, and they are throwing darts at 5% to 10% of it, so they appreciate the fact that she is enduring that. He emphasized that in no way does that 5% to 10% suggest that the work being done is not good, and he thanked her for her patience as the Board got these final important details worked out. He noted that part of the issue with the incentive piece is whether they approve the policy and put a deferred start period or wait until everything is in there and approve it then. He asked why it would take a year in developing an incentive package.

Ms. Filardo said these were simply estimates, so they anticipated that they could be back in front of the Board in spring of the following year in a work session. She said they were anticipating several iterations of this, just like they have done with the housing policy. She said that implementation would likely take them the year, but they expected to be back to the Board by spring at the latest with a work session to outline what has been recommended. She said they expected this to be a fully engaged stakeholder program. She said they have heard the interest of the development community to participate in this, as well as that from the nonprofits who were working in housing. Ms. Filardo emphasized that they wanted to ensure they heard from everyone, so part of this was the public engagement process or the stakeholder engagement process that needs to be fully vetted.

Mr. Gallaway said they now had put the elected official in the position of asking whether they needed all of that public engagement. He said that in their conversations with developers and the emails the Board has received, they were not talking about 50 to 100 incentives. He said there is bonus density that seems to be lower on the priority list; the largest cost that some developers have shared with him for rental property is real estate taxes; parking requirement setbacks do not seem to be a high priority, so it comes down to tax abatements, synthetic TIFs, etc., as they have done with economic development projects.

Mr. Gallaway said tap fees and similar could be explored and discussed; he does not know if they have the complete authority to just do that or not or what is involved with that. He emphasized that some very specific incentives that can get right to the heart of developers' cost concerns can be done in the short term, so he struggles with a timeframe where they take nine months for a public engagement process to get a list of five things they may already know, while there is a policy in front of him that he would like to get in motion. Mr. Gallaway said that adding time is never something he has heard a developer want to do, and he did not think they would like 9 months to 12 months to get incentive packages if this can be figured out pretty quickly.

Mr. Gallaway said he would pick on Objective 3, where it says "Strategy 3a—develop policies; Strategy 3c—develop procedures; Strategy 3d—develop mechanisms." He said they could go into any single one of these lines and say they did not have enough detailed ideas and wanted those specifics before moving this policy forward, and incentive one is to identify a package of developer incentives. He asked what that difference was with "develop mechanisms...to ensure affordable for-sale units developed with County incentives and other types of County..."

Mr. Gallaway said the whole policy is that they would do these things and have to get at it and figure it out, and one of his concerns was that it was too general of a policy with the question of when they would develop policies for Strategy 3a and how they would develop procedures, etc. He said it falls in line with the whole policy to say, "Identify a package of developer incentives." He stated that they have a developer group that is advocating and saying they want to know the specifics, and he would like to know the specifics for a lot of things here, but they have to get the policy in place and in motion to figure that out.

Mr. Gallaway said he could go either way, and if they wanted to wait a month for the policy to identify those incentives, so be it, but he did not know if waiting a year or nine months was satisfying when he felt it would be doable in a much quicker fashion. He said that with all due respect to the developers, he did not think they were asking the Board to keep things even for them based on a cost perspective; the developers that are involved in a regional housing partnership are interested in stepping up and taking some of these costs on. He said they did not have to make it all up for them, but they as

the County would have to put money into this, and money means tax abatements, tap fees, etc. that are typical revenue sources for the County.

Mr. Gallaway said he struggles with this because he would like to pass this policy, and everybody would have to be patient, but all the specifics would get out there. He said they cannot get there without developers doing this, and none of the Board is supportive of putting this in place and telling the developers to shoulder it and go do it, but he does not think they are all going to run out and do by-right projects. He said he did not think that was being threatened, and he does not think that is what would happen. He said that he thought they could get to this quicker and hoped they could find their way forward and get to work on that.

Mr. Gallaway asked if with the County-owned land piece, they were talking about different land than what was scrutinized under economic development. He said this was done five or six years ago when they did site planning, and site readiness was all about whether they had pad-ready sites. He said if they were talking about different land that needs to be studied, that is another timing piece; he did not think they needed to go back and recreate the wheel. Mr. Gallaway stated that they know what their land is and know what is available and can be done residentially. He said Ms. McKeel was right in that they could not just sacrifice the commercial property and now put residential there. He said they should not create extra work when they have a work plan that does not have room for extra work; they should go back and use what they know to get some of this done.

Mr. Gallaway said that he thought an economic development team could talk about the available land and commercial property, but they also are the experts on incentives and could help there as well. Mr. Gallaway asked if they had a specific set of incentives when they put the economic development plan in place. He said they probably already had guidelines or versions, and getting into a specific project is typically when the details are hammered out, and things come to fruition that way. He said he would imagine it would be the same for the residential properties.

Mr. Gallaway said for the trust fund, he appreciated that Dr. Pethia had demonstrated in April the path to get the legal, governance, and people aspects in place; they have also been talking about the committee a lot. He said in establishing a trust fund, the documents talk about best practices and that the ordinance would at a minimum clearly state the purpose, identify how the fund would be administered, the types of projects eligible for funding, organizations eligible to apply for funding, and some other aspects. He asked in Dr. Pethia's experience or knowledge, if having a trust fund and guidelines under those best practices would limit the Board from doing anything they would have used the housing fund for in the past.

Dr. Pethia says it does not have to, it just depends upon how the guidelines would be written for the trust fund. She said it is a possibility to have two separate funds, and so the current housing fund would remain separate, and a new housing trust fund created. She said if that were the case, that would probably give them the opportunity to look for other funding sources, which would be specifically dedicated strictly to affordable housing. She said to speak to other Supervisors' concerns, the housing trust fund could be used for other needs if they arose in times of emergency, and there were different ways to put that together.

Mr. Gallaway confirmed that by having a trust fund, they were saying this was for affordable housing and could not be touched except for that; whereas with the current housing fund, they could take that money and redirect it somewhere else if they chose. Mr. Gallaway said that was the whole point of a trust fund and why they have people advocating for the Board to put it into place.

Mr. Gallaway said there are a lot of things in the housing policy, and each Supervisor could pick out different priorities and would agree on some. He asked how they would get this in place and get it moving, even if they approved it at this meeting.

Dr. Pethia responded that she could begin working on many of these bits and pieces at a time, so there would be several projects going on at once. She said she has worked on many of the project programs in the past and knows where to pull the information from, so it is a matter of compiling that information and writing a draft. She said the more important issue once programs are implemented is monitoring the progress of those and ensuring compliance, which could be a challenge when working alone. She said it is difficult to say what any additional staff needs would be to help with compliance monitoring, so they have those programs at least drafted to determine what those measures would be.

Mr. Gallaway said he would be in favor of passing this, then they could define a specific timeline and the tasks to get the incentive packages identified and defined. He said that they could probably come up quickly with a list of stakeholders who wanted to be involved, because there aren't that many, and the standouts could probably be discussed right away, with the others following.

Mr. Gallaway said he appreciated Mr. Randolph at the Planning Commission calling out the transit points. He said there is not a lot of public transit in there, and it is not the appropriate place for it, as it is a housing policy, but the point is that the big next step for 5-10 years down the road is to make sure the transit piece is there to make the affordable units remain affordable and let people get around. He said that Ms. McKeel has been telling them this for years, but it would come fast on the heels; if affordable units start to go up and there was not a good system of moving people around, those units are not going to work for those who can afford the rent. He said he appreciated that being called out at the Planning Commission and felt it was important to call it out here as well.

Mr. Walker said that while he could not speak to all that went into Dr. Pethia and Ms. Filardo's characterization of what it would take that defined a year, he knows for sure that they would like to get this done as soon as possible. He said he has to be careful that he does not overcommit, but he thinks they can certainly explore whether this can be done more quickly than 12 months. He said he knew the Board was not wanting to sit on this and wait a year arbitrarily; they do not want to mismanage expectations and overpromise and underdeliver, but perhaps it is something they can move on more aggressively.

Dr. Pethia responded that they took into consideration Board agendas, busy schedules, and holidays, but she is very happy to revisit that timeline. She said she would also like to get it done sooner rather than later.

Ms. LaPisto-Kirtley said she agreed with others that they did want to get this done sooner than a year and feels confident that they could do this. She said that regarding passing it now or pausing it, she could probably go either way. She said she is thinking of perhaps waiting until the next meeting or a month because the whole incentive package is extremely important, as she does have a question regarding the trust fund.

Ms. LaPisto-Kirtley said they currently have a housing fund, but the difference with the trust fund would be that they could not use the money for anything else. She asked if that were correct or whether they could put in a proviso. She said she worries if there is a natural disaster or other unforeseen event, they might need that money and she did not want to encumber this or future Boards. She added that she did not know if that could be written to make it permanent except in case of an emergency. Ms. LaPisto-Kirtley said she definitely wants to put this on the fast track with developers and interested parties, and she thinks they are equally interested in that momentum. She said that she is not sure whether or not it is proper to pass part of it now or to wait a month, but she would listen to the other Supervisors.

Ms. Palmer said she is okay either way. She stated that when she first read it, she wondered if there was an incentive package that could be passed, but she has confidence in staff that they would not have put that in there if there without having something in mind. She said she was assuming the trust fund would be a later date as to how a Board would fund it and by how much and if they want to keep both funds, etc.

Ms. McKeel said she wondered if staff wanted to comment about the permanency of the trust fund while they were talking about it.

Mr. Walker said he wanted to take some time to understand how the trust fund would be constructed; obviously, the Board has the power of the purse, all of this funding is subject to appropriation, and current Boards cannot obligate future Boards. He said the issue would be that once money was appropriated into the trust fund, what guidance gives the Board the ability to then decide how the money can be used otherwise, and Mr. Kamptner would need to address that.

Mr. Kamptner said the one thing to do in the creating documents is to provide the parameters of what the funds can be used for, and if there is an emergency that arises or significant disaster, then the document can provide that that would be a legitimate basis to apply funds.

Ms. McKeel said it does seem that what Mr. Walker said is accurate. She said this is not a contract with another entity; this is funding the Board is providing, and so the Board has control over that, or a future Board would have control over that.

Ms. LaPisto-Kirtley said it answered her question and as long as there is a proviso in there regarding an emergency or natural disaster, she is fine with it. She said they all want to see an affordable housing fund that works but also to protect themselves in case of an unforeseen natural disaster.

Ms. McKeel said she agreed with Mr. Gallaway about the timing; they can make this happen more quickly, and she thinks the developers would work with the Board with whatever they decided to do. She said she is confused whether they are pausing this until the following month. She said with some of what they have talked about, she was happy to pass this that night as long as they know what they have agreed on.

Mr. Gallaway said they would have to clarify that after they go through their round.

Ms. Price said going into this presentation and discussion, her concern was whether it would be better to approve and pause or hold off and get it all together, and she articulated that pretty well. She said that based upon what has been presented that evening with commentary from staff, she is comfortable at this point supporting approval of the concept with the proviso that the four items, incentive package, percent of housing, pricing, and the period of time, be delayed. She thanked County staff for the additional information they were able to provide. She said she could go the other way as well but did hear that there were advantages to approving the basic concept of the housing plan, and that was the clear consensus among the staff, Board, community, and developers. She said that she was comfortable with approving the plan in its concept and deferring those four items.

Ms. Mallek agreed with Ms. Price and said she had learned a lot and is happy to go ahead with the plan that Ms. Price just described.

Mr. Gallaway said when they say delay with those four items, they are talking about things

continuing as is until those four items are worked out, and everybody was agreeing on that. Mr. Gallaway said that Ms. LaPisto-Kirtley was right that they did not know what would happen in the future—but they know what happened over the last 15 months, and they had all the reserves in place to deal with that. He said that when the budget team led by Mr. Richardson went back and re-budgeted, they did not touch the reserves, and they have to remember that their whole budget is built on contingency type of planning for unforeseen circumstances.

Mr. Gallaway said that other communities have used housing trust funds as a tool, as it helps them leverage financial incentives, but the idea is that specific money is being committed to that purpose and cannot be diverted. He said that this has worked well for other communities, but he understood that the Board would never lose control of the funding. He noted that this is beyond just being put in a reserve, they are putting it there to specifically tackle the affordable housing piece, then if the developer wants to do an incentive, it could function like the zero percent loan program for rehab.

Mr. Gallaway asked if they were at a point where a Supervisor would wish to attempt a motion.

Mr. Kamptner said if the Board is inclined to adopt the policy (Attachments E, F, and G) and the Board wants to delay the effective date of the four items, that should be included in the motion. He said he would suggest for the public's benefit that a notation be put into the policy so that if someone is looking at it, they know that that particular strategy or objective is not in effect at present.

Ms. McKeel said that was her "asterisk" for this.

Mr. Kamptner said for the resolution, they would amend it and note that it is not the documents dated June 16 because they do not have the correct date, but it would be attachments E, F, and G.

Ms. Mallek asked if they were better off taking this and giving it a chance for the annotations to be properly put in the document and voting on it at the next meeting.

Ms. McKeel asked if it could go on the Consent Agenda and asked if staff needed the time to do that.

Ms. Mallek said she would rather get it right and not have any confusion. She said she liked what Mr. Kamptner had said about putting a notation in certain paragraphs that says this is delayed until final adoption or something similar, so no one could come back later and be confused.

Ms. McKeel said it could go on the Consent Agenda.

Mr. Kamptner said at this point, it is action; the public hearing has been held so it could come back on the Consent Agenda if that is the Board's pleasure.

Mr. Gallaway said he had no objection but with something as big as this, they should put it as an action item and vote on it on the regular agenda at the next meeting; they have done this before when they needed to get the clerical piece right, and he would not object to that.

Ms. McKeel said that gives Mr. Kamptner time to do what he needs to do.

Mr. Kamptner added that it also gives Dr. Pethia time to do what she needs to do.

Mr. Gallaway asked Mr. Kamptner if they needed to take an action to make that happen.

Mr. Kamptner said it may be helpful just to confirm that there is consensus to bring it back on the Consent Agenda on July 7 with an amended policy, and the amendment would only be to identify those four areas having a delayed effective date; they would also come back with a resolution to capture that.

Ms. McKeel added they could get the date correct on it.

Mr. Gallaway asked the Board if there was any objection to this and heard none. He said they would bring it back on the regular July 7 agenda.

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Agenda Item No. 14. **Public Hearing: SP 202100001 - Midway Solar.**

PROJECT: SP202100001 Midway Solar Project

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 08500-00-00-017B0

LOCATION: The proposed project is located on the west side of Craigs Store Road (Route 635) approximately 1 1/2 miles south of Batesville.

PROPOSAL: Solar-energy electrical generation facility including an approximately 8 megawatt photovoltaic system and 4 megawatt battery energy storage system occupying approximately 80 acres.

PETITION: Solar energy system allowed by special use permit under section 10.2.2.58 of the Zoning Ordinance on a 136-acre parcel. No new dwelling units proposed.

ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT(S): Flood Hazard Overlay District

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space,



and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that at its meeting on April 20, 2021, the Planning Commission voted 6:0 to recommend approval of SP202100001 Midway Solar. The Planning Commission included in the recommendation for approval that the applicant make every effort to avoid removal or disturbance of prime agricultural soils. The Planning Commission stated concerns about significant grading on prime agricultural soils.

The applicant has provided additional information (which staff has adapted as Attachment E) showing the extent of grading and the approximate elevation change due to cut or fill. Approximately 33% of the site is prime soils. Solar panels are proposed on approximately 40% of the prime soils. Of the prime soils to be disturbed by the solar panels, approximately 10% would require significant grading (a change in elevation of greater than 7 feet) and 20% would require minimal grading (a change in elevation of less than 1 foot). The grading would provide a gentle slope to allow for tracking devices on the panels and to prevent shading. No retaining walls or other abrupt grade changes are shown.

Staff opinion is that the grading proposed does minimize the disturbance of prime soils to the extent possible. Further, the disturbance that does occur is not the type of terra-forming that is discouraged by the County.

Following the Planning Commission's public hearing, the County Attorney's Office suggested nonsubstantive revisions to the proposed conditions of approval. Those revised conditions are incorporated in the attached Resolution (Attachment F).

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve SP202100001 Midway Solar, with conditions.

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Mr. Bill Fritz presented the staff report and described the Midway Solar property as a rather large property just southwest of Batesville on Craigs Store Road. He referenced a map showing the location of the agricultural/forestal districts and the historic districts in the area. He said the project was reviewed by the agricultural/forestal advisory committee on March 16, 2021, and by a vote of 6:1, the committee found that the proposal did not conflict with the purposes of the district. He said the closest point of the Batesville Historic District is about one-half mile to the northeast.

Mr. Fritz reported that the application is for an eight-megawatt photovoltaic system and a four-megawatt battery energy storage system occupying about 80 acres of a 136-acre property. He said this proposal does not require the upgrading of the distribution system and does not expand the CVEC (Central Virginia Electric Cooperative) service area. He said the power produced by this facility would be distributed throughout the CVEC system in the same manner as power generated by any other generation source. He said that solar facilities must be located on relatively large, open, gently sloping areas with access to power transmission lines. He presented a photo for the Board to see that some of the site is already open and that a power line crosses the property. He said the wooded area on the site is not a natural forest but is planted pine.

Mr. Fritz said that he had taken the conceptual plan that was submitted by the applicant and had modified it to show the Board the portions of the site that are wooded. He said he then outlined the areas that would be cleared so they could see how much of the wooded area and how much of the open area would be cleared. He said he had outlined in red the area for the battery storage; the batteries are housed in a structure not unlike a shipping container. He said that the batteries provide power when the panels are shaded; for example, this would allow the flow of energy from the site to be maintained as clouds pass by and prevents surges and drops in power from the facility. He said the batteries also allow for some power to be supplied during peak demand.

Mr. Fritz said he had also outlined in orange the access, and he had done that simply because the original plan that was submitted is the best that shows everything, but it shows the access on an adjoining property. He said they have since submitted additional information that the access is not on the adjacent property; there are conditions that take care of that, and they cannot put it on adjacent property.

Mr. Fritz said a virtual community meeting was held February 23, 2021, and there were 37 attendees. He said comments received included concerns about lighting, statements in support of grazing opportunities on the site, providing public trail access along the Mechums River, the northern boundary of this property, visual impacts, property value impacts, decommissioning and recycling of decommissioned materials, and construction access.

Mr. Fritz said that this special use permit was evaluated and found to comply with the regulations in Section 33 that governs special use permits. He said that the ordinance did not have any specific regulations or performance standards for utility-scale solar, so staff did some review and looked at the ordinances in other localities to help. He said the results of the review of this project allowed staff to recommend approval of this special use permit.

Mr. Fritz said there were a few areas of concern that staff identified. He said that staff had evaluated the soils on this property; based on the USDA soil survey of Albemarle County, approximately 33% of the site is prime soils. He said these soils are somewhat scattered throughout the site, and no unique soils are located on the property. He said he had outlined those soils for the Board on the map. He said that the decommissioning plan would allow the property to be used for agricultural and forestal

uses in the future. He said this project would remove prime soils from use, and after decommissioning, the quality of the soils would likely not be as good as it is now. He said the Planning Commission included in its recommendation of approval that the applicant make every effort to avoid removal or disturbance of prime agricultural soils.

Mr. Fritz said the applicant prepared some additional grading information. He said he had taken this information and overlaid it on the prime soil map; this map also includes the acreages of those prime soil areas. He said the dark red and dark green areas show where the most significant amount of grading would occur. He pointed out that most of the prime soils area that would be disturbed have minimal grading. He said there are three areas where significant grading occurs on prime soils; the first area is an area of fill, and this area minimally impacts prime soils. He said the second area is an area of cut; it is located on prime soils. He said the third area is currently planted in pine; it is also located on prime soils. He said they have reviewed ordinances from around the Commonwealth that address the location of solar facilities on prime soils; all of the prime soils in the northern part impacted by this project are in an area of planted pines. He said some ordinances around the state specifically state that soils in areas of planted pines shall not be considered prime soils.

Mr. Fritz said the applicant had submitted visual simulations, and he presented examples that were also in the Board packet; one photo showed a representation of the facility at installation, and another showed a representation of the site with screening. He said that staff has analyzed the information and agrees that screening trees would provide substantial screening at maturity; however, this screening would not be in place at day one, and there would be visibility for a number of years as the screening takes hold and matures. He said until the screening becomes fully effective, this facility would change the character of the area. He said this would be mitigated as the trees grow and eliminated once the facility is removed, which would not be for several decades.

Mr. Fritz said the facility is located in the watershed of the South Fork Rivanna, which is a drinking water impoundment. He said the staff report details the concerns staff has with this type of facility in the reservoir watershed. He said the introduction of impervious areas not associated with agricultural or forestal activity may be considered inconsistent with the comprehensive plan. He demonstrated a photo showing how the solar panels would be installed and said the solar panels themselves are impervious; however, the area under the panels remains pervious. He said this arrangement would likely result in less runoff than what would be expected from fully impervious development such as a barn, house, or greenhouse; however, the runoff would be greater than the existing condition of the site due to the concentration of runoff caused by the panels.

Mr. Fritz said that unlike other projects with impervious areas though, this project may ultimately be decommissioned and returned to the previous condition. He said also unlike other impervious areas involving streets and parking, the impervious area from the solar panel does not collect oil, grease, rubber, or other pollutants that ultimately run off. He said cleaning of the panels is done by rainfall, or if rainfall is insufficient, it is accomplished by water brought in by trucks and brush; chemicals are not used in the cleaning of dust, pollen, or bird droppings on the panels.

Mr. Fritz said that staff opinion is that the impervious nature of the proposed facility is mitigated because of the grass under the panels; the use of tracking systems for the panels, and this alters the angle of the dripline of the panels to help prevent concentrated flow; the rows of panels are separated to prevent shading and allow access, and this separation allows for pervious areas throughout the site and aids in runoff absorption. He said the impervious nature of these panels is less than that from greenhouses or other agricultural buildings, and decommissioning would return the property to its previous state.

Mr. Fritz said that at its meeting on April 20, 2021, the Planning Commission voted to recommend approval by a vote of 6:0 and found this request consistent with the comprehensive plan. He said the Planning Commission included in the recommendation of approval for the special use permit that the applicant make every effort to avoid removal or disturbance of prime soils as depicted on the map provided with the application. He said that based on the new information provided and the previous action of the Planning Commission, staff is recommending approval of this application subject to conditions.

Ms. Palmer said as she looks at the aerial of the property along the Mechums River, which she would say in this area is severely degraded, she sees a relatively small area that looks like the buffer is not intact. She asked if it had been addressed as to whether there would be some effort to restore any buffers that are not 200 feet, etc. She said clearly the installation does not get close to the river, and she understands that.

Mr. Fritz said he would let the applicant address that, but there is none shown on the application concept plan.

Ms. Palmer said during the public meeting, grazing animals were mentioned, and she asked if the grass underneath was mowed regularly because sometimes if it is done for years over and over again, a pretty compacted soil can be created.

Mr. Fritz said there are a lot of options that are out there for solar facilities. He said some do mow; some use pollinators, which then has a less frequent mowing; and some do grazing. He said in the last conversation he had with the applicant, they had not yet decided what the best solution was going to be for this particular project, and the conditions that are proposed do not impose or prevent any one of

those three options.

Ms. Palmer said hopefully she would hear more about that later.

Ms. McKeel said she noticed that grazing discussion in the Planning Commission document, so she is interested in that answer as well.

Ms. Price thanked Mr. Fritz and said it was an extremely helpful presentation. She said condition #4 talks about a decommissioning plan and asked if there was any requirement for some sort of a bond or anything to ensure that there is financing for a decommissioning plan.

Mr. Fritz said he would look at that specifically and get back to Ms. Price.

Ms. Price said that Mr. Fritz had mentioned that it would be several years before the trees for the screening would actually effectuate screening and asked if there was an estimate on how many years.

Mr. Fritz said it would be difficult to say because when the screening trees go in, they would be pretty effective immediately in some areas, and in other areas, it would be less. He said the initial planting would have a significant impact to reduce the visibility, but he would suspect at least five years before there would be full screening of the site from all the different areas.

Ms. Price said there were a lot of tree farms near where she lives, and when they clear cut, in some respects within just a year or two, there is a fairly decent screening, but it seems to take a little longer. She said perhaps the applicant may address this more completely, but the images that were shown reflected what she would call low-level panels; whereas, if they were a little higher, they might be able to have some sort of grazing underneath. She said that would eliminate or at least greatly reduce the mowing, which also would help with their environmental plan. Ms. Price said she does recognize the panels would tilt, but they have to be a certain height in order to allow grazing.

Ms. Mallek said the only question she would like addressed formally so the public has it available is regarding decommissioning. She said jurisdictions all over the country have had different results depending on how their wording is for permission; not requiring absolutely complete removal of the underground material has left some counties with huge bills to dig out miles of wire and steel pillars and concrete footings and things that are down in the ground, so she would like to know specifically exactly what would be written into the permit for this. She said with the other application they had several years ago, they required complete removal, and she hoped that would be the case here.

Mr. Fritz said the decommissioning plan conditions included for this special use permit were developed for the Rivanna solar, and it requires the removal of materials 36 inches below ground.

Ms. Mallek asked how deep their stanchions are if they are allowing them to cut them off at three feet.

Mr. Fritz said he would have to let the applicant answer that question.

Ms. Price said one of the individuals who would be appearing on behalf of the applicant is her son-in-law, Andrew Cotter; he does not qualify as a dependent under any of the categories for disclosure, but in the interests of full disclosure, she did want to point out that he is her son-in-law.

Mr. Bobby Jocz, Senior Project Developer with Sun Tribe, said he was pleased to present for the Board's consideration their Midway Solar Center project. He said he would start by quickly running through a few slides, introducing their team and project, then quickly shifting focus to items they had been working on over the past few months to incorporate community and stakeholder input into the project.

Mr. Jocz introduced Mr. Danny Van Clief, their CEO; Becca Stoner, Senior Development Engineer for the project; and Mr. Andrew Cotter, Power Portfolio Specialist with CVEC. He said they also have subject matter experts in attendance: Mr. Rich Kirkland and Mr. Ricky Hewitt.

Mr. Jocz described Sun Tribe as a commercial and utility-scale solar provider established and based in Charlottesville. He said Albemarle County and surrounding areas are very much their home, having developed over 100 projects throughout the Commonwealth of Virginia with clients including the University and nearby counties such as Fluvanna, Henrico, Hanover, and a few others.

Mr. Jocz said they were also excited to be partnering in this project with a similarly minded, community-focused organization such as CVEC. He introduced Andrew Cotter to speak briefly about CVEC's goals and the opportunity this project creates for their members.

Mr. Andrew Cotter stated that he was the project manager at Central Virginia Electric Cooperative, and as the name implies, they are a not-for-profit member-owned electric cooperative serving 38,000 customers in Central Virginia, including many people in the Batesville area. He said he wanted to make sure it is clear that everyone knows why they are doing this; they are doing it to keep power affordable for their members, to reach the renewable goals their members have set for them, and so they have the tools that allow them to adapt so they can keep serving their members this way in the future throughout a changing industry.

Mr. Cotter said he also wanted it known that they have heard and listened to a lot of the concerns

from those in and around the Batesville area, which is why he is so happy they have been partnering with Sun Tribe, a local company that cares and is also part of the community. He said much time and consideration has been put into this project as a result.

Mr. Jocz summarized that they were proposing the Midway Solar project, an eight-megawatt solar energy system paired with a four-megawatt battery storage system facility. He said the project would be developed on approximately 65 acres of the 136-acre site. He said there was a discrepancy there from previous estimates; as they have surveyed and refined their design, they have been able to reduce that acreage slightly. He said this is less than 50% of the total parcel area, and approximately 32 acres of that would be cleared largely from existing timber farm areas on the site.

Mr. Jocz said access to the site would be off of Craigs Store Road approximately 1.3 miles west of the town of Batesville, and the facility is expected to produce enough energy to power approximately 2,600 homes and connects to the existing distribution lines on the site. Mr. Jocz presented a slide showing the most recent layout and pointed out the area of the panel zones; as they identify racking and panel sizes, this might change slightly. He pointed out the supplementary buffer locations they are proposing and the project extent.

Mr. Jocz said throughout the past few months through engagement with adjacent landowners, local stakeholders, and the County, they have gathered input on concerns and potential impacts the project may have. He said they have worked to mitigate these impacts in various ways and are committed to continuing to work with these stakeholders to further mitigate impacts. He said the biggest concern they have identified is visibility of the project. He said to address this, they would utilize the preservation of existing vegetation as well as the establishment of new buffer where necessary to screen the project from view of the surrounding properties as best possible. He said they would continue to evaluate the visual impact and receive community input, adding screening where needed to reduce the project visibility.

Mr. Jocz said two other concerns highlighted were noise and onsite lighting. He said the solar system has few noise-producing components, inverters and transformers; the noise produced from these components is equivalent to residential heating and cooling systems. He said these components, per their conditions, must be set back a minimum of 100 feet from parcel boundaries, and at this distance, the equipment should not be audible. Mr. Jocz said there would be no permanent onsite lighting as part of the facility.

Mr. Jocz said another concern they received from neighbors was the impact to real estate values. He said the impact of solar projects on nearby property values can be gauged with what is called a matched-pair analysis. He said these studies are conducted by licensed appraisers and according to a standard nonbiased methodology. He said these studies indicated that solar-generating facilities had no impact, positive or negative, on the value of neighboring properties, and this considers similar-sized solar projects throughout Virginia and North Carolina.

Mr. Jocz said that another potential impact expressed was that of stormwater and erosion-sediment control. He said as an EPC as well as a development firm, they understand the unique challenges of developing in Virginia; because of this, they engaged earlier than they typically would in the development process a stormwater professional engineering firm to evaluate the site and develop a preliminary plan for stormwater and erosion-sediment control. He said this plan goes a little bit above what is typically applied on a similar site by Virginia DEQ, but they are eager to continue working with the people in Albemarle to further refine the design and make sure they are protecting the local watershed as best possible.

Mr. Jocz said there are a number of practices that they are proposing implementing on the site to help manage stormwater, including the long-term conservation of existing vegetation outside the project boundaries through conservation easement; utilization of topsoil stockpiling and amendments to improve soil post construction, which would help both establish vegetation necessary for erosion-sediment control post construction and also help them get up and running with the proposed solar grazing opportunity; and the establishment of native grasses that would help improve the soil over time. Mr. Jocz said that overall, the stormwater discharge from the site must be less than the current predevelopment conditions.

Mr. Jocz said in addition to stormwater impacts, they are also evaluating proprietary racking technologies to help reduce the amount of grading required for the site. He said these can handle a bit more undulation and slope to help reduce some of the grading, but there is still a balance of reducing grading using those racking technologies and making sure that the site is properly graded to manage stormwater and erosion-sediment control, so they are working on trying to find the right balance.

Mr. Jocz said a final concern is that of construction traffic. He said they are under development with a third-party consultant on a construction management plan; this would include a public outreach and communication plan. He said this would help mitigate traffic impacts during construction of the project, including limiting large construction traffic from accessing the site through the town of Batesville, and this is already a condition in the packet; notification of Batesville residents to major delivery dates, which would be done through local list-serves and physical postings; utilizing offsite staging to better group and organize site deliveries; and making sure they are giving an orientation to safety to delivery drivers and construction vehicles as they exit and enter the site.

Mr. Jocz said that as part of the project, they are also looking to implement innovative grounds maintenance strategies; as part of this, they have engaged the American Solar Grazing Association

(ASGA) and are working on contracting with local sheep farmers to provide grounds maintenance services for the project. He said that as mentioned earlier, sheep grazing would largely replace traditional grounds maintenance such as mowing, and sheep would help foster again healthier soils and help preserve the historical use of the site, which has been grazing.

Mr. Jocz stated that construction is anticipated to take approximately six months; however, the intensity of construction activities would vary widely during this time. He said major noise-producing components are anticipated to last approximately two months. He said their schedule currently plans onsite work only occurring Monday through Friday, but they may need to reserve Saturday in case of weather or other delays. He said pile driving, the most noise-producing construction item, would be limited to Monday through Friday only in any scenario. He said operation of the site takes place largely remotely, and no permanent onsite staff would be required, and traffic to the site would largely be minimal once it is in operation.

Mr. Jocz said once the operational life of the facility has been completed, all materials, equipment, and all components would be removed, even those greater than 36 inches below the surface, and the site would be returned to its current use.

Ms. LaPisto-Kirtley asked how long the normal life span is of the solar panels.

Mr. Jocz answered typically about 30 to 40 years; the panels are warrantied for about 30 years of production, but like any large piece of equipment, they can last longer.

Ms. LaPisto-Kirtley asked if they would be replaced after that or if the only reason they would be decommissioned was because the land was sold.

Mr. Jocz said that would depend on future technology and how CVEC would like to address the site going forward. He said either way, the decommissioning plan would be prepared and a bond established for whenever that occurs.

Ms. LaPisto-Kirtley said she did notice that there was spacing between the panels so she was assuming then the runoff from the rain would also not be just in one area; it would be throughout the panels since it is spaced.

Mr. Jocz replied that was correct; as the panels track throughout the day, the dripline angle would change, and water would fall on either side of the panel.

Ms. LaPisto-Kirtley said she thought actually between the row of panels, there are spaces in between.

Mr. Jocz agreed and said there would be spaces in between the panels; he would have to check with Ms. Becca Stoner on where they are currently on that spacing, but there is green space between the panels.

Ms. Palmer said she was referring back to the buffers on the Mechums River and the stream that feeds into the Mechums River. She asked for confirmation that the trees are all predominantly a monoculture of pine that has been planted.

Mr. Jocz said on the northern, eastern, and southeastern portions of the site, yes. He said there are some areas to the west and south that include some deciduous trees.

Ms. Palmer said at some point she was assuming that they would have to log that property probably for the health of those trees, and she was looking at the map that was provided in their packet and saw a couple of little areas where the buffer looks not intact and thought it might be along the creek. She said she would like to find out what they are planning on doing on leaving a buffer in the future when they do log that or how they would improve the buffer now in any areas that need it. She said it is part of the watershed; a 200-foot buffer along those creeks would be great for the future to deal with the runoff. She asked Mr. Jocz to comment on that.

Mr. Jocz said per the ordinance, they would be over 100 feet and preserving the buffer within those 100 feet and even in a lot of locations on the site even more extended from that from any perennial or intermittent Streams. He said they have not discussed replacing locations where the buffer does not exist; however, they would be interested in having that conversation. He said largely from the Mechums they are set back over 180 feet, and then from the tributary on the western portion of the site they would be a little bit greater than 100 feet from that stream segment and then all of the vegetation within that buffer would be preserved.

Ms. Palmer confirmed the actual solar installation is 100 feet from that perennial stream that runs into the Mechums.

Mr. Jocz replied a minimum of 100 feet.

Ms. Palmer said it would be nice to get more than that. She said she would very much encourage them to do a 200-foot buffer where they can and to look at those areas that appear on the map, and she does not know how old this aerial is, and they may or may not still be there. She asked the age of the aerial that they have in their packet.

Mr. Jocz said he did not know but believed 2018 was the most recent aerial. Mr. Jocz said they would be adding additional screening on the western portion of the property close to that tributary as well, especially where they are closest to it.

Ms. Palmer asked if that was just their intention and not an assurance in the proposal.

Mr. Jocz said where they have indicated buffering on their site plan per their conditions, they must build the buffering there. He said they are also evaluating other locations to add buffering if needed.

Ms. Palmer said she thought they would go over the removal later so she would let other Supervisors ask their questions.

Ms. McKeel said she thought Mr. Jocz had answered her questions about the grazing and the height to allow the grazing.

Mr. Jocz said their current design incorporates a height applicable for solar grazing.

Ms. Price said she saw that the lease would be for 20 plus years or about 25 years. She asked if there was a defined period of this lease or whether that was just approximate based upon anticipated life of the panels.

Mr. Jocz said they have a base lease length, and he did not recall off the top of his head whether it was 25 or 35 years, but typically there are then options on top of that to extend the lease two additional five-year periods. He said that is why there is the variability in the lease length.

Ms. Price said she understood that there are different variables, and she would anticipate that they would have options built in for the lease. She said the decommissioning plan is an area that she does have still some questions about. She said they are starting to see a number of solar farm proposals or discussions taking place, and one of the major concerns that members of the community have is how they would ensure that when the useful life of this electric facility ends, the property would actually be returned back to another usable form. She said this question ties in with the question that she had asked their County staff member, and that was whether there was some sort of a bond that typically is required for these sorts of projects.

Mr. Jocz said they have experienced bonds in other localities and would certainly be willing to place one here.

Ms. Mallek said she thought she heard Mr. Jocz say they would remove everything even if it was deeper than 36 inches, and that includes all the wiring between stanchions. She said the second part of the question was what the pile drivings were for and whether that was for putting in every stanchion.

Mr. Jocz replied that was correct. He said they are proposing to remove all of the components including the subtransmission cabling, which actually has a fairly good reuse value so that they would want to pull that up. He said they still need a final geotech study to be done on the site to determine whether the piles would be drilled or driven into the ground, but in a lot of cases, the piles are actually driven into the ground without any concrete support if the soils allow.

Ms. Mallek said it sounded like there would be hundreds of posts that would have to be put in for that many panels to be held up. She said Mr. Jocz had mentioned offsite staging, and the road is so tiny. She said they have a field somewhere she assumed, and they would not be staging this in the roadway.

Mr. Jocz replied that was correct. He said their desire is to develop a robust traffic management plan which would reduce impacts on Craigs Store Road during construction.

Mr. Gallaway opened for public comments.

Mr. Grey McLean said he was there to speak in support of the Midway Solar and storage project as an ardent environmentalist, supporter of environmental justice, and as a resident of the Jack Jouett district. He said Albemarle County must participate in the clean energy transition; to its credit, the County has had a strong climate action goal, yet they should not set such a goal and expect the cleaning of the grid to be achieved solely through renewable energy projects developed in other parts of the state and the country.

Mr. McLean said some advocates hope to direct solar development to abandoned coalfields and landfills to distribute solar generation, and he does too. He said he fully supports all of the above; however, the clean energy goals cannot be achieved through these locations alone. He said well-considered greenfield utility-scale solar development is absolutely necessary; this nation and the Commonwealth have a long history of wealthier communities being powered by energy production in communities of less wealth and communities of color. He said exporting 100% of the cost of clean energy development to outside the County is environmental injustice. He said approving Midway Solar is their opportunity to make an environmentally just choice.

Mr. McLean said it is important to note that the Central Virginia Electric Cooperative selected this land because it is sited within the only portion of their electric service infrastructure capable of handling

solar and storage at this scale. He said CVEC and other utilities cannot simply select the least desirable land based upon all other factors; proximity of the necessary utility infrastructure is essential. He said environmentalists as a group have a reputation of saying “no”; he is in attendance to say “yes,” please approve Midway Solar.

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Mr. Rex Linville said he is with the Piedmont Environmental Counsel, lives in the Samuel Miller district, and he was pinch hitting that evening for their land use field representative Chris Hawk, who is out of the office. Mr. Linville told the Board he hoped they had had an opportunity to review their written comments that they had submitted the day prior regarding the Midway Solar project, which also incorporated the previously written comments that they had submitted to the Planning Commission during review of this project back in April.

Mr. Linville said he wanted to reiterate what they said in both of those comments, which is that PEC is entirely supportive of the transition to a carbon-free energy future; solar energy would play an important part of that transition, and they believe that communities should prioritize distributed generation when deciding on renewable energy production on rooftops, parking lots, commercial and industrial sites, brownfields such as landfills and other contaminated sites. He said an excellent local example of an appropriate siting is the utility-scale solar facility proposed for the Ivy landfill off Dick Woods Road; one a bit farther afield is the utility scale project that Sun Tribe is doing in partnership with the Nature Conservancy on reclaimed mining land in Southwest Virginia.

Mr. Linville said while utility-scale solar should be prioritized on the least impactable sites, PEC also realizes that greenfield siting in the rural areas would be necessary; that said, when utility-scale facilities are sited in rural greenfields, it should not happen at the cost of priority conservation sites, wildlife habitat areas, water quality, or productive agricultural and forested areas. Mr. Linwood said to the extent possible, they should attempt to avoid siting utility scale projects on properties like the one proposed in the Midway project with slopes that can cause erosion problems, prime and significant agricultural soils that would be damaged through grading and compaction, and river frontage that could be impacted with erosion and sedimentation.

Mr. Linville said specifically this site has nearly a mile of frontage on the Mechums River and has been identified by the Virginia Department of Conservation and Recreation as one of the highest priority conservation sites in the Commonwealth due to the quality of the soils on the property. He said in cases like this where there are significant conservation resources present that would be impacted by the project, there should be a clear and compelling mitigation plan to offset or minimize the impact from the project. He said it is with this in mind that their written comments outlined some specific conditions that they recommended incorporating into the approval if the Board of Supervisors elects to move forward with this project.

Mr. Linville said that one of those items that they flagged in their written comments was the suggestion to require a decommissioning bond, which he believed the applicant indicated that evening they would be willing to include, but he did not see a requirement for an actual decommissioning bond in the project proposal.

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Ms. Jane Fellows said she was a resident that adjoins this property and is in the Samuel Miller District. She said her property is the property that Ms. Palmer was talking about that goes along the tributary creek that feeds into the Mechums River. She said firstly she would like to thank Mr. Jocz for coming out and hearing all of her concerns and her husband’s concerns. She said he walked their property a number of times, and they walked the site a number of times, and he showed them after they requested to flag where the vegetation would be left intact and where the clearcutting would begin and kind of accommodated their fears and concerns about visibility, property values and various other things, and also water quality. She said she does appreciate that, but that being said, of course they are in favor of renewable energy, solar energy, reducing reliance on carbon fuels on one hand; on the other hand, it is easy to say one is in favor of solar energy and not as easy to say they would like to have it built in their back yard.

Ms. Fellows said she appreciated the presentations that evening and appreciated their fears and concerns being addressed and is not opposed to this project as a neighbor, and she also invited the Supervisors to think about how they would feel if they were being asked to accept a commercial development, industrial/semi-industrial development, along one of their long borders in their various places in Albemarle County.

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Mr. Rory Stolzenberg said he wanted to remind the Board of the ambitious climate bills that they have set for themselves of a reduction in greenhouse gas emissions of 45% by 2030 and net zero by 2050. He said that reduction in emissions if done worldwide is not nearly sufficient to limit climate change to a warming of 1-1/2 degrees Celsius or less, which itself would have catastrophic impacts, and they are likely to see climate refugees moving to the region. He said less populated outer counties like Culpeper cannot be relied on to provide the renewable energy needed; just last month, Culpeper’s Board of Supervisors denied a 149-megawatt solar farm about 18-1/2 times the size of this one, and they are likely to deny more in the future.

Mr. Stolzenberg said now is a good time to consider why the Rivanna solar project is not being built and what the County can do to welcome more solar into the County. He said the idea of approving

this eight-megawatt development is simply a no-brainer. He thanked the Supervisors for their time and hard work and urged them to approve this project to allow this solar farm to exist knowing the stringent state requirements to reduce the stormwater runoff from this property and to create erosion controls; it is simply absolutely necessary. He said if they would reduce climate impact, they need clean energy, and those in the City simply do not have the land area and the solar installation to do it, so they are depending on the County, and he hopes they would be up to the task.

Mr. Gallaway closed public comments.

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Mr. Jocz said he did not hear any specific concerns to address at this time. He invited Ms. Stoner and Mr. Van Clief to make a statement if they felt it necessary.

Ms. Palmer said she wanted to make sure they get the bond for the decommissioning. She asked if that could be settled then.

Mr. Fritz said he had a chance to look at the condition; there is no bond required. He said instead it requires the identification of the costs of decommissioning, who is responsible for that decommissioning, and then a document to be prepared in a form acceptable to the County attorney to ensure decommissioning, and then that document has to be recorded.

Ms. Palmer asked if Central Virginia Electric Co-op would be responsible for that.

Mr. Fritz said they would be responsible for making sure that the document gets recorded because they are the property owner, but it could be Sun Tribe who is responsible or CVEC; it has to identify the responsible party, and it has to be in a form acceptable to the County attorney and then recorded.

Ms. Palmer asked if there was some reason why they cannot require a bond.

Mr. Kamptner said no; he said he did not think they did it with the first solar facility in Milton, but they had done it for other types of long-life facilities that have potentially lengthy impacts and concerns about decommissioning. He said this public hearing had gone faster than he thought, and he has been frantically putting together a condition.

Ms. Palmer said she did not quite catch what Mr. Fritz had said on the soils and asked if he had said that pine forests are not supposed to be planted on soils identified as prime soils.

Mr. Fritz said no; he had said that many localities that have regulations that address utility-scale solar say if prime soils are planted in pine that they do not count that as prime soil, and the reason is because of the pine trees' impact on the quality of that soil, so they exclude that and say while the USDA map shows it as prime, they are not counting it as prime, and it is removed from the calculation of prime soils on the property.

Ms. Palmer asked if they identified them because the USDA map says that they are prime.

Mr. Fritz replied that was correct; that was the tool he had.

Ms. Palmer said she is always a little bit hesitant when she sees grading plans that are involved like this one, and she appreciates having a specific grading plan but knows that once the person with the bulldozer gets out there, sometimes those plans are not followed just like they would like them to be. She asked how that would be monitored and also whether there was any particular reason why the applicant could not agree to store the prime soils as they are removed and then put them back on the property after the solar panels are put down.

Mr. Fritz said if the special use permit is approved, the next step would be the approval of a site plan, and that would require the final grading details; as part of that, there would also be a conservation plan that has to be prepared to ensure the preservation of the trees that are beyond the limits of clearing, and part of the conservation plan is requiring it to be marked so there is a visual indicator for the bulldozer operator. He said the applicant has already indicated that stockpiling prime soils for later redistribution on the site to restore it to its existing condition is something they are looking at doing.

Ms. Palmer asked if they are doing it and if it would be part of the site plan or part of the conditions.

Mr. Fritz said it would be part of the site plan because that is when they would determine how much soil there is, how it would be stored, and how it would be stabilized, for example.

Ms. Palmer said Mr. Fritz had just mentioned another thing, preservation of the trees, but these are a monoculture of pine, and so frequently those need to be cut because they are deteriorating, falling down, and are not necessarily a long-lived crop.

Mr. Fritz said based on the conditions that are proposed, if the applicant wants to timber those properties, they would need to come back in and amend the conditions, and at that time, they would have an opportunity to look at how they would do that timbering operation, how it would be restored and how the property would be either reforested or otherwise stabilized, how the screening of the facility would be



maintained, for example, so they would need to come in and amend the conditions in order to timber.

Ms. Palmer asked if there was any reason why the Board cannot require a 200-foot buffer for the Mechums.

Mr. Fritz said he had a chance to grab his scale very quickly and look at it, and based on his scaling it out very quickly, the closest point of the facility as shown in their concept plans to the Mechums is no less than 300 feet, so it is already shown at over 200 and is shown at 200 or greater for the tributary to the west.

Ms. Palmer asked about the buffer when they timber because it is not required on agricultural.

Mr. Fritz said they would not be able to timber unless they come back in for an amendment of the special use permit, and at that time, they would be able to impose additional conditions if thought necessary including limitations on what areas could be timbered and how it would be restored. He said Ms. Palmer may be thinking that this is a rural area and forestry is by-right, but because of the fact this has a special use permit, it imposes conditions on them, which means they cannot make use of those by-right activities without being in violation of the special use permit conditions.

Ms. Palmer said that was what she needed to hear. She asked if that would come back to the Board or would be a staff decision.

Mr. Fritz said timbering would need to come back because the condition is that the development of the property would be in general accord with the concept plan, and the concept plan shows limits of activity, and they would be going beyond those limits of activity.

Ms. Palmer said it would actually come back to the Board, and the future Board could say they needed to have a 200-foot buffer on that.

Mr. Fritz said correct.

Ms. Palmer noted they would just have to figure out how to do that.

Mr. Kamptner said he has been focused on the bond question and deflecting staff questions and comments through the team's chat while this is all going on.

Ms. McKeel said she is in favor of this project because most of her questions have been answered with the bonding and some of the other issues. She said the presentation was excellent. She commented that she understands that every project has to be looked at separately and on its own merit, and they do that, and understands every situation is not the same, but she thinks they had a speaker that made a good point that evening about environmental justice. Ms. McKeel said she began looking at this project through an equity environmental lens and just wanted to point out that when one looks at the Lambs Lane campus and the other school campuses, over the years without thinking about it, they did not look at it through an environmental lens or an equity lens and put all of the carwashes, all the diesel buses, all the extraneous infrastructure that now is looked at as an environmental problem and a challenge, and they put it on a campus that has the highest level of poverty and the highest level of diversity.

Ms. McKeel said they are changing that now, and she is not blaming anyone and would be the first to say she was on the school board then, but over the years that happened. She said she sort of looks at this as the same way, and when Mr. Grey McLean pointed out that they would not want to be in the position or in a situation where they start denying all; she is just trying to wrap her head around thinking about these processes because they certainly do not want to take every greenfield in Albemarle County and turn it into a solar field, but it is important. She said she is proud of their Planning Commission and staff and all of them for looking at this through the lens of not denying it like another County has been accused of or pointed out; they are not going to deny it and send it to another community but would accept it because it is a good proposal in a place where they can accept it and move forward. She told Mr. Fritz she hopes as they go forward in the future that as they see some of these projects, and it might not be solar but projects that marry with their climate change as well as equity concerns, they look at them through those lenses as best they can.

Ms. Price said she also supports the proposal; neither their energy or environmental goals would be achieved if they do not move to alternative forms of energy and away from carbon based. She said she asked the question about the bond because there is a decommissioning plan which is different than most of the other applications that come before the Board for approval where there is no decommissioning plan for a special use permit for a store or something like that.

Ms. Price said she had a question/comment for County staff; it appears from what she understands that they generally do not require bonds for the end of life of most of the applications that come before them, and so even though she asked the question, she asked if this was the type of a proposal that it would be appropriate to request a bond in order to ensure that that decommissioning can take place, and if not, from what she understood Mr. Fritz or Mr. Kamptner said, the decommissioning plan has to be subject to the approval of the County anyway, and she presumes that would be part of the process staff would go through to ensure that it actually would be an effective decommissioning plan.

Mr. Fritz said one area where a significant discussion did occur about whether or not to require

and actually include or not include in the ordinance a bonding requirement was in the personal wireless service facilities. He said when they were working on that, there was some debate about whether or not to require a bond for the removal of a tower when it was no longer used. He said the decision was that it was not necessary because there was a condition that requires it to be removed, and it is the property owner who is ultimately responsible for complying with that condition.

Mr. Fritz said taking that concept forward to what the Board has before it that evening, it would ultimately be the property owner's responsibility to ensure compliance with those conditions, and with the conditions that staff has outlined, they would require an agreement that exists to require the decommissioning. He said ultimately it is the property owner's responsibility to ensure the condition is met. He said speaking anecdotally, if he were the property owner, he would be requiring a bond of somebody, maybe Sun Tribe, to say he did not want to be stuck with this in the future, but that is a decision for the property owner, not for the County to make or Sun Tribe. He said the condition as written would ultimately apply to the property owner to be responsible for the removal on the site if there were any other problem.

Mr. Kamptner said in this case, CVEC is the property owner, and this is a large project and a unique use of the property, unlike a store which has reuse. He said with wireless facilities, they usually comprise a small portion of a property; there is an owner, and the wireless company is an easement holder or a lease, a lease would be more practical. He said he found one example from a wireless special use permit, and he was not sure when it was, and the other thing about that condition was that it was left to the discretion of the zoning administrative team to determine the appropriate time if and when to impose a bond, for example, financial reports are indicating that wireless company X is about to go under or something like that. He said in this case and in the situation with the wireless company, ultimately it is the owner who is responsible to comply with the condition.

Ms. Mallek stated with all that being said about the bond, she still thinks they should have one if they have the authority to have one because it becomes a finger-pointing LLC going down the drain issue, and once the money is gone, it is too late. She said the applicant had offered to do it, and it would be her preference to get it up front if they can.

Ms. Mallek said regarding the pine land issue, pine is usually planted where the poorest soil is because pine trees do not care. She said she was interested in what Mr. Fritz was saying about it causing good soil to be classified as poor soil because of its presence, which is interesting. She said she wanted to emphasize from the site plan level how important this marking of the border for disturbance is and to ask the applicants, project managers, etc., to be especially observant of the bulldozer drivers; just within six months, a happy bulldozer person got carried away and demolished an entire stream buffer in downtown Crozet right next to the park and took out hundreds of trees two feet in diameter, and of course their ability to force them to either pay a huge fine or plant something reasonable is zero, and so now they have 100 little trees the size of her wrist, and it just is not an acceptable consequence.

Ms. Mallek said she hoped with CVEC being the admirable company they are and Sun Tribe as well that everybody would step up here and put miles of surveyor's tape from tree to tree to mark the edges of things so that people are forced to do the right job. She said there are many people with timbering operations who protect their landowner neighbors by having extra 50-foot buffers of no disturbance so that people do not look in and see even the disturbed property. She said she wants to see the best performance they can possibly get here, and at the site plan level, she hopes their enforcers would be strict about putting the rules down on there. She said she is glad the good buffers are there already as far as the way the plan is laid out. She said she is in support of it as it is proposed so far with the bond.

Mr. Gallaway said he had believed the applicant stated he had no issue with the bond and asked Mr. Jocz for confirmation.

Jocz said that was correct.

Mr. Gallaway said he was supportive of this project as well. He said the conditions handle some of the things that are of concern, and there are mitigating things in place to handle any of the negative possibilities; in his opinion, the positives outweigh those.

Ms. Palmer said she was concerned about the fact that the project has so much frontage on the Mechums River and the tributary. She said that she also wanted to acknowledge the comment of the neighbor, Ms. Fellows, about how each of them would feel if this were going in next door, and she very clearly said that she was for the project, supportive of it, and appreciative of the applicant going in and working with her. Ms. Palmer said it is important going forward that these buffers be protected; she recognizes that the Mechums River is degraded in that area, but they have to do everything they possibly can to keep it in better shape going forward and keep it from further deteriorating, so she hopes that would happen.

Mr. Kamptner said he would show the proposed language before the motion was made. He said he had added 7b to condition #7. He said he would note that these condition numbers would be modified because there is a misnumbering in the conditions that are in the Board's materials with a skip from 4 to 7, so the numbers would be corrected.

Mr. Gallaway asked if Mr. Jocz had any concerns with the language he was seeing for the first time.

Mr. Jocz said he had no concerns as drafted.

Ms. Palmer **moved** that the Board adopt the resolution in Attachment F to approve SP202100001 with conditions and including the proposed amended Condition #7.

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

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

NAYS: None.

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#### **RESOLUTION TO APPROVE SP202100001 MIDWAY SOLAR**

**WHEREAS**, upon consideration of the staff report prepared for SP 202100001 Midway Solar and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. change the character of the adjacent parcels and the nearby area only minimally and until the screening trees mature;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202100001 Midway Solar, subject to the conditions attached hereto.

\* \* \*

#### **SP202100001 Midway Solar Special Use Permit Conditions**

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Hewitt Solutions, PLLC titled "Central Virginia Electric Cooperative Midway Solar Project," dated December 17, 2020 (hereinafter "Concept Plan") and included as Attachment C. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
  - a. Location of solar development envelopes,
  - b. Location of equipment yard, and
  - c. Retention of wooded vegetation in stream buffersLand disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to within the proposed fenced area shown on the Concept Plan. The location of the entrance and access to the solar facility is not subject to this condition.  
Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.
2. Landscaping and screening must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan.
3. All inverters and solar panels must be set back at least one hundred (100) feet from property lines and rights-of-way.
4. The applicant must submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
  - a. A description of any agreement (e.g. lease) with the landowners regarding decommissioning;
  - b. The identification of the party currently responsible for decommissioning;
  - c. The types of panels and material specifications being utilized at the site;
  - d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseedling;
  - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less;
  - f. An estimate of all costs associated with rehabilitation of the site; and
  - g. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a third-party engineer and approved by both the party responsible for decommissioning and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation in the office of the Circuit Court of the County of Albemarle.

1. Before a grading permit may be issued:
  - a. The Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle; and
  - b. To guarantee performance of Condition 8, the permittee shall furnish to the County's Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 8. The amount of the guarantee shall be the costs identified in Conditions 4(e) and 4(f), and the amount of the guarantee must be updated as costs are updated as provided in Condition 6. The type of guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney,
2. The Decommissioning Plan and estimated costs must be updated upon (a) change of ownership of either the property or the project's owner or (b) written request from the Zoning Administrator, but in any event at least once every five years. The applicant must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
3. The owner must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
4. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
5. If the use, structure, or activity for which this special use permit is issued is not commenced by June 16, 2024, the permit will be deemed abandoned and will thereupon terminate.
6. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
7. Panels may be cleaned only with water and biodegradable cleaning products.
8. No above ground wires are permitted except for those associated with (a) the panels and attached to the panel support structure and (b) tying into the existing overhead transmission wires.
9. Before activating the site, the applicant must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
10. The property owner must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
11. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.
12. Plantings for screening must include either (a) a minimum of three species types from the Albemarle County Recommended Plants List or (b) plantings as may be approved by the County's Agent. Species must be dispersed throughout the site.
13. Except for passenger vehicles and small utility vehicles, construction/truck traffic may access this property only from the west and not from Batesville.

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Agenda Item No. 15. **Public Hearing: Ordinance to Amend Chapter 2, Administration, of the Albemarle County Code, to Amend Section 2-202, Compensation of Board of Supervisors, to Increase the Compensation of the Members of the Board of Supervisors by 2% Effective July 1, 2021.** To receive comments on its intent to adopt an ordinance to amend Albemarle County Code Chapter 2, Administration, by amending Section 2-202, Compensation of Board of Supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2.0% effective July 1, 20121 from \$16,972.00 per annum to \$17,311.00 per annum.

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Mr. Kamptner said this ordinance would increase the annual salary of each member of the Board of Supervisors by an inflation factor of 2%, effective July 1. He said the inflation factor since the Board last gave itself a raise was in excess of 3% according to the data that he was looking at; this would increase each Supervisor's salary by \$339 per year.

Ms. Palmer said they get questions from time to time and asked Mr. Kamptner to explain under what circumstances the Board could increase the salary more than the inflation rate and what the conditions would be.

Mr. Kamptner said there is a different enabling authority for that, and it would require the Board prior to July 1 to adopt the salary, but it can only be done in certain years with the Board having three Supervisors up for election in odd-numbered years. He said in an odd-numbered year by July 1 of that year, it could adopt the new procedure, and that increase in salary would not become effective until the

next term of the Supervisors in the even-numbered year that came to pass, so in January 2022, that ordinance would be effective.

Ms. Palmer asked if it were correct that if she had decided to run again where they would have three people running in an odd year, they could have voted to increase the salary under those conditions.

Mr. Kamptner said that was correct, so the next time the Supervisors can do this would be prior to July 1, 2023.

Mr. Gallaway confirmed there was no one signed up from the public and closed the public hearing.

Ms. Price commented that she was not particularly pleased with anybody or any entity approving their own salary compensation, and she would much prefer to see an independent analysis that evaluates the fair compensation for the Board, but this is the process under which they operate.

Ms. Palmer **moved** that the Board adopt the ordinance to amend County code 2-202 to increase the compensation of members of the Board of Supervisors as provided in the ordinance, to be effective July 1, 2021.

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

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

NAYS: Ms. LaPisto-Kirtley.

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### **ORDINANCE NO. 21-2(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

#### **By Amending:**

Sec. 2-202 Compensation of the Board of Supervisors.

#### **Chapter 2. Administration**

#### **Article 2. Board of Supervisors**

#### **Sec. 2-202 Compensation of the Board of Supervisors.**

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$17,311 per year, effective July 1, 2021.
- B. *Stipend for the chairman.* In addition to the salary, the chairman shall receive an annual stipend of \$1,800.
- C. *Stipend for the vice-chairman.* In addition to the salary, the vice-chairman shall receive a stipend \$35 for each Board meeting chaired.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18; Ord. 18-2(3), 6-13-18; Ord. 19-2(1), 6-5-19; Ord. 21-2(1), 6-16-21)

**State law reference** -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

**This ordinance is effective on and after July 1, 2021.**

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Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. McKeel said they would now have the authority to use photo speed monitoring devices in highway work zones and, what she is interested in, school crossing zones with a civil penalty. She said she knew about this because Ms. Carrie Shephard from VDOT had shared this with her. She said she contacted Mr. Kamptner as well as Chief Lantz and chatted with Mr. Sean Reeves about it. She told the Board they had heard her mention numerous times at Hydraulic Road, Lambs Road, and Whitewood the

traffic and the bicycles going across a four- to five-lane road where a high school is located. She said she is interested in pursuing this in that area specifically.

Ms. McKeel said Mr. Reeves had emailed her back that day and said, "Our traffic unit would begin researching the application of these devices in school crossing zones. We would report back to the County Executive's Office after we have consulted with our interdepartmental partners and completed our research." She said she wanted the Board to know and thought Ms. Mallek had some interest in it as well. She said there is some work that would be happening on it, and it would come back to the Board at a later date.

Ms. Price said she fully supported what Ms. McKeel had said. She said a parent of a child was nearly killed on the crosswalk by a speeder, and she absolutely supports the photo speed monitoring devices.

Ms. McKeel said it would come back to the Board at a later date, and she was sure there may be other areas around schools that people might be interested in, but at least this starts the discussion because they do have the enabling authority.

Mr. Kamptner said one thing interesting about this enabling authority is that it does not require the Board to adopt an ordinance to implement it; it is self-executing, so maybe when it comes back, it would include a report from the police department, maybe a resolution supporting it, but it is directed to the state or local law enforcement agencies.

Ms. McKeel said Mr. Reeves did agree with her that they have a lot of trouble with speeding and people running red lights there on Hydraulic Road right at Albemarle High School, and she had quoted the number of citations they were writing before the pandemic. She said it is great to be an enabling authority and would improve the safety around some of the schools.

Ms. LaPisto-Kirtley asked Ms. McKeel if there would be a camera, and then if someone were speeding, it would ticket that particular vehicle in a school zone.

Ms. McKeel said yes, and that is what the police have to look at because somebody has to be able to look at the film and somebody has to write the tickets.

Ms. LaPisto-Kirtley said she was totally supportive.

Ms. Mallek said when Ms. Shepherd from VDOT suggested they look into this, to her it was in response to a different side of question of a four-block speed zone just to the south of the school zone at Crozet Elementary. She said by the time people hit the school zone, they are going 55 and have no intention of slowing down whatsoever, so Ms. Shepherd seemed to think that this might help to the area outside the school zone as well when people start to get the habit that they would get a big fat ticket in the mail.

Ms. Mallek said the ticketing in the mail is important, and she does hope that is included because they do not have the sheriff's time to go chasing people with warrants, especially when they are in Michigan. She said they need to be able to nail these people right and left, and every school zone throughout the County should be considered when they are looking at this long into the future, whether it is Mountain View or any place where there is a long straight stretch of highway. She said they fought for 10 years before they got the speed lowered at Broadus Wood, so it is so important that they use any opportunity for technology to get these drivers under control.

Ms. McKeel said it does allow for mail.

Ms. McKeel said she had one more thing she would like to mention and had not wanted to mention this during the housing discussion because she did not want staff to feel like she was targeting that one proposal that came to the Board, but she would like Mr. Kamptner or Mr. Richardson or Ms. Filardo or somebody to think about the volume of material. She said with the housing proposal, they had three versions plus a redline and 14 attachments, and she would get lost every time she tried to find something.

Ms. McKeel said she understands staff wants the Board to have everything and all the information, but the amount of paper and ink and just the time she spent trying to go through all of it was extensive. She said she is the first to admit she is old, but she does not need all that. She said if there is a Supervisor that needs it, then she or he could go to staff and ask for it, but there has to be a way that they can reduce the amount of paper they get on these proposals. She said she spent more time trying to find what she was trying to find and figuring out where she was than she did in reading the document. She said it is not staff's fault; there is just so much. She said she knows that everybody processes differently, but at the end of the day, she would like to get the last version relevant information, and if a Supervisor needed more, then that Supervisor could figure that out with staff on their own. She said she would plead that they start thinking about that.

Ms. Palmer said she does not get them printed out, and so there is a search function on all those documents; if she wants to go back and find something, she would just put it into the search function and find the information she wants. She said she does not always know what to ask for, so she appreciates getting that information. She suggested a hybrid for a situation like this; they could just ask the clerk's office not to print it all. She said she appreciated going back and forth and looking for that information

digitally where she can search it.

Ms. McKeel said maybe the difference is digital, but she wants a hard copy, as she is not going to read all of this on a little computer screen because it would ruin what is left of her 71-year-old eyes.

Ms. Palmer said she appreciated getting the information so she can search through it.

Ms. McKeel said that even Mr. Kamptner had told her he had trouble finding his place in some of the material.

Mr. Kamptner said he always ends up in the wrong draft. He said by this point, he just wants the final version; that is his preference.

Ms. Palmer said they are given a list of what each attachment is and one can just go to the final version, which is what she eventually did after reading the redline, but she went through and looked at some of the redline when she wanted to see what changed. She said everybody is different, but the attachments have what they are.

Ms. McKeel said it was the difference in electronic and paper perhaps. She said for herself she would like to have the last version of something on paper. She said the redline is fine, but to have three versions and 14 printed attachments was too much.

Mr. Gallaway said they could perhaps talk individually to the Clerk's Office. He said if they could cut down on printing, he is sure they would not mind. He said maybe there is some hybrid version they could do. He said he gets all of his digitally as well; it is a different organization, and it is a different processing piece.

Ms. LaPisto-Kirtley stated emphatically that she loves bullet points.

Ms. Price said at Monday's Scottsville Town Council work session, they referred to House Bill 1778, which allows any local community to enact an ordinance with regard to removal of clutter on property, and she would ask that County staff review that and bring it back. She said if there is other support from the Supervisors, this would be a way to help clean up clutter and litter, but not necessarily getting into how long someone's grass is, particularly in the rural area.

Mr. Gallaway said it is the time of year where he is noticing weeds growing in the medians and cement areas not on mowing schedules. He said some of it is in private ownership, but some of it is in public and VDOT areas. He said they had talked the past year about trying to come up with a game plan for that; he is not expecting that now but is noting now that it is looking bad.

Mr. Gallaway said they have had a lot of conversations about litter and things like that, but he was concerned about these entrance corridors, especially with the medians and what is growing up out of these cracks and reaching three or four feet in height on Pantops. He said because of the time, he would not share his pictures, but he is hoping that is something that would come back in their conversation in the coming couple of Board meetings. He said he knew they were trying to figure out how to get that handled for their budget cycle, but he wanted to call it out now so they can solve this.

Mr. Richardson said he did speak to Lance Stewart earlier in the day, who said that he has been working to get a staff proposal from their on-call landscaping contractor to clean up the Rio Road sidewalks and medians in that area. He said the scope includes removal of weeds and removal of all dirt in expansion joints, cracks in the concrete, and the gaps between the concrete and asphalt and inspections as well. He said Mr. Stewart did receive a final version of the proposal the day before; it includes pricing for subcontractors to handle traffic control as they assume lane closures would be required in order to do some of this work. He said VDOT has agreed that the work can be performed under the current permit the County received the prior year for street sweeping, but they do need to work with them on some details of how safety control measures would be put in place before scheduling the work.

Mr. Richardson said Mr. Stewart is looking for support to move forward on this, and he would be considering it a pilot program, then they would look at being able to expand the program, the amount of staff work, the staff burden, and the projected costs.

Mr. Gallaway said he thought that was awesome because Mr. Richardson had mentioned the Rio district, but it is a countywide issue, and he would target entrance corridors if there had to be a priority where these cement medians tend to be.

Mr. Richardson said they also have to determine if it is public or private; they had that discussion that morning that they have one in the Pantops area that is private/developer-owned, and they are working with that property owner, just like they did the past summer, to get that property cleaned up. He said a person driving by would think that was definitely public property.

Mr. Gallaway said he appreciated the update that there has been movement on this. He said they go to such great lengths in a lot of their policies for ARB requirements, especially on entrance corridors, that they must make sure they can be doing their part for these areas that go kind of untouched.



Ms. LaPisto-Kirtley asked if they had a street sweeper.

Mr. Gallaway said they have a pilot program that goes along a couple of areas along Rio and the Barracks Road area. He asked if Barracks had finished already.

Ms. McKeel said she thought that pilot expired, and City Council had not renewed it.

Mr. Gallaway said that was a shame because people were excited about the results of it.

Ms. McKeel said that was her understanding from Mr. Stewart; they can follow up on that.

Assistant County Executive Trevor Henry told Ms. LaPisto-Kirtley that the County did not own a street sweeper but recalled that they did a successful pilot program with the City, and they are trying to renew and continue that work. He said there had been some leadership changeout with the public works department, and they are just waiting to get that kind of contract renewed, but the intention is to continue leveraging that resource and that work.

Ms. Mallek said she was just putting in a plug to remember that Roundup is dangerous to people as well as to waterways, and the 20% vinegar sold everywhere for agricultural weed control works like a charm and would not make people sick.

Mr. Gallaway said if they are blowing out the cracks, it sounded like they would get to the heart of the matter on getting it solved.

Ms. McKeel said blowing out the cracks is right. She said they have trees growing out of storm drains too; it is just appalling what it looks like in the urban areas. She said some areas are pristine, and Crozet looks good, but the urban areas are just in terrible shape.

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Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said he had some very good news to share with the Board and community about some of the hard work that has been going on in their organization. He said at the end of May, he, CFO Nelsie Birch, Doug Walker, Economic Development Director Roger Johnson, and their financial advisor spent considerable time with the three major credit rating agencies for their regular renewal to defend Albemarle County's credit rating. He said earlier in the month, the three major rating agencies, Moody's, Standard & Poor's, and Fitch, affirmed Albemarle County's credit rating at the highest rating, Triple AAA.

Mr. Richardson said they talk about the rating a lot near their budget time. He said that is important because Triple AAA credit ratings allow the County to secure lower interest rates when borrowing money for capital projects, and they are seeing this play out in a big way. He said on June 10, the County obtained very favorable interest rates; the first issuance, a \$69 million 20-year bond, was assigned an interest rate of 1.66%, and the second issuance, a \$9 million five-year bond, was assigned an interest rate of 0.87%. He said these rates were significantly better than they had anticipated when they had begun to look seriously at issuance of debt about 18 months prior. He said these two transactions are projected to close by the end of the week.

Mr. Richardson said their finance and budget department is currently calculating the results, and the positive budget impact is estimated to be approximately \$40 million for County taxpayers for the life of these bonds. He said those are real savings from their capital model projections; a lot of finance and budget staff had worked most of the year to ensure that the County's financial standing remained strong, and he wanted to bring this to the attention of the Board and community.

Mr. Richardson said beginning July 12, the County office buildings would be open by appointment and by drop-off services. He said for the public, this means their front doors would be unlocked; not every service would be staffed onsite every day all day long, so he asked that the public call before they come to ensure they can receive the specific service that they seek. He said for their staff, it means transition would begin Tuesday, July 6. He said they expected that many, many more staff would be reporting to one of the office buildings with some regularity during the week. He said in addition to that, they would be fully implementing their new telework policy, which would also allow some of the positions in the County to continue to telework from home.

Mr. Richardson said the prior week, they had a wonderful day with a celebration in partnership of their mobile health clinic with Blue Ridge Health District. He said the Blue Ridge Health District celebrated the arrival of the new mobile health clinic, and Governor Ralph Northam came to help cut the ribbon on this great new service for the community and the larger health district.

Mr. Richardson said the mobile health clinic is a part of the COVID-19 vaccination strategy to get out to the community where they are to help increase the access to the vaccine all across the district. He said the clinic arrived on Monday; it was celebrated on Tuesday and was out helping putting shots in arms on Wednesday. He said the clinic is booked every day in June and would continue to operate as long as it is needed. He said inside is a clinical space, and the mobile clinic would have use far beyond the pandemic in delivering other critical health services on the go in some of the more rural areas in the district.

Mr. Richardson said that Albemarle County finance and budget staff provided all the procurement



support to ensure this unit could be secured quickly for the health district, and they probably saved somewhere between four to six months of time to get this mobile clinic here versus going through the normal procurement process through the State of Virginia.

Mr. Richardson said "Keep Albemarle Beautiful" was the theme over the past several weeks; County staff supported partners at VDOT in the Culpeper District cleanup day. He presented a picture of their team before heading out to collect trash and debris along the Berkmar Drive Extension project. Mr. Richardson presented a picture of an event at Darden Towe National Trails Day, which was June 5. He said about 35 people came out on a Saturday morning to pick up trash along the park's trails and river access points. He said members of the Solid Waste Alternatives Advisory Committee were on hand to help with sorting recyclables; Parks and Recreation staff also shared some of the information about the recent study of the Old Mills Trail.

Mr. Richardson said that on June 15, the County had hosted a tour of new and existing environmental stewardship features at the County Office Building. He said this included their biofilter along McIntire Road, native plantings, and the new electric vehicle charging stations out in the middle lot. He said the charging stations are a demonstration project they are piloting; the goal is to add to the infrastructure needed to support adoption of electric vehicles. He said this was supported as an early implementation project from the climate action plan. He said there are three fast chargers and three standard chargers; anyone can use the chargers; their own fleet, their staffs, and the general public. He said Dominion Energy provided grant funding to offset the cost of the construction.

Mr. Richardson said Albemarle County Fire Rescue Recruit School 19 is wrapping up in their final weeks of training, and they were pictured at their firefighter survival training at the training center off of Avon Street Extended. He said the recruits spent 12 hours completing various scenarios to replicate conditions that they might experience in the field, extricating themselves if they get caught in a structure, how to safely get building occupants out of a structure. He said these individuals have worked hard over the past several months, and they look forward to welcoming them to the stations over the next several weeks.

Mr. Richardson said this was also a significant date for one of their firefighters; firefighter Sean Ryan returned to work to teach this course that day after recovering from surgery from Stage 3 kidney cancer. He said the cancer was significant because of its advanced stage and the fact that he was completely asymptomatic; the tumor was uncovered through a physical provided by the Albemarle County Fire Department. He said this physical was upgraded recently to do more of an in-depth scan of the firefighters to include ultrasound scans of the key organs. He said they are incredibly grateful that Mr. Ryan is back to work and well on his way to recovery.

Mr. Richardson said that the Juneteenth holiday is observed June 19, commemorating the ending of slavery in the United States, and County administrative functions would pause, and office buildings would be closed in observance this year on Friday, June 18.

Ms. LaPisto-Kirtley said it was an excellent presentation and well worth the wait.

Ms. Palmer said that her internet went out and she missed everything prior to the Blue Ridge Health Department. She asked Mr. Richardson to send the report out.

Ms. McKeel said it was a great report; she learned a lot and appreciated the installation of the electric vehicle charging stations and the information as well. She said everybody looked good in those VDOT vests, and she was sorry she had missed the event.

Ms. Price told Mr. Richardson that she would ask that he find another time to be able to make that financial presentation. She said many community members did not understand the difference between a strategic reserve and a "bonus" and did not understand the benefit of the work that he and staff do to ensure the County maintains high credit ratings. She said she cannot believe the interest rates, and they need the community to understand that by having the efficient financial management as Mr. Richardson insists, the County can now save millions and millions of dollars, which otherwise would be a tax increase. She said she just did not think at 10:00 at night enough people would pick up on this, and she hoped that Mr. Richardson would find another opportunity to ensure they got that message out.

Ms. McKeel said she would love for Mr. Richardson to move these presentations to a time during the meeting when more people could hear them. She said that Ms. Price was right that 10:00 or even 8:00 at the end of the meeting was late, and it would be helpful if there were a way that they could figure out a different time for his presentations so more people would hear them.

Ms. Price said they take 5-10 minutes.

Mr. Richardson said he would work with Ms. Kilroy, and they would try to come back with something for the Board.

Ms. McKeel suggested that Mr. Richardson's presentations might be right after 6:00 p.m. She said it was a shame to have all that great information late at night when a lot of the public was not listening.

Ms. LaPisto-Kirtley said she hoped it would be sent out on the Albemarle newsletter.

Mr. Gallaway said sometimes these kinds of conversations can require a polling of the Board and asked if anybody had objection to moving the County Executive’s report to a different portion on the agenda.

Mr. Gallaway heard no objections and said he and the vice chair would discuss it in the pre-agenda and would come back with some suggestions.

Ms. McKeel suggested it be where it is more highlighted.

Ms. Mallek said she was absolutely blown away by the fact that one could build a school, a big school, with the savings in interest over 20 years the County is getting; 0.87% when normally they would budget for 5% as far as the interest going forward is just spectacular. She said she is also so grateful that fire/rescue staff changed their physicals to be so much more in-depth because staff is put at risk a lot of times in their jobs by the chemicals they are exposed to when they go into burning places, and the fact that this has saved Mr. Ryan’s life is spectacular, and she asked that Mr. Richardson pass that along to them.

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Agenda Item No. 18. Adjourn to July 7, 2021, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).

At 10:03 p.m., the Board adjourned its meeting to July 7, 2021 at 1:00 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. Information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors home page.

Approved by Board
Date: 04/19/2023
Initials: CKB

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Chair