

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 5, 2021 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

BOARD MEMBERS PRESENT: Mr. Ned Gallaway, Ms. Beatrice (Bea) 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 1:00 p.m. by the Chair, Mr. Ned Gallaway.

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said he was not aware of any changes that needed to be made to the agenda or pulled from consent agenda.

Ms. Palmer **moved** to adopt the final agenda as amended.

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

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

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

Ms. McKeel pointed out that Dr. Denise Bonds, Director of the Blue Ridge Health Department, announced on Monday that Albemarle County leads the state in the percentage of the population with at least one COVID-19 vaccination at 58%. Ms. McKeel thanked the community and reminded those that had not gotten their vaccination that there is still availability, and they should do that. She said she was very proud of the community.

Ms. McKeel said the Board had received Albemarle County public schools' Board-to-Board in written form, so she thought that some people in the public would be interested in knowing that Superintendent Haas said the Albemarle County Public School Division is planning for five-day-a-week in-person instruction for all students next year, but they are also offering virtual instruction for elementary, middle, and high school for those who might choose it; the school division will be hiring an all-virtual school principal and staff, so they will actually be creating a system for that virtual learning school. Ms. McKeel said she wanted to point it out since the Board-to-Board was not going to be presented orally that afternoon.

Ms. Mallek said she had sent the Supervisors the link to the article in the Bay Journal about salamanders and vernal pools in the chat. She said if people are interested in learning more about the vernal pools that have been protected here in the County and also just vernal pools in general and the creatures that live there, then Ms. Borgersen can help to share that link to anyone who wants it.

Ms. Mallek said thinking ahead to Memorial Day, she knew that the Posts in Earlysville have been struggling with how to do some recognition and have decided, she thinks, to not have their ceremony but have also been working with members of the American Legion Post 74 and the Peregoy family, who for years have been working to correct the spelling of Technical Sergeant Peregoy's marker in the City and the street name in the County. She said applications have been made to the state to Senator Kaine's office to get help with army records and have failed all around because all the data apparently from World War II people was burned up in a storage fire 50 years ago.

Ms. Mallek said a substitute effort was now underway to create and place bronze plaque additions to the County memorial in the front yard (the World War I and II monuments), and these are to recognize the two residents of Albemarle County who were awarded the medal of honor.

Ms. Mallek said she would take a minute to read each of these very brief statements because

others, in addition to herself, may not have known about either of these people: "General Alexander Archer Vandegrift was born 13 March 1887 in Charlottesville and entered the Marine Corps in 1909. He led American forces at Guadalcanal in their first successful major offensive in the Pacific in World War II. He was awarded the Navy Cross and the Medal of Honor. He was the first active-duty Marine Corps four-star general and served as commandant of the Marine Corps from 1944 to 1947. He died 8 May 1973 and is buried at Arlington."

Ms. Mallek said for Technical Sergeant Frank D. Peregoy, there were seven or eight children in his family, and the first several who were delivered by midwife had Peregoy as the spelling on their certificates, and then the others who were born in the hospital had an "r" that was added, thus the confusion for many in the family and for the military records as well. Ms. Mallek read: "Technical Sergeant Frank Peregoy, born 10 April 1915, Albemarle County, Virginia, enlisted May 31 in Charlottesville. Company K, 116th infantry regiment, 29th division landed on Omaha Beach in Normandy 6 June 1944, which was D-Day. He was awarded the Medal of Honor for action against the enemy on 8 June 1944 at Grandcamp, France. Peregoy was killed in action 6 days later near Couvains, France, and he is buried in the American Cemetery in Normandy."

Ms. Mallek said there has been a lot of interesting writing and research done by local historians about both of these men, and so hopefully people will take some time to find out more.

Ms. Mallek corrected her announcement from the previous week about the Crozet Spring Arts & Crafts Festival; instead of 36 years, it is actually 41 years old. She said there are over 115 artists and makers; there will be music, food trucks, wine, beer, etc. She asked the public to please visit Crozetfestival.com to find out all about the participating artists and to buy tickets in advance, which would be very helpful for social distancing. She said instead of great big tents and a pavilion, each vendor will have their own pop-up, spread all across the field, so there will be lots of room for people to move around in safety. She said Saturday is supposed to be a gorgeous day, so hopefully everyone will truck out to Crozet and see their artists out there.

Ms. LaPisto-Kirtley said she wanted to piggyback what Ms. Mallek had said regarding the American Cemetery in France with the one soldier who was buried from this area. She said anyone who had not been to the American Cemetery in Normandy in France needed to go; that is something that is life-changing in her opinion, so respectful and a good way to honor all American soldiers, but it is probably the most beautiful, well-preserved, honorific cemetery she has ever been to.

Ms. LaPisto-Kirtley made her announcement regarding Save the Monarch. She said with a few volunteers in Darden Towe and in the neighborhood, they have planted thousands of milkweed seeds for the monarch butterflies and will be doing so again at Darden Towe Park at the Lewis & Clark Center on Saturday (May 8) with the scouts.

Ms. Palmer said the next three Saturdays at the Ivy Materials Utilization Center (MUC) are bulky waste amnesty days, and this coming Saturday (May 8), one can get rid of old furniture and mattresses for free. She said the following Saturday on May 15, one can get rid of appliances for free like dead humidifiers that have been stuck out in the garage or small and large appliances. She said on May 22nd for all those wonderful people that pick up tires along the roads, they can be taken over to the Ivy Materials Utilization Center for free, so that is a great weekend to get rid of tires.

Ms. Palmer thanked Ms. McKeel for straightening her out; she was expecting to ask many questions of the School Board Chair that day because she did not realize that he was not going to be before the Board of Supervisors. She said it was a very interesting Board-to-Board report that they received.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Resolution Recognizing A. Wade Woolfrey, Jr., Retired Colonel, U.S. Army.

Ms. Mallek **moved** to adopt the proclamation recognizing A. Wade Woolfrey, Jr., Retired Colonel, U.S. Army. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Henry thanked Ms. Mallek for reading that resolution of recognition. He said it was his honor to introduce Mr. Woolfrey to receive that, and he appreciated the Board's taking a moment to note Wade's significant contributions to the United States and to the region through the past 41-1/2 years of his service. Mr. Henry said he had met Mr. Woolfrey in 2018 through his role in the County Executive office. He said Mr. Woolfrey had been a great friend to the region working through the Defense Affairs Committee and had spent a lot of time with Mr. Richardson and himself in 2019 helping them understand the operations and challenges of the base, and nearly 2,300 staff work at the base in Albemarle County Rivanna Station.

Mr. Henry said they have been able to understand obstacles and challenges in a meaningful way where they can start trying to help solve some of those problems that especially soldiers face; when assigned to a base that is an area where there are a lot of services, the support functions are embedded

into that area. He said being in Albemarle County and the region is a fantastic quality of life, but all of the military traditional support functions are harder to get to, and Wade has been great in helping create those connections.

Mr. Henry noted that in the resolution, it talked about this most recent addition, which he felt should be named the Wade Woolfrey addition because that was his effort to get that funding and to solve a critical need for the Army and a critical part of its defense. Mr. Henry said it has been an honor and privilege to work with Mr. Woolfrey over the past three years, and he is glad to call him a friend and glad he is still not too far away that they will be able to continue working together.

Mr. Woolfrey said that he was honored and also privileged to have met and worked with the Supervisors throughout the last 14 years at Rivanna Station. He said it is a great place, and Albemarle County is a wonderful County. He said he loves the mission statement and how the Board organizes and goes after things and takes the time to learn their customers in the public. Mr. Woolfrey said they had a great time going to Richmond and educating people there more about what is done in Albemarle County and its mission with credits to the Board to support that along with Mr. Richardson, Mr. Henry, and Ms. Mallek, a great friend. He said he and Ms. Mallek have worked very closely together the entire 14 years, and he thanked her for everything she has done. He said they had gone through a couple of people at the DAC (Defense Affairs Committee); the DAC has been wonderful, and that stood up back in 2014 and has gotten stronger and stronger every year.

Mr. Woolfrey thanked the Board for what they do for the soldiers and civilians working at Rivanna Station. He said there were three huge organizations there; the National Ground Intelligence was there first and then the Defense Intelligence Agency there, and then embedded with both is the National Geospatial Agency. He said it has been referred to as the crown jewel of intelligence, how they do things jointly, and they have it there in their own backyard in Albemarle County.

Mr. Woolfrey said he appreciated the Board's work and educating the new leadership as they are elected on what Rivanna Station is and what Albemarle County does and the importance of the Central Virginia region, because in his experience, the focus has always been on the coastal areas and the Northern Virginia area, so it is good to see Central Virginia get in there and get recognized as they so deserve. He said it has also been great for them as well, and the congressional delegation has really come around and helped them. He said without the work of the Board, though, they would never have seen those projects come to fruition. He said the project was awarded the past Friday (May 1), so happy dancing was in the streets on Friday night, and then groundbreaking should be sometime soon. He said it normally takes about 45 days to mobilize, so the Board would be hearing when that is going to occur and whether it would be live or virtual. He thanked the Board again, great friends, and said he is always just a phone call away.

Ms. Mallek thanked Mr. Woolfrey and told him to be safe and to be well.

Ms. Price said the resolution demonstrates and his career exemplifies what public service really is all about with 27 years in the Army and then continuing as a civilian in the senior executive service. She said they cannot thank him enough for what he has done. She joked that though she is retired Navy, she would say Go Army (but don't beat Navy).

Ms. LaPisto-Kirtley said she just had two words to say: Go Army.

Mr. Gallaway thanked Mr. Woolfrey and said all of his years of service were appreciated, and he concurred with his fellow Supervisors in the remarks they had made.

Resolution Recognizing A. Wade Woolfrey, Jr.

WHEREAS, A. Wade Woolfrey, Jr. served our Country with distinction for 27 years, retiring from active duty at the rank of Colonel in the U.S. Army; and

WHEREAS, A. Wade Woolfrey, Jr. has served an additional 14 years culminating as a Civilian Senior Executive in support of the Army at the U. S. Army National Ground Intelligence Center (NGIC) in Albemarle County since 2007, becoming a Defense Intelligence Senior Level member in November 2009, and retiring from service as the Senior Advisor for Enterprise Operations to the Commander; and

WHEREAS, A. Wade Woolfrey, Jr. was instrumental in the approval and construction of the Child Development Center, and the Remote Delivery Facility on Rivanna Station and, most recently, in obtaining military construction funding for the design and procurement of an 80,800 SF addition and multi-level 150,000 SF parking garage at NGIC, which is currently scheduled to break ground in late 2021; and

WHEREAS, A. Wade Woolfrey, Jr. has been instrumental in supporting Rivanna Station and the Army at NGIC, and its critical operations to the Nation's Defense. He served as a key liaison with the Defense Affairs Committee and the Albemarle County Executive's Office in establishing key regional relationships to further support the mission, soldiers and civilians working at Rivanna Station.

NOW, THEREFORE, BE IT RESOLVED, that we the Albemarle County Board of Supervisors do hereby honor and commend A. Wade Woolfrey, Jr. for his years of service to our Country and

to the residents of Albemarle County.

Item No. 6.b. Resolution of Recognition and Appreciation for Randolph Rinehart.

Ms. LaPisto-Kirtley **moved** to adopt the proclamation recognizing Randolph Rinehart. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Svoboda thanked the Board of Supervisors for the opportunity to thank Mr. Rinehart for his many years of service. He said he had found Mr. Rinehart to be a dedicated, dependable, and honest individual who has provided balance and insight as well as thoughtful deliberation with the many challenges that come before the Board of Zoning Appeals; for 21 years, he has served on the BZA with a gentle spirit and a graceful strength, and his guidance and understanding will be missed, and they wished Mr. Rinehart the best.

Mr. Rinehart said he was quite humbled by the words. He said he appreciates this honor; it has been a true honor to serve the County. He said he was born in the medical center some 74 years ago, and he has conducted himself with several businesses and more importantly as a citizen. He said he did not need to tell the Board of Supervisors what a professional staff they have that backs them up and gives them support. He said he wanted to single out Ms. McCulley and said that she has been there the whole entire time with him. He said she is a go-to person for whom he has the utmost respect. He said their current attorney, Mr. Kamptner, was there many of those years, and Mr. Herrick and the other staff. He said they make the job easier, and he thinks each of the Supervisors would agree with that.

Mr. Rinehart said he had to put a personal note to Ms. Mallek. He said they grew up somewhat together; she was more of a friend of his sister's than his, but he was telling his wife about Ms. Mallek's father and what a peach of a guy and an incredible human being John Huckle was.

Mr. Rinehart said he felt it was time and thanked them for the honor. He said they were in good hands with the current Board, and he hoped that his position is filled with another qualified individual.

Ms. Mallek said she remembered that all those attributes that were in the resolution were also part of Mr. Rinehart's character when he was in elementary school. She said that was a telling thing, to be able to have that memory and to thank him for the many contributions in the community over all these decades. She said Mr. Rinehart's successor has big shoes to fill, just as she does.

Mr. Gallaway said in this day and age, having the feedback that he has gentle words to make powerful points seems to be something that is not on display much anymore, so that stood out in the resolution. He said on behalf of the Board and the Albemarle County staff and the citizens, Mr. Rinehart's years of service were appreciated.

Resolution Recognizing Randolph Rinehart

WHEREAS, Randolph Rinehart was appointed to the Albemarle County Board of Zoning Appeals (BZA) on January 14, 2000 and attended his first meeting as a BZA member on March 7, 2000 serving Albemarle County with distinction for 21 years as a member of the Albemarle County BZA holding the office of Secretary to the Board of Zoning Appeals for 13 of those years, and

WHEREAS, Randolph Rinehart has been a dedicated member committed to the mission of the BZA and that of Albemarle County desiring only to give back to that county that he loves and to serve a purpose for the community, and

WHEREAS, Randolph Rinehart has been a positive force on the BZA using gentle words to make powerful points, demonstrating a keen aptitude for redirecting conversation to key issues in a responsible and appropriate manner, providing insight and thoughtful consideration to each case that has come before him, displaying kindness and respect in his collaboration with fellow members, county staff, and members of the public, and

WHEREAS, we, as members of the Albemarle County Board of Supervisors wish to extend our utmost appreciation for the invaluable experience, leadership, professionalism, and insight that Randolph Rinehart has contributed which has been beneficial to the citizens and staff of Albemarle County, and

WHEREAS, the Albemarle County Board of Supervisors wishes to extend our sincere best wishes for every happiness in the future to Randolph Rinehart whose term of service will expire on May 22, 2021,

NOW THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors recognizes and appreciates the service of **Randolph Rinehart**

- **21 years of service on the Board of Zoning Appeals 2000 - 2021**

- **13 years as the Secretary of the Board of Zoning Appeals 2006 - 2019**

and wishes him well in all future endeavors, and do hereby offer honor and commendation.

Item No. 6.c. Proclamation Declaring May as Community Action Month.

Ms. McKeel **moved** to adopt the proclamation declaring May as Community Action Month. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Arsali said she was appointed by the Board of Supervisors to represent Albemarle on MACAA, and she wanted to thank the Board for supporting the work that is being done. She said MACAA has been working in the communities in Central Virginia since 1965 to ensure all families have access to resources they need for a thriving future. She said MACAA believes in the promise of community action, that their work changes people's lives, embodies the spirit of hope, improves communities, and makes Albemarle a better place to live in. She said in celebration of community action awareness month, she wanted to highlight a few examples of the great work that is being done.

Ms. Arsali said MACAA has adopted a whole-family two-generation approach to programs and services that aims not just to alleviate current challenges faced by families with low income but to actually break cycles of generational poverty. She said the Head Start program is a good example of this. She said through Head Start, not only are they providing high-quality early childhood education to students but are also committed to partnering with parents to support their education and career goals.

Ms. Arsali said she was also very proud to share that in addition to Head Start, MACAA is going to be carrying out early Head Start so they will be able to provide services for children from birth to three years of age as well as expectant mothers. She said that was a huge opportunity to provide services for the community.

Ms. Arsali said during COVID, the effect of community action was especially evident; in uncertain times, the community action work assisted low-income families with rent assistance that allowed them to stay in homes which they otherwise would not have been able to live in, so it helps provide some sense of stability in a very uncertain time.

Ms. Arsali said there many other programs that MACAA is doing. She said that Hope House provides resources for homeless families. She said there are rural outreach programs that have partnered with food pantries throughout Albemarle County as well as other counties, emergency utility assistance, Project Discovery helping youth find and navigate college opportunities. She said there are many things that are being done by MACAA and thanked the Board for recognizing the important work being done by the families and staff in the community and thanked them for committing to celebrate community action awareness month.

Ms. LaPisto-Kirtley said that Ms. Arsali is a good friend, and she and her husband both are very involved in the community besides being a neighbor. Ms. LaPisto-Kirtley said she was very excited about hearing of the opportunities for earlier education even prior to Head Start age. She asked to be kept informed of that. She said she liked everything they were doing. She said Ms. Arsali was very selfless and giving, and her community activism was greatly appreciated for the entire organization.

Ms. McKeel said she wanted to thank Ms. Arsali, and like Ms. LaPisto-Kirtley, she was really pleased to hear of the outreach for the younger children. She said that is absolutely great news; the earlier help and intervention are provided, the better. Ms. McKeel said she had been following MACAA for a long time when she was on the School Board as well as now.

Ms. Mallek thanked Ms. Arsali and said she was so glad to hear about the continuation of the educational support. She said for years as a museum educator for the Museum of Natural History, when the bus would roll up with the little October children, to see how much they had learned and how much they had progressed when they came back in April, it was a whole new world because they were organized and calm enough to be able to take in so much more of what they were seeing. She thanked Ms. Arsali and MACAA for all they do and all these different programs.

Mr. Gallaway thanked Ms. Arsali for being there that day. He said the whole Board agrees with the comments that were made.

Proclamation Declaring May as Community Action Month

WHEREAS, Community Action connects individuals and families to approaches that help them succeed and promotes community-wide solutions to challenges throughout our cities, suburbs, and rural areas; and

WHEREAS, Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities, which in turn promotes self-sufficiency, ensuring that all Albemarle County residents can live in dignity; and

- WHEREAS,** Community Action connects hundreds of children and families in Albemarle County to greater opportunity, transforming their lives and making our communities, and our nation, stronger; and
- WHEREAS,** Community Action serves the low-income population of Albemarle County in its rural, suburban, and urban communities, offering life-changing services that create pathways to prosperity by connecting families to job training, affordable housing, early childhood learning, childcare and afterschool college prep programs for teenagers; and
- WHEREAS,** Community Action will continue to implement innovative programs that create a greater chance at success for everyone, will continue to focus on a broader range of community challenges to ignite economic growth and ensure all families can benefit and will continue to be a voice for the disenfranchised.

NOW, THEREFORE BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby declare the month of May 2021 as COMMUNITY ACTION MONTH in recognition of the hard work and dedication of the Monticello Area Community Action Agency.

Item No. 6.d. Proclamation Celebrating Jewish American Heritage Month.

Ms. Palmer **moved** to adopt the proclamation celebrating Jewish American Heritage Month. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Ms. Binte-Farid thanked the Board for their continued commitment to creating a more equitable society for all members of Albemarle County. She said she also wanted to take a moment to thank them for recognizing how inclusive and intentional histories are vital to not only creating visibility for the different segments of the community but also for making sure that all community members see their experiences enfolded into the story people tell themselves about life in Albemarle County.

Ms. Binte-Farid said she had the great pleasure of introducing their guest, Dr. Phyllis Leffler. She said Dr. Leffler is Professor Emerita at the University of Virginia in the field of public history. She said that in addition to two books on public history, she has published award-winning articles on museum exhibits and on the history of women at UVA. Ms. Binte-Farid said that Dr. Leffler's interest in documenting people's lives and experiences led her to co-publish "To Seek the Peace of the City: Jewish Life in Charlottesville," an exhibit housed at UVA library, which is available to view online. Ms. Binte-Farid said that Dr. Leffler is also the immediate past president of the Southern Jewish Historical Society and currently serves as the vice president of the Albemarle-Charlottesville Historical Society. She thanked Dr. Leffler for being there and sharing some of her work with them.

Dr. Leffler said she was pleased and honored to accept the proclamation on behalf of the local Jewish community. She said they so appreciate the recognition of the Albemarle County Board of Supervisors and their commitment to diversity in the region. She said the only synagogue ever known to the area is in Charlottesville just a few blocks from where the Board meets, and as a result, the heart of organized Jewish life tends to center in Charlottesville, but as the City has expanded, more and more people have moved to Albemarle County. She said many, many Jewish families have found it a welcoming and comforting place to live.

Dr. Leffler said that as the proclamation states, Jews became involved in the mercantile life of this area in the late 18th and 19th centuries. She said when the synagogue was established in 1882, Jewish families had already laid down roots here. She said the creation of a physical space for a house of worship (the same structure that exists today) was evidence of those roots. She said their participation in mercantile, civic, cultural, and political life was testimony to the fact that Jews were accepted and valued despite the fact that they remained a very tiny proportion of the population, less than 1%.

Dr. Leffler said in the latter part of the 19th century and the 20th century, as the forces of the Klan returned and as concerns about racial purity spread, Jews were targeted along with Blacks and other minority and immigrant groups, and the numbers in Charlottesville fell to a much smaller number than had been the case in the earlier part of the 19th century. She said the Jewish community, though, itself became more diverse after the 1960s when UVA was more open to the hiring of Jewish faculty, and as a result, the locus of expertise shifted from business enterprise to legal, medical, and academic professions.

Dr. Leffler said that today Jewish families can be found in almost every sector of the economy; still, they remain a tiny percent of the population, and it is known that throughout history, Jews have been persecuted both on racial and religious grounds. She said that many are keenly aware that antisemitism is on the rise nationally as the Unite the Right rally of 2017 so clearly illustrated. She said that antisemitism is but one form of white supremacy; hopefully, that makes people more aware and conscious of the ways in which other minority groups have faced discrimination and injustice. She said they as a community are committed to confronting white supremacy by embracing diversity and working for racial justice in the community.

Dr. Leffler said she was pleased to say that current Jewish individuals in the community are

deeply committed to social activism. She said there are Jewish residents who have served in key roles with organizations like Impact, Hospice of the Piedmont, area foodbanks, Alliance for Interfaith Ministries, CASA, the International Rescue Committee, literacy volunteers, political leadership, and civil rights advocacy. She said their clerical leaders have been actively involved with congregational clergy and the Clergy Collective. She said that hopefully in these ways, they will be able to contribute to making the community a welcoming place for all. She thanked the Board again for this proclamation of support for and recognition of the Jewish community. She said she would be sure to share it as widely as possible.

Ms. Price thanked Dr. Leffler. She said that as history records and as the proclamation reflects, the Jewish component of the world population has faced persecution unlike that of probably any other group. She said when they have these proclamations, some have recognized individuals and others an organization, but here they were talking about an entire demographic of the population, and it means so much to her to show this inclusive nature of what they want the world to be and how Albemarle County is really trying to lead the way in that respect.

Ms. Price said her previous church in Virginia Beach, an episcopal church, had a very close relationship with congregation Beth Chaverim, and the highlight every year was Wednesday before Thanksgiving when they alternated at each church's or synagogue's facility and would get together as a community. She said as she has had opportunities to attend a number of Jewish religious ceremonies, she has always come away impressed with the love that is being expressed and shared in those communities, and even in the County with congregation Beth Israel, she had an opportunity to participate in a program for their high school students showing the inclusive nature of this community.

Ms. Price said whenever the Board does these population demographic-type resolutions, she always likes to go on the internet and just do a search to pull up the names of people who have contributed from that population group into the country, and it is an endless and infinite list of Jewish American contributions that have been made. She said they were so proud to have Dr. Leffler as a member of the community.

Ms. McKeel thanked Dr. Leffler for coming and said it was lovely to see her again. She thanked Dr. Leffler for sharing some of the history of the Jewish families in Albemarle County. She said she had no idea and always learns a lot when people come to speak to the Board this way. She said it is really important for the community to understand some of the facts and thanked her for her wonderful comments.

Ms. Palmer mentioned that for many, many years, she lived in Squirrel Hill in Pittsburgh about a block and a half from the Tree of Life Synagogue, and her family was relatively young at the time. She said they had moved into a neighborhood where there were a lot of Holocaust survivors; many people had the tattoos on their forearms, and it was incredible listening to the stories of her neighbors and the resiliency and how they made it through concentration camps and actually got to the United States and were just an amazing group of people.

Mr. Gallaway said it was an honor to have Dr. Leffler with them that day. He reflected on seeming to be living in a time where people feel they have a permission to hate and the need for reminding everyone of the responsibility to call that out and stand up against it as it occurs. He thanked Dr. Leffler for that leadership and reminding the Board and everyone of their responsibility to do that when it is seen to occur.

Proclamation Celebrating Jewish American Heritage Month

WHEREAS, Jewish American Heritage Month, recognized in May, is a time for celebrating the history, contributions, and cultures of the diverse population of Jewish Americans; and

WHEREAS, the first Jewish family to settle in Albemarle County arrived in 1757 and the Jewish community have played an important role in shaping, advancing, and enriching the fabric of Albemarle County ever since; and

WHEREAS, Jewish Americans, due to their own long history of persecution, have often found common cause with movements working to expand civil rights, liberty, and human dignity for all, including the Civil Rights Movement, as well as movements in support of women's rights, the rights of farmworkers, the disabled, and LGBTQIA Americans, and others; and

WHEREAS, the early history of Jewish Americans in Albemarle County sheds light on the community's commitment to tolerance and racial equality through the example of the long-term common law marriage of David Isaacs, a Jewish businessman, and Nancy West, a "mulatto" woman and a skilled businesswoman, during the 18th century; and

WHEREAS, the Jewish American experience has always been held together by the forces of hope, resilience, and striving for a better tomorrow.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, honor and celebrate Jewish American Heritage Month and renew our dedication to the work of building a fully inclusive tomorrow -- one where a great diversity of origins is not only accepted, but also celebrated -- here at home and around the world.

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

Mr. Gary Grant (Rio District) said if he could be heard, it meant Century Link was working that day in the Earlysville area. He said he is a citizen community member, property owner, taxpayer, and voter. He asked the Board members if they remembered the valid and reliable results of their 2020 community survey conducted from January to March 2020. He asked if the six Democrat Supervisors remembered that they used the results to create their strategic plan. He asked if they remembered that their strategic plan is connected to the “when and why,” according to the chairman, for their next 466-million-dollar spending plan of Albemarle taxpayers’ money.

Mr. Grant asked if the six Democrat Supervisors also remembered the following: Only one in five Albemarle residents is very satisfied with the value of services received for his or her tax dollars; only one in ten rates as excellent the leadership of the County Executive’s office and staff; only 9% of Albemarle residents rate as excellent the leadership of the Board of Supervisors; only 10% of Albemarle residents rate as excellent the job the County is doing in treating residents fairly; only 5.5% of Albemarle residents say they are very satisfied with the level of communication from County government; only 5.9% of Albemarle residents say they are very satisfied with the transparency and honesty of County government.

He asked if the six Democrat supervisors remembered the following community survey results upon which they based their strategic plan and upon which they then based their next budget: Less than a majority of Albemarle residents say that it is very important to allocate tax dollars to parks and recreation improvements, school facility improvements, other public building improvements, and broadband improvements. He said even addressing climate change could not win majority status, coming in at 48.3%.

Mr. Grant asked if it were any wonder then why some citizen community members, property owners or renters, taxpayers and voters would ask the six Democrat Supervisors “when and why” questions about their leadership and their intentions with Albemarle County taxpayers’ money. Mr. Grant thanked Supervisor Palmer for her recent email thanking him for continuing to participate in the meetings.

Mr. Sid Patel (Rio District) said he would like to request the cigarette tax not be increased. He said all the retailers are already suffering from COVID effects; mostly all businesses are down. He said many retailers and wholesalers in the business are selling cigarettes, so this affects all of them. He said as a retail businessman in the County, he did not want his cigarette business to go to other counties near Albemarle County. He asked them to please not increase tax on cigarettes and please not target smokers; they are good people. He thanked the Board members for giving him a chance to speak.

Mr. Gallaway closed Matters From the Public.

Agenda Item No. 8. Consent Agenda.

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

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

Item No. 8.1. Resolution of Interest in Participating in a Regional Cigarette Tax Administration Board.

The Executive Summary forwarded to the Board states that during the 2020 General Assembly session, Virginia counties received additional enabling authority, including the authority to levy taxes on the sale of cigarettes effective July 1, 2021. State legislation encourages local cigarette stamping and tax collection through regional cigarette tax boards and establishes a state-level taskforce to develop methods to modernize stamping and tax collection. Attachment A includes background materials on this legislation.

On December 2, 2020, the Board discussed this new enabling authority and recommended that staff move forward with a process to actively support the development of a regional board to administer cigarette taxes for this region of the state, and to consider this tax levy through an equity lens, to provide estimated revenue projections, and to schedule a public hearing in the future on an ordinance.

In recent months, Albemarle County has participated in several informational meetings with TJPDC staff and members of other jurisdictions about the possibility and feasibility of establishing a regional entity to administer this tax on behalf of its localities. Such a regional board likely would be modeled on the Northern Virginia Cigarette Tax Board, which serves 19 localities in that part of the state.

On March 22, 2021, during a FY 22 Budget Work Session, staff provided an update on the cigarette tax equity impact assessment, and provided information regarding TJPDC’s discussions with member localities about the potential development of a Regional Cigarette Tax Board.

On April 1, 2021, the TJPDC’s Board met and provided support for the TJPDC to continue its

efforts to explore the development of a Regional Cigarette Tax Board with localities in the broader region.

A key part of TJPDC's mission is to lead development of solutions for the region's critical issues by helping member governments identify such issues and finding collaborative approaches to address them. A regional cigarette tax board would promote uniform administration of local cigarette taxes throughout the region.

The TJPDC is planning to have a legal framework for a regional cigarette tax board and its administration completed in the summer. To that end, the TJPDC requests that jurisdictions interested in becoming a member of a regional tax board adopt the attached Resolution demonstrating their interest in the formation of a regional cigarette tax board by the end of May 2021.

Prior to enacting the cigarette tax, the Board of Supervisors is required to hold a public hearing and adopt an Ordinance. The decision to become a member of a regional cigarette tax board would also require approval by the Board of Supervisors.

The FY 22 Proposed Budget includes an initial revenue assumption of \$516,000 if the County begins collection of a cigarette tax on January 1, 2022.

Staff recommends that the Board adopt the attached Resolution (Attachment B).

By the above-recorded vote, the Board adopted the resolution in Attachment B:

**RESOLUTION OF INTEREST
in participating in regional cigarette tax administration**

WHEREAS, the 2020 General Assembly approved, and the governor signed into law, legislation that allows Virginia counties to enact a local cigarette tax of up to 40 cents per pack, effective July 1, 2021; and

WHEREAS, SB 1326, adopted by the 2021 General Assembly and signed into law by the governor, encourages local cigarette stamping and tax collection through regional cigarette tax boards; and

WHEREAS, the bill defines a "regional cigarette tax board" as one established by a group of at least six member localities, pursuant to their authority under the joint exercise of powers (§ 15.2-1300 et seq.) and Regional Cooperation Act (§ 15.2-4200 et seq.) provisions of the Code of Virginia; and

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) was duly established in 1972 pursuant to the Code of Virginia; and

WHEREAS, a key part of the mission of the TJPDC is to lead development of solutions for the region's critical issues by helping member governments identify such issues and finding collaborative approaches to address them; and

WHEREAS, the TJPDC staff, in discussion with its member localities, has been examining how a regional cigarette tax board could function in the broader Central Virginia region; and

WHEREAS, the establishment of a regional cigarette tax board would promote the uniform administration of local cigarette taxes throughout the region for those localities desiring to participate in such a board.

NOW, THEREFORE, BE IT RESOLVED, that the County of Albemarle's Board of Supervisors expresses its interest in participating in a regional cigarette tax board being pursued by the TJPDC.

BE IT FURTHER RESOLVED that the County of Albemarle's Board of Supervisors authorizes the County Executive and County Staff to proceed with participating in discussions with the TJPDC and other localities in the broader region on the formation of a regional cigarette tax board.

BE IT FURTHER RESOLVED that any decision by the County of Albemarle to become a member of any regional cigarette tax board so established must be approved by the County of Albemarle Board of Supervisors.

Item No. 8.2. SE202100012 Boys & Girls Club Critical Slopes Waiver.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception to allow the disturbance of approximately 0.42 acres of critical slopes (slopes greater than 25% in the Rural Area). This request is associated with a final site plan that is currently under review - SDP202100011 Boys & Girls Club Driver's Education. The applicant's request is provided in Attachment A, which includes a map showing locations where critical slope disturbance would occur.

County Code §18-4.2.3(b) and 18-4.2.5(a) allow for disturbance of critical slopes, provided the findings in 184.2.5(a)(3) are made.

Please see Attachment B for staff's full analysis. Based on the findings therein, staff recommends approval of the applicant's request to disturb critical slopes with the following condition:

1. The disturbance of critical slopes must not exceed the "Critical Slope Area Disturbed by Project (± 0.42 Acres)" shown in the Exhibit to the request entitled "Boys & Girls Club -- Driver's Education: Critical Slopes Waiver -- Special Exception Request," prepared by Timmons Group, dated February 10, 2021, and last revised April 7, 2021.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception request.

By the above-recorded vote, the Board adopted the resolution in Attachment C to approve the special exception request:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE 2021-00012 BOYS & GIRLS CLUB DRIVER'S EDUCATION**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.3(b), 18-4.2.5(a), and 18-33.49, the Albemarle County Board of Supervisors hereby finds that the special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and

- (a) strict application of the requirements of Albemarle County Code [§ 18-4.2](#) would not forward the purposes of Albemarle County Code chapter 18 or otherwise serve the public health, safety or welfare;
- (b) alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code [§ 18-4.2](#) to at least an equivalent degree;
- (c) due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; and
- (d) granting the special exception would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the special exception to allow the disturbance of critical slopes associated with SDP202100011 Boys & Girls Club Driver's Education, subject to the condition attached hereto.

* * * * *

SE 202100012 Boys & Girls Club Driver's Education Condition

1. The disturbance of critical slopes must not exceed the "Critical Slope Area Disturbed by Project (± 0.42 Acres)" shown in the Exhibit to the request entitled "Boys & Girls Club -- Driver's Education: Critical Slopes Waiver -- Special Exception Request," prepared by Timmons Group, dated February 10, 2021, and last revised April 7, 2021.

Item No. 8.3. Albemarle Broadband Authority Quarterly Report, **was received for information.**

Item No. 8.4 Board-to-Board, April 2021 a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Agenda Item No. 9. Action Item: Approval of Calendar Year 2021 Tax Rates and Adoption of the Fiscal Year 2022 Operating and Capital Budget.

The Executive Summary forwarded to the Board states that on February 24, 2021, the County Executive presented the Recommended Fiscal Year 2022 (FY 22) Operating and Capital Budget (the Budget) to the Board of Supervisors. On March 3, 2021, the Board held a Public Hearing on the County Executive's Recommended Budget and then held several public work sessions and town hall meetings. On March 18, 2021, the Board authorized the advertising of a \$0.854/ \$100 real estate tax rate for the 2021 Calendar Year. On April 28, 2021, the Board held a Public Hearing on the Board of Supervisors' Proposed Budget and a Public Hearing on the 2021 Calendar Year tax rates.

The Proposed FY 22 Budget is for the fiscal year beginning July 1, 2021, and ending June 30, 2022. The 2021 Calendar Year tax rates are for the calendar year beginning January 1, 2021, and ending December 31, 2021. A Calendar Year may sometimes be referred to in County documents as a Tax Year.

The FY 22 Budget for the Board's approval on May 5, 2021, totals \$466,177,427 and is based upon the real estate tax rate of \$0.854 per \$100 of assessed value for the 2021 Calendar Year. This is an increase of \$106,343 over the County Executive's Recommended Budget and reflects the use of

\$106,343 in General Government Capital Fund's fund balance for a Transportation Planner position.

In addition to the above adjustment to the County Executive's Recommended Budget made during budget work sessions, the following reallocations of funding are recommended:

Reallocate \$350,000 from the General Fund transfer to Albemarle Broadband Authority to the Pandemic Reserve. As discussed at the March 17 Board meeting, this local funding for broadband infrastructure is recommended to be paused at this time to provide additional time to analyze pending American Rescue Plan Act of 2021 funding. A future appropriation will be forthcoming for broadband infrastructure; and

Reallocate \$91,765 from the Community Development Department to the Department of Social Services (DSS) to consolidate the County's housing efforts into DSS.

Adoption by the Board will establish the Fiscal Year 2022 Capital Budget.

Staff recommends that the Board adopt:

- 1) the attached Resolution to Set Calendar Year 2021 Tax Rates (Attachment A); and
- 2) the attached FY 22 Budget Resolution approving the FY 22 Budget as recommended by the County Executive and amended by the Board of Supervisors (Attachment B).

If adjustments are desired today, changes will be made within the attached resolutions prior to adoption.

Ms. Birch, Chief Financial Officer, said it was a pleasure to be there with the Board that afternoon to bring the last piece of the FY 22 budget process and also the calendar year 2021 tax rates. She said she would turn it over to Mr. Bowman, Chief of Budget, who had a few slides to make sure that both the Board and the residents and taxpayers have the context for which the Board will take action.

Mr. Bowman, Chief of Budget, acknowledged that this was the final step in development of the 2022 budget, and there were two action items. He said the first was to adopt the 2021 tax rates and then to adopt the fiscal year 2022 budget. He said he would share some introductory information for the context of where things have been over the last couple of months before turning it over to the Board for questions and discussion and action.

Mr. Bowman said before getting into dollars and cents, he would talk first about process. He said the County Executive recommended a budget on February 24th. Mr. Bowman presented a slide with the process that is followed. He said there had been a series of public engagement activities and work sessions with the Board of Supervisors including the prior week's public hearings on the two items for the Board's consideration that day.

Mr. Bowman said the budget process is started every year. He said he would provide a framework about their goals and values, and as always, their revenue recommendations are guided by the strategic plan, the initiatives shown on the slide through those nine strategic objectives. He said in 2020, they expanded their organization's core values to include community, meaning that they expect diversity, equity, and inclusion to be integrated in how the mission is lived. He demonstrated a pyramid about how they tried to strategically use onetime funding that is available during this time of uncertainty in the pandemic to ensure the County's financial foundation, support the economic outlook in the community in the uncertain time, and also to provide workforce stabilization.

Mr. Bowman demonstrated another thematic slide and said about a year ago, they set out on the approach to manage the end of fiscal year 2020 and the fiscal year 2021 budget using a 3-6-6 model referring to the last three months of fiscal year 2020, first half of fiscal year 2021, and the second half of fiscal year 2021. He said this budget is an extension of that philosophy as the next 12 months are added, making it 3-6-6-12. He said a lot has been learned about the pandemic just in the last year, about services and revenues and just the pandemic itself, but the economy and community are still stabilizing and adapting at this time.

Mr. Bowman noted not for that day's business, but on May 19th, staff would be bringing to the Board on the consent agenda for information the third quarter financial report, which again would be part of the budget management in that 3-6-6 approach.

Mr. Bowman said the proposed fiscal year 2022 budget is a total of 466 million dollars, just over, and it is balanced using the same tax rates as the prior year. He said the total budget includes all operating capital and other funds for local government and schools.

Mr. Bowman discussed the general fund and the revenues that are budgeted for the general fund and noted the general fund is the primary fund of the County and is where all local tax revenue is received.

Mr. Bowman discussed the other side of the budget for the general fund expenditures. He said this really makes up much of general government operations, and also it includes notably the local contribution to the school division, and also the local contribution to the capital program and debt service of about 30.5 million dollars.

Mr. Bowman said in addition to the general fund, the Boards have spent substantial time in the

past several months discussing the capital budget in fiscal year 2021 and in fiscal year 2022. He said the fiscal year 2022 capital budget total is 57 million dollars and continues to support the maintenance and replacement and obligations that are included in the program. He said this also reflects the CIP advisory committee's recommendation from their meetings in November and December to support projects that were paused in fiscal year 2021 and 2022 about this time a year ago and moves those projects forward.

Mr. Bowman presented a slide and said there is some information that was included in the staff report, but he wanted to highlight two changes that are recommended to the proposed budget; neither of these is a change to the total amount of the budget, it is just where dollars are being budgeted. He said the first one of these is to reallocate \$350,000 in the proposed budget that was to be a transfer to the Albemarle Broadband Authority and move that to the County's pandemic reserve at this time. He said this is really based on the Board's discussion back in March during the work sessions; with just the idea knowing that there will be additional funding from the American Rescue Plan Act of 2021, it would be prudent to pause at this time to see what opportunities may exist with federal revenue before investing local funding. He said this was not to say that there would not be an appropriation coming forward in the future for broadband infrastructure but just a pause while waiting for guidance from the federal government to learn more about what may be out there and achievable for broadband infrastructure.

Mr. Bowman said the second change is a reallocation of approximately \$92,000, and this is really just a reorganization that takes a housing-related position in the Department of Community Development and reorganizes that to the Department of Social Services, and the intent there is to consolidate all of the County's housing efforts into the Department of Social Services.

Mr. Bowman paused for questions or discussion, and said after that is complete, there are two actions the Board needs to take to adopt the resolutions Attachment A and B.

Ms. McKeel asked for a copy of Mr. Bowman's presentation.

Mr. Bowman said it had been provided to the clerk and would be coming soon.

Ms. Mallek asked whether this reallocation for broadband had any implications for moving forward with their new program.

Mr. Bowman said that the community director of broadband was not on the call, but guidance would be coming from the federal government; the latest he had heard was May 10th. He said they were planning to come back to the Board in June to discuss their framework and planning further, so not knowing the exact details of what the federal government guidance is, they do plan to report back to the Board in the very near future.

Ms. Palmer said at their broadband authority meetings, that question has come up, and they were told by staff that it will not affect that as long as they are keeping good track of what is going on, which she thought they were.

Ms. Price **moved** that the Board adopt the resolution to set the Calendar Year 2021 Tax Rates (Attachment A). Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO SET
CALENDAR YEAR 2021 TAX RATES**

BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for Calendar Year 2021 for general County purposes at:

- (1) Eighty-Five and Four-Tenths Cents (\$0.854) on every One Hundred Dollars for assessed value of real estate;
- (2) Eighty-Five and Four-Tenths Cents (\$0.854) on every One Hundred Dollars for assessed value of manufactured homes;
- (3) Eighty-Five and Four-Tenths Cents (\$0.854) on every One Hundred Dollars for assessed value of public service property;
- (4) Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars for assessed value of personal property;
- (5) Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars for assessed value of business personal property that is not classified as machinery and tools, merchants' capital, or short-term rental property, with an original cost of less than Five Hundred Dollars (\$500.00); and
- (6) Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars for assessed

value of machinery and tools; and

BE IT FURTHER RESOLVED that the Board of Supervisors orders the Chief Financial Officer of Albemarle County to assess and collect County taxes on all taxable property, including all taxable real estate and all taxable personal property.

Ms. Price **moved** to adopt the attached FY22 Budget Resolution approving the FY22 Budget as recommended by the County Executive and amended by the Board of Supervisors (Attachment B). Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Richardson said he thought this would be the appropriate time for him to circle back to the Board on an issue that does not have implications to the fiscal year 2022 budget, but he wanted to clarify. He said recently the Board had asked for some additional attention to be spent on a program that may go forward with the City that several speakers came to the Board recently about regarding legal support for potential evictions that are related to COVID.

He said that the staff will analyze this issue specific to Albemarle County; he knew that several Board members had spoken with the County Attorney's office, and Mr. Kamptner is coordinating with the County Executive's office. Mr. Richardson said Mr. Bowman mentioned that the ARP framework is coming back along with hopefully the first tranche of money in early May (sometime around between May 10 and May 15), and Mr. Bowman mentioned that they would be back in June, and so they will analyze this issue and be prepared to come back to the Board with the hope of coming back with ARP funding for the first tranche.

Mr. Richardson said if the Board would be reminded in that initial framework that was suggested to the Board, they could have an earmark associated with the human services side of programming for the community that involves social services as well as the Office of Equity and Inclusion, so they have already involved those folks for some thoughtful analysis and would be happy to do that. He said he just wanted to make sure the Board understood that they were heard, and staff would certainly be back to talk to talk more about that in the accompaniment of the broader strategy.

Ms. Price said she appreciated Mr. Richardson's bringing that up because the community is wanting to hear what the Board is looking at on this.

Ms. Price said they all recognize the impact of the economic situation caused by the COVID-19 pandemic as it affects housing and homelessness, so she supports and concurs that it would be more appropriate to look at using potential funds from the ARP rather than being put as part of the regular budget; it separates the two and identifies seeking to provide some relief as a result of the pandemic from funds that would be received from the pandemic rather than making this is a regular line item in the budget.

Ms. Price said she would like County staff to analyze this from the perspective of the economic impact, not specifically from the standpoint of tenants alone. She noted that they have to recognize that there is an impact on both tenants and on landlords, and not every landlord is a large corporation with deep pockets. She said coming from a military background, she knows that there are many people in the military or in civilian industry that may have to move and are unable to sell a house and basically have to rent it, and for many individuals, that is their retirement, their stock market investment, if you will.

Ms. Price said it is a complex situation; they cannot necessarily be all things to all people, but the clear consensus from the Board at the last meeting is that they are interested in trying to provide some measure of relief. She stressed that those main points would be that it be separated from the regular budget line items, that it is related directly to the funds received associated with the pandemic. She said in speaking with other supervisors, a comment was made that it not be specifically to fund positions, that it be more to provide relief, and of course all of this was simply her particular individual Supervisor commentary.

Ms. Mallek said she had a question to leave for future research and consideration. She noted having gone to small claims on her own and facing three well-articulate, expensive-suited lawyers on the other side, she knows what it feels like in a small way to not have the skills and the ability to get success. She said she was not facing being thrown out of her house but just trying to get reparations for damage that was done. She said she would like to know in the future about how these evictions are impacting families that are not COVID, and perhaps someone in legal aid justice center or someone has details already about the numbers of families in the County who have been impacted over the last several years. She said it would help them understand if there is more that they should be considering outside of COVID.

Mr. Gallaway said he should probably note that the adoption of the budget is not a small task; it is their biggest responsibility and one of their biggest tasks that they undertake each year. He told Mr. Richardson that his team does an excellent job and thanked Ms. Birth and Mr. Bowman. He said it is hard to put into words how much effort and work go into this every year; he certainly has made public remarks about being impressed with staff the previous year when, on a dime, they had to make a turn and change the budget in the face of the pandemic, and really to work through this budget with still some unknowns and bring forward what they have so that the Board can confidently vote to adopt was much appreciated.

He thanked the whole team as they work through this budget cycle this year.

**FY 2022
BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

- 1) That the budget for the County for the Fiscal Year beginning July 1, 2021 is made up of the County Executive's Recommended Budget document and the amendments made by the Board of Supervisors.
- 2) That the budget for the County for the Fiscal Year beginning July 1, 2021 is summarized as follows:

General Fund	\$314,875,074
<u>Less Transfers to Other Funds</u>	<u>(179,222,904)</u>
Net General Government - General Fund	\$135,652,170
 School Fund	 \$209,881,628
<u>Less Transfer to Other Funds</u>	<u>(7,282,741)</u>
Net School Division - School Fund	\$202,598,887
 School Special Revenue Funds	 \$19,224,955
<u>Less Transfer to Other Funds</u>	<u>(27,475)</u>
Net School Division - Special Revenue Funds	\$19,197,480
 General Government - Other Funds	 \$31,652,411
<u>Less Transfer to Other Funds</u>	<u>(8,228,126)</u>
Net General Government - Other Funds	\$ 23,424,285
 Capital Projects Funds	
General Government CIP Fund	\$52,178,406
School Projects CIP Fund	16,935,576
Total Capital Projects Funds	\$69,113,982
 <u>Less Transfer to Other Funds</u>	 <u>(12,112,155)</u>
Net Capital Projects Funds	\$ 57,001,827
 Debt Service Funds	
General Government Debt Service Fund	\$9,971,049
<u>School Division Debt Service Fund</u>	<u>18,331,729</u>
Total Debt Service Funds	\$28,302,778
 TOTAL COUNTY BUDGET	 \$466,177,427

- 3) That the budget for the County for the Fiscal Year beginning July 1, 2021 as described in 1) and 2) above is approved.

Agenda Item No. 10. Work Session: Private Streets Overview.

The Executive Summary forwarded to the Board states that the Board has recently expressed concerns regarding private streets and interest in considering changes that would reduce the number of new private streets. The main concerns are that over a long period of time, private streets may go unmaintained due to property owners not having the ability to fund proper maintenance. Unmaintained roads can impact safe and convenient access for property owners and emergency services.

Staff's analysis (Attachment A) examines the current regulations for private vs. public streets, outlines the pros and cons of each, and provides potential options to reduce the number of new private streets for the Board's consideration, including the potential for changes to the private street regulations and process. Staff notes that some of the potential changes to regulations would need consideration and prioritization by the Board in the context of the Community Development Department's work program.

Staff will present background information and various options to address private street requirements in the Zoning and Subdivision Ordinances, as well as other potential solutions that could be accomplished under the current work program.

No budget impacts are associated with this work session.

Staff welcomes Board questions and feedback regarding the analysis and solutions presented.

Ms. Nedostup, Development Process Manager in Community Development, said with her that day to help with the presentation and answer questions was Frank Pohl, County Engineer. She said they were before the Board with the private streets information as requested.

Ms. Nedostup presented the first slide as just an outline of the topics they were going to cover. She said she was going to talk about the history of private streets within the County, the existing private streets approval process, and then turn it over to Mr. Pohl to talk about the street standards, the pros and cons of public versus private streets, the bonding and inspection requirements, after which she would talk about some examples of private streets and go through the potential solutions to reduce private streets with the opportunity for discussion.

Ms. Nedostup said in 1974 was the first time a private streets provision was added into the County's subdivision ordinance through a subdivision text amendment, or an STA. She said in 1983 following the addition of those private streets, a committee was established to evaluate; there were some issues that were found that were noted in that STA, and so that committee looked at whether or not they should continue with private streets and recommended to continue with private streets but with some more stringent regulations, and so in 1983, those more stringent regulations were added in the subdivision ordinance.

Ms. Nedostup said at the end of 1988 and in 1989, VDOT proposed changing their subdivision design standards, and this resulted in the formation of a private roads committee in 1989 by the Planning Commission, and this committee provided feedback to VDOT with a number of concerns. She said one of the key changes that VDOT proposed was to increase the design speed from 20 miles an hour to 25 miles per hour, and staff provided a memo to the Board at that time outlining the concerns that were raised by the committee and by staff. She said in 1990 following that, VDOT did adopt the subdivision design standards without the changes recommended by the committee, and so following that, a new private roads committee was established to evaluate private street standards as well as whether private streets should continue based on those design changes. She said a staff member at that time predicted with the VDOT changes that an increase in demand for private road usage in smaller developments of 20 units or less would occur, and that actually is what the majority of the private street requests are at present.

Ms. Nedostup said that in 1991, there were two subdivision text amendments that were adopted to revise the private street standards to VDOT's mountainous terrain and rolling terrain standards at the time, and as part of the STAs, the private roads committee provided input and recommended that private streets do continue; they stated private roads serve a definable public purpose, and therefore a private road provision should be continued in the subdivision and site plan ordinances.

Ms. Nedostup said in 1998, a subdivision text amendment was adopted to allow two-lot subdivisions and family subdivisions to be approved by the agent (administrative approval), and then in 2004, another subdivision text amendment was adopted to permit additional agent-approved private streets under 14-233(B) in the current ordinance which included nonresidential uses and attached units.

Ms. Nedostup moved to the private street process and said the main regulations regarding private streets come from the subdivision ordinance. She presented a chart outlining the types and justification for private street requests as well as who has the authority to approve these requests. She said the chart was included in attachment A in the executive summary. She summarized the chart and stated that in rural areas, the private street justifications that are approved by the Planning Commission include alleviating significant degradation to the environment and general welfare, and two-lot subdivisions and family subdivisions are done administratively in the rural areas.

Ms. Nedostup said in the development areas, there are three types that must get approval by the Planning Commission, and those include neighborhood model development (she clarified that neighborhood model does not mean neighborhood model zoning district but neighborhood model principles, which are those principles in the comprehensive plan), and there are two-lot subdivisions and general welfare by the Planning Commission as well. She said the attached residential and nonresidential uses and family subdivisions are administrative.

Mr. Pohl, County Engineer, displayed a slide with comparison of private road standards versus public roads standards. He pointed out VDOT (Virginia Department of Transportation), which are the public road standards, and they also follow AASHTO (American Association of State Highway and Transportation Officials) standards. He said VDOT does have a 20-mile-per-hour standard, and they use AASHTO for that, but their subdivision road design guide does not really allow use of that except for certain circumstances, which are very rare, which is why he left it as AASHTO and did not include it as a VDOT option.

Mr. Pohl presented their current table that they use and is in their design standards manual for private streets. He said in section 233(B), the multifamily nonresidential has the lowest standard. He said this is what would be seen in an apartment complex or a townhouse subdivision where there might be some parking that backs out into the street, perpendicular parking; the turns are stopped, more like a stop condition, and the design speeds are pretty low (15-mile-an-hour design speed). He said for the County, six lots or more are based on a 25-mile-an-hour speed limit, so they follow VDOT subdivision road guidelines for that. He said there is a potential for some roads to be reduced to the 20-mile-per-hour AASHTO standard in certain cases, and those would have to go to the Planning Commission for those waivers.

Mr. Pohl presented a slide with the pros and cons and said he would highlight a few critical ones. He said for public roads, a big pro is that it is VDOT standard, so VDOT maintains it; they not only maintain repaving, but they also maintain operational maintenance which includes snow removal or ditch clearing and resurfacing. He said for private roads, the pros are it does allow for a more urban design/neighborhood model, tighter streets, and the biggest thing that they decided on for private streets was the environmental degradation or impacts, and that was used as justification to allow private streets in the past.

Mr. Pohl said that cons for the public streets are that in most cases, they do not allow for those urban design-type projects, and the roads are limited to 25 miles per hour. He said sometimes there are roads that are 20, but VDOT is reconsidering lowering that to 20 miles per hour is his understanding.

Mr. Pohl said the biggest con for private streets is maintenance as has been discussed in the past, and those streets most likely will never be adopted by VDOT in the future. Mr. Pohl said one other con for private streets, which was experienced this past year, was the potential for one of those streets to be closed, and this was during the replacement of the Ivy Creek culverts in Ivy, and if they are private streets, the County cannot keep them open—basically, it is up to the private entity, the owners or the HOAs, to do that.

Mr. Pohl said he wanted to point out the road inspection and bonding requirements. He said they are basically the same for public and private streets, but he wanted to quickly go through what those steps are. He said for private streets and inspections, there is a process where the inspections occur at certain stages in a project; there are not on-site inspectors inspecting the installation of these roads. He said that VDOT does not have inspectors out there also. Mr. Pohl said there is an option in the VDOT road design manual that allows the developers to hire a third party for those inspections; they require those inspection reports to be submitted during a reduction or a release. Mr. Pohl said actually, VDOT does not have bonds, so it is a County bond, and when the County gets those reductions, they do get VDOT involved on public streets to help with review of those documents.

Mr. Pohl said there are third party inspections required for these various components of the pavement; as-built plans and certifications are required, and there is not a dedicated road inspector, so the County responds to the bond inspection requests as they are submitted. He said for bonding, the County does bond both public and private streets. He said the developer can decide to either build it or bond it, which means they can build it, but they would have to build it prior to recordation of a subdivision plat, so that limits their ability to sell lots, so that is why they typically bond a roadway, and the County wants it bonded because if they end up selling all the lots and do not complete the road, then the County has a means to do that through the bond.

Mr. Pohl said as he mentioned earlier, there are releases and reductions, and state law must be followed, and those are the code sections. He said there are timeframes that the County must respond within and then also certain requirements for those responses and certain obligations to reduce or release bonds if the requirements have been met. He said the bonds do include all items associated with a roadway so it could include inlets and pipes, sidewalks, signs, landscaping. The County even includes the testing and the VDOT surety in case the bond has to be pulled for a 1-year maintenance surety that VDOT requires, surveying and stormwater piping but not stormwater; there is a separate bond for stormwater facilities that is covered under the WPO permitting process and bonding process, and those are not included in private or public road bonds.

Ms. Nedostup said she would walk through some examples of private streets that have been approved. She said approximately 112 private streets have been approved either administratively or by the Planning Commission in the last five years; 47 of those were in the development areas and 65 in the rural areas. She said some of these examples are in the chart, and she would go through them so the Board can see the design and justifications for approval.

Ms. Nedostup said they most frequently see requests in the development area related to the neighborhood model principles and VDOT suburban designing standards not always allowing for more urban street design that would allow perpendicular parking or slower design speeds. She said she briefly talked about the changes in VDOT standards in 1990, and with the design speed being increased, it also increases the width of streets, increases the curvature and site descents, and all of those have an impact to the ability to create a more urban and neighborhood model form of development.

Ms. Nedostup said the first example she would walk through is Bamboo Grove. She said the Board might remember this development; it was just approved last year. She said it is a small development in Crozet with six houses, and a private street here was approved. She said the ordinance requires that frontage be provided on a public or private street when a property is subdivided for the lots, so in this example, the property includes a stream, which limits the area for development. She said due to the request for perpendicular parking here to meet County parking requirements, the street could not be public. She said one might question having a street at all in this small development; the frontage requirement was needed for the subdivision of the lots, so this kind of development could also be done without subdividing the lots as a condominium, and a street would not be required at all. She said a nearby example of that is Crozet co-housing where the units were not subdivided, and there are accessways to the buildings within the development.

Ms. Nedostup provided the next example of Riverside Village and demonstrated a slide of the plan view. She said it was an example of needing a private street to meet the frontage requirement. She said it is different from Bamboo Grove in that alley access is provided to the back of the units, and the

pathway in between the houses is actually the private street; it is reinforced pavers to meet the fire/rescue requirements, and the bollards can be removed in emergencies. She said this is a design that is a great example of the neighborhood model being striven for in the County. She said there are a number of examples of this kind of development where lots are facing a common space or amenity that was approved as part of a neighborhood model rezoning where the code of developments would allow frontage on an amenity, but they still would require the private street approval for subdividing. She said other examples include Old Trail, 999 Rio, and Southwood.

Ms. Nedostup discussed Stonefield as an example and provided images. She said this was a private street for a few reasons connected to the VDOT requirements: First, the trees were too close to the back of a curve for VDOT's requirements for a clear zone at the intersections; the four-way stop was proposed at the intersection with Main Street as well as VDOT would not approve a reduction in speed due to the traffic counts for the development, so it was important for the County to have slower speeds and stops in this neighborhood model development in Stonefield.

Ms. Nedostup said the last example she would walk through was Greenloft Farm, which is in the rural areas and is located off Dudley Mountain Road in the southern portion of the County. She described it as a rural preservation development (RPD) that clusters the lots to allow preservation of a larger portion of the property. She said in this example, VDOT was requesting that the street be extended to the property line to meet their secondary street access requirements, so they wanted this street to continue on and provide for a future connection just to the south. She said staff supported this private street since it was in the rural areas, and an extension of a street can be seen as encouraging future development in the rural areas, which does not align with the growth management policy outlined in the comprehensive plan.

Ms. Nedostup said she would walk through the potential solutions that were outlined in her report. She said the first is a multimodal system plan; this is a plan that would be adopted as part of the comprehensive plan update and would look at all the modes of transportation to develop a comprehensive transportation plan that shows all the transportation networks. She said as part of this plan, it may be possible to establish urban design standards for streets within the development areas that are acceptable to VDOT and would be public roads. She said staff believes with the establishment of more urban design standards that are acceptable and will be approved by VDOT within the County's development areas that the number of private streets can be reduced, and VDOT requires this plan in order to adopt those design standards, so this multimodal system plan would have to be done in order to get more urban design standards. She said additional research and exploration of this option would need to be done in coordination with VDOT, which can be included in the scope for the multimodal system plan.

Ms. Nedostup said all the solutions outlined on the slide she presented would need to be considered with other priorities within the community development work program. She said there are three additional solutions that were outlined in detail in attachment A. She said the first is revising the private improvement maintenance agreement template; while the County does require a maintenance agreement for all private streets, staff thinks that additional language can be explored to strengthen the requirements for the long-term maintenance.

Ms. Nedostup said in addition, the approval of private streets administratively or by the Planning Commission allows for conditions to be imposed that are deemed reasonable and necessary, so staff can implement a policy and procedure to require a condition of the approval of private streets to require public access easements over the private street right-of-way where necessary, and that would alleviate that issue that she talked about earlier. She said both of these solutions related to the long-term maintenance and access would require additional staff time, both community development staff time and from the County Attorney's office.

Ms. Nedostup said the second solution is revising the frontage requirement and definition. She said there are a number of requests for private streets due to this requirement relating to the neighborhood model, and staff believes that this definition requirement is outdated, and revision to the ordinance to require safe and convenient access as determined by the County engineer and fire/rescue in lieu of frontage along with other frontage language within the ordinance could result in reduced private streets; this would require a zoning and subdivision text amendment that again would require community development staff time and County Attorney staff time.

Ms. Nedostup said the last solution outlines a number of process and text amendments; these include establishing a policy statement to discourage private streets, shifting the decision-making of approval of a private street from administrative and Planning Commission to the Board, further restricting the qualifying criteria for consideration of private streets, and exploring prohibiting private streets.

Ms. Nedostup said option one would require additional staff and Board time to develop a policy statement; options two, three, and four would require a subdivision text amendment, which would require additional staff time and would require staff from the County Attorney's office as well as engagement with the development community. She noted in addition that option two would result in additional staff and Board time for review of all private streets and may lengthen the time for review of development proposals.

Ms. Nedostup said that she had posed some questions for the Board to respond to, though no action was necessary at this time, but staff welcomed feedback and questions on the information presented.

Ms. Price said clearly as a reality, there is a huge difference between the rural area and the development area. She said being a resident on a more than milelong gravel private road in the rural area, she does not think they could be prohibited; it would be practically and economically impossible to do that.

Ms. Price said the development area, or developments, is really the bigger area of concern. She said her initial reaction is just to ban private roads, but looking at the reality of the development lots, the size of the property, the constraints that are imposed based upon geography, water protection, slopes, whatever it may be, it appears that one of the biggest issues for private roads is ensuring there is an adequate mechanism to ensure that funding is regularly set aside so that when the private roads need to be resurfaced or maintained or improved, the funds are actually there.

Ms. Price noted anecdotally that the first maybe three to five years, the process in place seems to work, but beyond that, the residents start to rebel against having to make their annual assessments; the homeowners association does not believe they have the financial resources to compel compliance, and so there is a period of time after the bond has been released that the roads deteriorate, and there is not a financial mechanism for them to be maintained, so the residents then turn to the County and say they want the County to take care of this, and that was the whole reason why the private road was allowed in the first place (because the residents were going to take care of it).

Ms. Price said she looks forward to hearing from the other Supervisors as well, particularly those who have been on the Board for a longer period of time. She said she liked the multimodal approach. She said the multimodal system plan seems to provide the greatest opportunity; for those that have private roads already, monitoring the compliance with the collection of funds to ensure proper maintenance becomes critical, and that is probably where she would be.

Ms. Price said in terms of the four options given under process and text amendments, she did not think private streets can be prohibited just because of the reality of lots and those other constraints as she had mentioned. She said she was not in favor of number two, shifting the decision. She said she would like to see more public rather than private streets but recognizing that there will be occasions when they probably must be approved, and where they can, trying to restrict where private streets are approved, but she did not think that they could be eliminated.

Ms. McKeel said she did not disagree with anything that Ms. Price said. She said her concern from the very beginning has been the maintenance. She said staff's presentation was wonderful and looked great, but they did not go back onto some of these private roads that were approved a decade or a decade and a half ago and take a look at what they look like now. She said she understands that is not within their purview with this presentation, and that is okay, but she may be the only Supervisor that lives in an urban neighborhood with a speed limit of 25 miles per hour that is on a public road, not in a gated community or a community with a strong HOA, and she represents a good number of those communities with no HOAs and private roads, and she knows some Supervisors do represent other areas like that, but she has watched them over the last 40 years fall apart, and it is lack of maintenance.

Ms. McKeel said what she is interested in is not to stop private roads completely, but she is trying to figure out is how to move forward to make sure that they are maintained so that the neighbors on those private roads do not feel like they have been abandoned or that they do not have any recourse, because many times, they do not have the money or the wherewithal to spend millions of dollars to bring their roads up to just qualities; her concern is how to maintain a quality of life in these neighborhoods that are on private roads after the first decade.

Ms. McKeel said she talked to a developer in the community. She said she was asking him about what the presentation talks about, the Property Owners Association Act of the Virginia code, and it requires every association to be registered. She said she is not sure that that even happens. She said one can go to many of her neighborhoods that are on private roads, and she does not think the majority of the people even are aware of this state law; certainly, they have not been collecting fees. She asked Mr. Pohl to help her with how this state Property Owners Association Act of the Virginia state code works because that is maybe the protection that was supposed to take place for the homes and the homeowners or the property owners, the people that have rental property even. She asked what the follow-up was on that and how it worked.

Mr. Pohl said he did not know the answer and asked Mr. Kamptner to respond.

Mr. Kamptner said the one problem that exists in the older neighborhoods is that they predate that law, and so a number of the subdivisions in the urban ring that may have loose associations with things like that are not property owners' associations that fall under the state law.

Ms. McKeel said they have homeowners' associations that were written in when the properties were sold; they knew they were supposed to be collecting for their roads and did not do it.

Mr. Kamptner said they preceded the Act. He said he had lived in a phase of Dunlora that is much more recent, and so they have to maintain a minimum balance in their capital fund; their main improvement is a stormwater management facility, and they are required by law to have assessments that are adequate to maintain the minimum capital funding, but these older subdivisions do not have those same requirements. He said Ms. McKeel and Ms. Price described some of these older developments that are not under the mandate, and for whatever reason, they decided that they were not going to impose

types of assessments that allow them to maintain all their improvements. He said he could recall a subdivision south of town where they needed to upgrade their stormwater management facility, and they were reluctant to increase their annual assessment above something like \$27 per year, and they were looking for the County to step in and do the maintenance work that was needed.

Ms. McKeel said she would be interested in knowing for the new ones that have been approved, with this Property Owner Associations Act, how word gets to people and how that is dealt with. She said her understanding is that after 5 years, the developer backs out, turns it over to the neighborhood association, and she wanted to know at that point what happens. She said that is where it gets concerning for her.

Mr. Kamptner said that particular issue depends on how the original declarations are recorded. He said he knows of one subdivision where the owner maintained control of the association for 15 or 20 years after the first lot was sold because of the terms of the declaration. He said most turn over much more quickly; it depends on the buildout and percentage of lots that are sold.

Ms. McKeel said that is something that they should look at if they are allowing the private road. She said for the most part, she is good with the multimodal system and thinks it is great. She said they just approved Premier Circle with private roads, as an example, which is concerning to her because that is supposed to be at some point a mix of different types of houses and units, so maybe that will be a test case going forward.

Ms. McKeel said she supports staff exploration of urban design street standards adoption in the development area with the multimodal system plan.

Ms. McKeel read the second question whether the Board had feedback on the frontage requirements, maintenance agreement and public access, and process and text amendment solutions outlined and presented and said she would like to look into this more carefully.

Ms. McKeel read the third question presented on the screen whether the Board had any additional questions or private street concerns and said she may have addressed that as well. She said she would like to hear what other Board members had to say.

Ms. Mallek said her overarching concern was what to do with existing private roads wherever they are, urban or rural, and whether there was any way to get them back under control better. She said it was probably a State Authority question for Mr. Kamptner.

Mr. Kamptner said to start with, it is private property, but the question with most of these private roads is even if they could be made public, what would the County do with them because they cannot come under VDOT state maintenance, and at least right now, the County does not have the capability to maintain streets, so right off the bat, they hit that block.

Ms. Mallek confirmed that there was no going back, no claw back, no help for older neighborhoods, rural or urban, in this circumstance.

Mr. Kamptner said it is possible that there are private streets where there is enough land where they could be expanded with additional right-of-way, but then there is the cost to upgrade the road to meet VDOT standards and who would pay for that. He said they could look at a type of special district which might be able to do it, but if they are dealing with a small number of owners, the additional assessment burden may be significant, though may be better than not dealing with the issue at all.

Ms. Mallek said that maybe she was being too much of a Pollyanna but asked if the multimodal system plan could be used to also provide an avenue for non-AASHTO standards but would be improvements over what they had that could be more affordable. She noted it might be so hypothetical that it would not even be answerable.

Mr. Kamptner said that he would defer to Mr. Pohl and Ms. Nedostup, who are more familiar with the requirements; that may be more appropriate in the development areas.

Ms. Nedostup said a multimodal plan really does direct into more urban areas as opposed to the rural areas, and a lot of the rural area approvals of private streets are for family divisions and two-lot divisions. She said they do not get a lot of large subdivisions (she knew she shared the Greenloft Farm example), but the majority of private street requests in the rural areas are more for family divisions and things like that. She said one of the options is to move away from the private street term that she kind of in a roundabout way talked about with the frontage requirement, and so if for frontage requirement, they look at frontage and have safe and convenient access, then it would not necessarily be approved as a street, but the maintenance concern would still be there for long-term maintenance.

Ms. Mallek said she thinks this requirement in some ways has held back a lot of the Bamboo Grove-type of efforts that have been raised in the last four or five years because they did not have a way to subdivide meeting the requirements where everybody had to have their own little street.

Ms. Mallek said she hoped she was just mixing things up, but somebody mentioned that five- and six-lot subdivision was some kind of a threshold when she thought anybody over two houses had to have a public road standard, so for three and up, and asked what she was confusing when someone mentions five- and six-lot standards.

Mr. Pohl said the County does have a standard for three to five lots; it is in the table. He said the County may require frontage for two lots, but that would basically be a driveway standard.

Ms. Mallek asked Mr. Pohl to say a little more about environmental degradation, whether it would have a narrower road, and that would tear up less property, and that is why it would be considered beneficial.

Mr. Pohl said yes, so there can be steeper roads potentially to avoid fills that would expand into, for example, a valley that is a stream; with a steeper or a sharper vertical curve on that road, the impacts to a stream can be reduced, for instance, so one might ask for a waiver or what is called a K-value for that vertical curve (VDOT has minimum standards for those K-values). He said another example would be, as she had mentioned, the width of the road. He said they have used the standard in the past as a 30% difference to determine whether or not the environmental impacts are justified based on grading and other improvements.

Ms. Mallek said that brought up her other point, which was for probably 15 years, that 30% difference was the shell game of the day because the design for the public road was often put in in a very meandering fashion to stack the deck data-wise so that they would then have more of a chance to do the straight up the mountain short road. She remembered being as a citizen in quite a few fights about that over the previous decades. She said she had not heard much about that lately and hoped it was not happening as much anymore.

Mr. Pohl said he had not seen any of those since he started five years ago.

Ms. Mallek asked if state law requires the frontage aspect or was it VDOT requiring it or whether the County had the authority to say they were not going to require it.

Ms. Nedostup said that was a County regulation.

Ms. Mallek said yes to multimodal design and yes on #2.

Ms. LaPisto-Kirtley said she was in concurrence with what a lot of the previous Supervisors have said. She said regarding establishing a Board policy statement to encourage public streets and discourage private streets, she would like to see that. She said they do need to discourage private streets except for maybe as Supervisor Mallek said, if there is a family with a couple of lots on a street that want to have a private street, fine.

Ms. LaPisto-Kirtley said she thinks staff needs to maintain flexibility because there will be instances where a private street makes sense maybe because of the curves or the width of a street. She said where they do not have to have that, she would like to see more public streets; they are easier to maintain. She said in her area, she has actually had people say they want to go public, but yet they cannot afford to upgrade their private street to a VDOT standard, so VDOT will not change status from private to public unless the road is upgraded to VDOT standards, which in many cases they cannot do. She said it was beneficial to go more toward encouraging public streets.

Ms. LaPisto-Kirtley asked if Ms. Nedostup had said something about 20 lots or homes, either more or less than 20, being normally what the private streets have.

Ms. Nedostup said typically they see private street requests for 20 homes or less; between the family divisions and the two lots and kind of the Bamboo Grove kind of smaller streets, that is typically what they see.

Ms. LaPisto-Kirtley said with something like Bamboo Grove where it is not a huge number of homes, to be able to put in a private street so they can have that development is not a problem. She said no to a shift in decision-making for private streets from administrative and planning to the Board of Supervisors. She said she would much rather get the input from the administrative and Planning Commission to the Board.

Ms. LaPisto-Kirtley answered as far as whether to further restrict qualifying criteria for consideration of private streets, that is something she would be interested in, in an effort to make things more public, also connectivity. She said they were encouraging in their developments connectivity and definitely supports that and does support #1 regarding the multimodal system plan.

Ms. Palmer said this is a huge subject. She said to start off with, she has so many complaints about private streets in especially the rural areas. She said her worst one just for information is a road that was built in the 1980s with extremely economically challenged people living on the road. She noted it is a gravel road that is now overgrown and almost impassible, and VDOT, of course, cannot do anything about it, and the residents have no ability to pay for it, and it certainly was put in before any regulations of any type and so is an extreme situation. She said she has wondered if it should come under some classification in their equity work when they have people like that in the rural area where they are almost incapable of getting to their homes now.

Ms. Palmer said there are the neighborhoods where people just do not want to pay, or there is a turnover, and the new people do not recognize their agreement to maintain the road. She said one example is an education situation that she can think of where the newer homeowners do not understand

that regular maintenance will save them money in the long run; their neighbors cannot talk their new neighbors into putting money in gradually, and then the road completely deteriorates, and then they have a huge expense, which then people start saying they cannot afford. She said she has seen a lot of these and would like very much for the maintenance agreements going forward; she has no idea what to do with the crumbling ones that exist now, except again she is interested in speaking at one point about some kind of qualifications for particularly poor individuals in an equity program, but she would like very much on the maintenance issue to see if that can be strengthened at all going forward, something as suggested that narrows the VDOT maintenance agreements.

Ms. Palmer recognized staff time is always the issue, but the frontage question seemed very reasonable to her. She said she had a question about the multimodal; one of her big concerns is that they are encouraging green infrastructure, and very often in these new neighborhoods in the urban area, if one is encouraging green infrastructure, it can be better implemented with a private road, and so she questioned whether that would be looked at with this urban design in the multimodal exploration.

Ms. Nedostup said in the research that she has done, she is not sure that VDOT has approved urban design standards through a multimodal plan that included things like permeable pavers and what Ms. Palmer is speaking about, but they could certainly include that as part of the conversation, although she is not sure VDOT would then allow that as a public street.

Mr. Pohl said he was thinking of Crozet Avenue where they did do something that required a maintenance agreement between the County and VDOT, which are the biofilters along the sides of the road there. He said if it were a private street, he thought they would want to enter those agreements through the County because that is what they are doing; staff is seeing that they do not have agreements with developers anymore, so for sidewalks that are outside of rights of way, they are requiring an agreement with the County and then the County passes that agreement through to a developer, so it might be possible, but the County would probably be on the hook for it if fell through on the homeowner side.

Ms. Palmer said her understanding is that some of the green infrastructure is less expensive from the standpoint of the developer putting it in rather than putting in pipes and drains and whatnot in some circumstances, so she is interested in exploring that and would like to make sure that they are not making it impossible for some of the stormwater green infrastructure. She said they have that wonderful example right out in front of the County office building of a rain garden, and it is so lovely and gets so much attention that she would hate to have to narrow the street a little bit, and it cannot be a VDOT, and they cannot put in something like that.

Ms. Palmer asked about the connectivity issue where she did not realize that VDOT actually requires the connectivity because she has situations (that probably predated that VDOT qualification) when there is a road that is a private road that should connect to a public road, and neither side wants that connectivity because they have this wonderful cul-de-sac that they love. She asked who trumps whom there for VDOT, whether they would take over the road and insist that it get connected to the private road.

Ms. Nedostup said if it is the public road coming later, they cannot be forced to connect to a private road; they would have to get the approval of that development for that connection unless there was right-of-way dedicated to the property line to allow for that connection to occur. She said they often see those where even between public and public, one development does not want to connect to another development, and then that connection does not happen.

Ms. Palmer confirmed that now VDOT requires it.

Ms. Nedostup replied for public to public; she does not think VDOT could force a public to a private road without permission from the private road owners to allow that traffic to go onto that road.

Ms. Palmer asked if the public-to-public decision was removed from a local Board of Supervisors now and whether that was a VDOT decision.

Ms. Nedostup said it is VDOT, and then the County also has connectivity requirements, so if a developer wants to alleviate that, it would be reviewed by VDOT but also by the County, and then the Planning Commission ultimately would approve or disapprove that.

Ms. Palmer said her understanding was that the road frontage was just to be able to build a group of houses away from the road so that maybe there is a courtyard and people have to walk to it.

Ms. Nedostup said yes; there could be other situations like Riverside Village where they are on a common amenity, and they actually have access through an alleyway as opposed to a street, but because the frontage definition specifically states that frontage must be given from a public or private road, that is where they are getting into having to have a private street where it is basically their alley, and their access is from the back. She said there a number of those in Old Trail but also the example Ms. Palmer gave of needing a courtyard to walk or the Bamboo Grove example where they wanted perpendicular parking, and VDOT would not allow for perpendicular parking on a public street, but it needed to be a street because of the frontage requirement.

Ms. Palmer said a lot of these private neighborhoods may not have an HOA but just have a road maintenance agreement. She asked if that made it easier for the County to require that extended

maintenance agreement versus an HOA. She noted that Mr. Kamptner has always told the Supervisors that they basically cannot get involved in an HOA.

Mr. Kamptner said the maintenance agreement that is currently required in the subdivision ordinance is an agreement usually between the developer and the developer's successor. He said to think of the two- or three-lot subdivision and the subsequent purchasers, and so eventually that agreement is enforceable by the owners of the lots in that subdivision against one another. He said the County is not an enforcer of those agreements and is not a party to the agreement.

Ms. Palmer asked if they strengthened the maintenance requirement that the developer puts to their successors, it would still be out of the County's hands, and if a group decides to simply let their road deteriorate and let the next people who buy the houses deal with it, the County has no say in that and still has that deterioration of that neighborhood.

Mr. Kamptner replied that the way they are currently drafted, the County has done some maintenance agreements that did not pertain to streets where they identified the County as a third-party beneficiary, identifying some public interest to protect where they had the right to step in and enforce; that is something that could be looked at, but it enters the County into a new business.

Ms. Palmer said she understood completely and was just trying to figure out where the lines are that could be drawn, not that they would necessarily be drawn there.

Ms. Palmer made a comment of another thing that she has seen and does not know that there is any solution for it, but where there was a crash in the market or something bad happening, the developer goes out of business, declares bankruptcy, and then no agreements are made on road maintenance or stormwater management, and if the problem ends up on one person's property instead of the whole six people's property that is in this little subdivision, it is really problematic and pits neighbors against neighbors. She said she was sure that others have seen these issues happen where one person in the neighborhood has really just pulled the short straw, no two ways about it. Ms. Palmer said she did not know what the solution is but thinks that they have made some good starts there with the staff recommendations, and she would go along with them given their time and allocation of staff resources.

Mr. Gallaway said he shared Supervisor McKeel's concern for the long-term maintenance and others' concern the same, so obviously he would be in support of the additional language to strengthen the requirements for that. He said he is okay as well with the frontage piece. He said he would like to explore the multimodal and wondered with those items being explored or changes happening to help them along how that would then ultimately change the process and text amendments that they have there. He said he would not be at number four yet to explore prohibiting private streets and would not be in favor of shifting the decision-making in number two but just wondered if they had more types of streets that could be considered public under VDOT with the multimodal and had more guidelines in place to help for the long-term maintenance whether they think of these process and text amendments in the same way.

Ms. McKeel said she appreciates hearing from the other Supervisors and considers it a great exercise in hearing what the other Supervisors have to say. She said, though, they cannot be the only community that is struggling with this problem. She asked if Mr. Rapp could address any experience or any thoughts he has from other communities or thoughts about dealing with this.

Mr. Rapp said in his past with some other localities, they required many private streets to go ahead and be built to public design standards and would not really compromise, and therefore they would not get into the issue. He said he would recognize that the County had some unique development proposals with alleys and different types of requirements that are a little different, and so that is where they did some research on other localities or in an urban environment where they do just have unique urban street types that do not have the width, it is just not possible, but they still have street trees, sidewalks, utilities, all the things the County has, and that is what led down the road of the urban design standards that are part of the multimodal plan.

Mr. Rapp said, as Mr. Gallaway mentioned, he thinks exploring that and going down that road will hopefully address some of the concerns that they alleviate the frequency of requests to have these private streets, and they can kind of expand what they will accept and what VDOT will accept as they kind of improvise.

Ms. Mallek asked going back to these rural roads which were built with easements over property 20-30 years ago how the County would prevent a substandard private street from now being used for commercial purposes when it does not meet any of the intersection requirements that VDOT has.

Ms. Mallek noted this concern was not for the present; she asked they think about this as they are doing this whole process because there are more one rural areas very close to the growth area that are taking a lot of the consequences of the growth in the growth area, and a lot of neighbors are really up the creek about how to deal with this and are really looking for some regulatory support in order to not have to go toe to toe with their armed neighbors. She said she always worries when they have neighbor versus neighbor situations because they are not having rules that they should have to protect everybody fairly. She said that is chapter two but an important element as they try to find solutions for some of these other questions that have already been talked about. She said it seems like if a road does not meet the standards, it should not be allowed to then be the host for heavy trucking and commercial parking and all sorts of other things that are going on.

Ms. LaPisto-Kirtley said she does like what Mr. Rapp said regarding having the private streets meet certain standards, so the question is how to pay for that. She said if a development or private homeowners want to have that, then they should be able to maybe pay into a fund where there is actually a dedicated person on community staff that goes out and examines those roads to make sure that they are up to a certain standard. She said evidently from what she is hearing from the presentation, there is not anyone like that; they do not go out and make sure that the roads are up to a certain standard, so maybe those who want a private street should have to pay a fee that then helps to pay the salary of a person who goes and checks on those streets.

Ms. LaPisto-Kirtley said the other thing that Supervisor Palmer brought up regarding an equity issue was where there are streets where people absolutely cannot pay. She said that was one issue, but there is also an area where people can afford to pay but do not want to pay and have not been paying. She said as a radical idea, perhaps those streets can be repaired, but if they do not have a fund where they are putting into it, then there is a lien against someone's property so that the streets are maintained so that the taxpayers do not pay for those streets, but when that person's home is sold, their share of the amount is recouped; it might take a while, but eventually those monies will be recouped.

Mr. Gallaway asked if staff had what they needed in terms of the Board's feedback that they were seeking.

Ms. Nedostup said to keep in mind that with the second slide and the things they talked about with the frontage and process, these are not prioritized under the community development work program.

Non-Agenda Item. Recess.

The Board recessed its meeting at 3:25 p.m. and reconvened at 3:40 p.m.

Agenda Item No. 11. Work Session: Community Development Fiscal Year 2022 Work Program.

The Executive Summary forwarded to the Board states that twice a year, the Community Development Department (CDD) updates the Board of Supervisors on those projects above and beyond the date-driven, day-to-day obligatory work of the department. The most recent update took place on September 16, 2020. Projects requested beyond the day-to-day obligations comprise the CDD Work Program; and as time permits and with Board direction, staff folds the work on these items into the regular workflow. Unforeseen priorities and challenges may intervene. Such has been the case with the COVID-19 Pandemic.

Since September 2020, ongoing receipt of applications continues to track at similar levels to those before the pandemic, although the dollar value of individual projects appears to be down slightly year over year. The challenges of gathering community input during the pandemic, the obligatory projects and their staffing needs, and the impact of seven frozen positions within CDD have pushed out estimated completion dates on many of the work program projects, as staff is deployed to meet daily obligations. Staff continues to push forward to address incoming mandated applications while furthering work program projects.

This presentation will share the current status of previous work program items, as well as the list of requests for projects. To address Board priorities, this upcoming fiscal year focuses on zoning modernization coupled with comprehensive plan and related zoning implementation. In addition, staff is introducing investments in capacity to improve customer service.

The list of project requests continues to grow. Staff has not scoped this list and will need to do so before bringing any of these items forward for consideration.

The comprehensive plan and zoning modernization work shared in this presentation are predicated on the funding of external resources under consideration by the Board at the meeting on May 5, 2021. Other possible budget impacts will be brought to the Board for formal consideration at a future meeting.

Staff is seeking Board consideration and acceptance of the staff approach to the work planned for Fiscal Year 2022.

Ms. Filardo, Community Development Director, said she had Amelia McCulley, Community Development Deputy Director, with her, and they would be presenting that afternoon. She said also with them were their division heads standing by to assist. She said that she and Ms. McCulley would provide an update on the department's work program. She said the community development team has been hard at work since they had last spoken on a wide array of projects.

Ms. Filardo demonstrated a photo from a recent Southwood tour hosted by Mr. Dan Rosensweig of Habitat for Humanity of Greater Charlottesville with the County as represented by Deputy County Executive Mr. Doug Walker and Chief Richard Branham of the Monacan Tribal Nation. Ms. Filardo said Dr. Stacy Pethia, Housing Policy Manager, was also able to attend. Ms. Filardo said the tour was undertaken as the first step in establishing meaningful connections between the Monacan Tribal Nation

and the team working on Southwood. She said it was just one example of good work taking place despite the pandemic.

Ms. Filardo said she was eager to share some facts and figures on the department and would then set the stage for the fiscal year 2022 discussion. She said that Ms. McCulley would share more detail on the individual projects ahead; if possible, it was their intention to work their way through the 20 slides in one pass leaving time at the end for questions.

Ms. Filardo said that overall, in fiscal year 2021, their staff size dropped by 10.7% due to retirements, resignations, and transfers. She said in support of the entire community organization during the pandemic, they have held seven positions frozen until recently; however, as the Board is aware, the building division is a customer-facing division in contrast to the frozen positions over the last year, and to keep the County development projects moving, they have continued to actively recruit building division staff, hiring a replacement residential combination inspector one, a returning employee as a replacement community development assistant two, plus two replacement permanent technicians for the intake area.

Ms. Filardo said looking to the future when the frozen positions might thaw, in lieu of replacing staff into the frozen positions in a like-for-like way, the CDD leadership team took this opportunity to reorient the frozen positions to serve the greatest needs based on pinch or pain points suffered, positions offering the broadest positive impact, revenue-producing positions, and those needed to improve sustainability. She said thankfully they are now moving forward to replace three of seven frozen positions and are actively recruiting for a physical planner, a code compliance officer, and a principal planner for transportation to be working on capital improvement projects.

Ms. Filardo said following the recruitment efforts, those welcome replacements will result in significant training obligations for senior staff to bring the new members up to speed. She said they look forward to working these staff replacements into the organization over the course of the upcoming year. She said once the remaining four positions are unfrozen, they will be seeking a deputy county engineer, a senior zoning planner, an intake specialist to staff the front counter, and an erosion and sediment control inspector.

Ms. Filardo said moving forward from there, as new vacancies occur, they are continuing to hire and train replacements, as is the case with the senior planner position for which they are now recruiting. Ms. Filardo said that while they started out the fiscal year with approximately 47% of their staff working either in the office or the field, that number has increased to about 60% of staff with the rest of staff teleworking. She said as the County moves to its new model, whatever that may be, they anticipate being able to continue to offer teleworking positions in their planning division.

Ms. Filardo said changes in how they work have spurred innovations in their work. She said since they last met with the Board, Mr. Michael Dellinger, their building official, spearheaded the take-home vehicle pilot program for the building inspectors. She said this pilot is running from April 1st to July 1st; they believe enabling inspectors to start their days from home allows inspections to take place earlier in the day and provides better customer service to the building community. She said initial results look promising. She said after July 1, they will evaluate and share the data to determine whether to continue the program or to expand it for use by other inspection teams.

Ms. Filardo said in concert with that program, they have adjusted two other processes, the request an inspection process and the Albemarle County Service Authority (ACSA) permit reviews. She said they moved the deadline for requests for inspections from 4 p.m. back to noon on the day before the inspection has ended. She said this enables them to print out and assign inspections to the staff the day before; it also enables the building inspectors to reach out to the requestor to confirm inspection times and readiness and to provide more certainty for the building community.

Ms. Filardo said as for the ACSA process change, collaborating with them, they now have builders obtain clearances directly from ACSA before submitting applications to CDD. She said this has reduced cycle time in their process as they no longer need to send applications out to ACSA for review and stop their review process while they await the review results. She said instead, the builders and developers now have direct communication with ACSA to resolve any questions or concerns without CDD being in the middle. She said thus far, this process change is yielding good results with initial results indicating a reduction in review times with ACSA from over two weeks to less than half a day.

Ms. Filardo said while they are excited about process innovations, they wanted to show what they are experiencing in application receipts in the year of the pandemic compared with the prior year. She said the department continues to be driven by day in/day out delivery of the array of new applications they process on behalf of the community. She said all divisions are involved in that work, and much of that work results in presentations to various Boards and Commissions including the Planning Commission and the Board of Supervisors.

Ms. Filardo said looking at their building permit applications in particular year over year, these are tracking at levels like the prior pre-pandemic year, although the volume appears to be increasing slightly; interestingly, though the volume is similar, they are seeing smaller projects as indicated by the 10.8% reduction in reported job values. She said they continue to watch these trends as they do impact their workload.

Ms. Filardo said looking forward from the past September, they experienced delays in their estimated completion dates due in large part to pandemic impacts on community engagement. She said

at the same time, they recognized the Board's desire and CDD's need for better resource estimates. She said they are an eternally optimistic team and are realizing this as they compare estimates to actuals.

Ms. Filardo said due to the complexity of their projects and the number of stakeholders, agencies, and other County departments within the interface plus the number of guiding codes and master plans, assuring they do a careful and thorough job reviewing applications is a significant undertaking. She said to support their estimating into the future, they are working with the project management office to enable better project level resource tracking; in fact, last September, the Board asked her for resource estimates on their projects, and they are working on getting even more definitive data on exactly what it takes to complete a project in the CDD. She said for now, they have put together some estimates for the Board.

Ms. Filardo said they asked their project leads and managers to share some estimates of work hours spent on projects completed or nearly complete. She said the first three of these smaller projects were more easily slotted in full work as staff became available; each of them also had limited public engagement processes needed.

Ms. Filardo demonstrated a slide showing medium or large projects that are underway. She said most of these projects have been ongoing for the past couple of years, and they are pleased to be bringing the projects to fruition. She said with several of them, there will likely be related follow-up projects and/or zoning ordinance updates driven by the policy changes coming forward too in the future. She said thus far, these projects are consuming significant resources; in addition, due to staff attributes, delays in these projects also cause delays in future projects dependent on limited resources.

Ms. Filardo said as with completed work, they have asked their managers to estimate the ongoing efforts of these projects underway; they selected a few projects to highlight the hours of staff time expended thus far on some of these projects. She said these estimates are accurate as of the end of March; for example, on the housing policy comprehensive plan amendment, thus far they have had about 1,930 hours expended, and they are not done yet. She said section 33 zoning text amendment for legislative process revision is at 310; form-based code also known as Rio 29 is at about 4,500 hours; Rivanna River corridor plan phase II, in which they are not the lead agency but are simply participating, is already at 600 hours; the Crozet master plan is at about 5,500 hours; and the Esri enterprise license agreement implementation is over 7,000 hours thus far.

Ms. Filardo said although they have not yet started, the wireless facilities policy and ordinance work will be accomplished with management from staff coupled with the help of external resources; the project duration is estimated between 12 to 15 months. She said as before with the first wireless facilities policy and ordinance, staff time up front prepares for consultant work, and then staff time follows the consultant's work to amend codes consistent with the policy. She said thanks to finance and budget, funding for this project has been identified from the operating board's strategic priorities reserve. She said as the Board is aware, the Stream Health project is ongoing; the Board can anticipate more decisions coming to them as the stakeholder and staff work evolves.

Ms. Filardo said she would lay out the approach for the work program for fiscal year 2022. She said beyond the medium to large size project work underway as presented on the previous slide, they wanted to share three other categories of work they are undertaking in fiscal year 2022: invest in capacity, modernize zoning, and then a comprehensive plan update in concert with zoning updates.

Ms. Filardo said they are showing all this information on one slide acknowledging it is very busy; this slide was intended to depict both the duration and variety of the multifaceted work ahead of the department this year. She said each of these categories of projects is captured in the swim lane or row with the approximate timetables across the top. She said as she covered the work in the first swim lane in the previous slide, she would like to spend a few minutes discussing a new category of work with the Board, the category they are describing as invest in capacity shown in the second swim lane. She said they also considered this the right work to accomplish the long-term sustained process improvements for the customers and the County.

Ms. Filardo said as the County moves toward urbanization, the Board and the community they support are asking for faster and more efficient services from Community Development; to be responsive and true to their public service covenant, they are pursuing modernization efforts in the categories of systems, performance, technology, and outreach in collaboration with other County departments such as information technology, finance and budget, community and public engagement, the office of equity and inclusion, and the project management office to name a few. She said they believe this work will result in long-term benefits to the entire organization and customers.

Ms. Filardo reviewed each one briefly. She said this year, they are deploying new intake application software enabling a more understandable, easy-to-use front end on their application submission process. She said they are using this change also to update and streamline their processes as they do this work; they will be starting with the five most frequently used and complicated application processes and then adding in additional applications until the entire application process is fully integrated into this new approach. She said the purpose of this work is twofold: they are improving the usability of their customer facing processes and preparing the department for the reengineering of the processes for the eventual selection of their replacement for County View, their permit tracking software. She said that replacement is anticipated as part of the County-wide core systems modernization effort newly underway.

Ms. Filardo said with both their front-end project and the County View replacement, they are fortunate to have the support of the County's project management office in constructing and implementing

project approach and plan and the IT department in figuring out systems integration. She said they also appreciate the support of finance and budget in funding this effort. She said to get a better handle on their resource needs, they are also collaborating with the PMO (Project Management Office) to evaluate and implement project level tracking; the PMO will assist them in identifying and implementing solutions in a way that incorporates the change management necessary to effect this successfully. She said they are also standardizing the software tools used by staff who review plans so they can provide comments on the electronic submissions directly, and they are installing larger monitors to enable more efficient reviews of these plans.

Ms. Filardo said additionally they will work with both community and public engagement office and the office of equity and inclusion on right sizing public engagement and outreach to align with the complexities of the projects. She said they hope to increase the predictability of their engagement process and ensure the inclusion of as many diverse community voices as possible.

Ms. Filardo said finally last September, they shared the notion that updating the comprehensive plan and performing the related zoning ordinance work was the right work to do to build capacity. She said as the initial scope came forward to the Board, they heard the Board's desires to get the results delivered faster and interest in addressing long overdue zoning modifications. She said they listened and are responding to those concerns. She said deputy director Ms. McCulley would share their approach on both the zoning modernization and on the combination of comprehensive plan and zoning organization work.

Ms. McCulley said she would go through about nine slides and end with the opportunity for feedback and questions from the Board. She said they may have noted at this point in the presentation that this is a different approach and a different work program style than in the past. She said she would break it down into component parts and explain the basis for their choices.

Ms. McCulley said that Ms. Filardo had shared work program projects that are underway as well as those that build capacity, and she would talk through the other details of the work program in the categories of a) modernizing the zoning ordinance, b) comp plan and related zoning ordinance work, and then c) the list of initiatives not currently resourced.

Ms. McCulley shared some of the foundational work that they did to formulate the work program. She said they evaluated how much time each department position has available or could have available for work program projects outside of mandated work such as permits and applications. She said they heard and appreciated the request for them to provide information that allows the Board to better see the project resource demands. She said they recognize that when it is provided in a simple list, it seems that each project takes the same amount of time as each other project. She said they asked staff to estimate how much time they spent on completed projects so that could inform and illustrate staff resource needs going forward. She said they also worked together to provide their best estimations of resource demands in three categories based on size or amount of staff resource for the initiatives that are not currently resourced.

Ms. McCulley said their first approach to identifying projects concerns the need to finish what is started; this includes a list of work that is underway, and they also need to schedule work not yet begun but that the Board has funded such as the wireless facilities policy and ordinance. She said the comprehensive plan work is discussed with the Board as a high priority and will occur incrementally in phases. She said they have identified zoning ordinance work that corresponds with that policy work in the comp plan so those intersecting efforts can align and be scheduled accordingly with work products in each phase. She said a longstanding goal of the County Attorney's office and of theirs is the modernization of the zoning ordinance. She said they also heard from the Board that this work should be prioritized. She said this work program prioritizes beginning with that work as the right work rather than continuing to defer it for other work.

Ms. McCulley shared some of the details of this modernization work in the next slide. She said they have developed a prioritized modernization list in collaboration with the County Attorney's office and also looked for opportunities to provide efficiencies of effort with other projects, projects that could serve more than one purpose—for example, it serves the purpose of modernization but also implements comp plan policy.

Ms. McCulley said the first of the zoning ordinance modernization projects is to clean up outdated language relating to special exceptions, waivers, and variations. She said this would include clarifying the process, for example, whether an application requires a Planning Commission waiver or a Board of Supervisors special exception based on the Virginia code and case law.

Ms. McCulley said she was excited about the second project (zoning district land uses clarification); it is large and a substantially impactful modernization effort. She said it is one that will immediately update their regulations and make them easier for everybody including the lay public to understand. She said where they have outdated terms and very specific uses such as food and grocery stores including such specialty shops as bakery, candy, milk dispensary, and wine and cheese shops, they will be put in broad use categories and placed into a table for easy reference. She said the current ordinance reflects an archaic way of classifying uses. She said with this modernization project, items under #2 will join others utilizing the best practice of broad zoning use categories with tables of uses. She said this project will result in an immediately visible positive update and improvement to zoning regulation in Albemarle, and she stressed that importance.

Ms. McCulley said the third project, setback simplification, will better allow anyone to understand setbacks on any particular property. She said currently it is not an immediately straight answer as to what the setbacks are. She said the current requirement is overly complex; one has to first assess properties in 500 feet in both directions, measure existing setbacks, and based on what one comes up with in that measurement, one is either in an infill or a non-infill situation, and it is either one answer or another. She said the setback work will tie into the implementation of the application intake software that was listed and discussed under invest in capacity better allowing self-service for those who are trying to file a complete application.

Ms. McCulley said #4, bonus densities clean up and housing bonus, is an example of one of those intersections that provides an efficiency of effort. She said the density bonus requirements are outdated and inconsistent between zoning districts. She said they are intended to provide a bonus for measures in improvements above and beyond the ordinance requirements; one of the current bonuses is, in fact, an ordinance requirement. She said in work on density bonuses, they can also find an intersection and implement the affordable housing bonus density anticipated by the housing policy. She said when the comp plan amendment was at the Planning Commission the previous night, they heard from several speakers that it is critically important to provide incentives such as density bonuses coincident with implementing the new housing affordability goals.

Ms. McCulley said next she would talk about the concurrent work on the comp plan and related zoning ordinance amendments. She said this is important work that will align the zoning ordinance with comp plan policies. She said they borrowed a slide from the presentation to the Commission on the four project phases of the comp plan work; each phase will include distinct and parallel updates to the comp plan and zoning ordinance. She said each phase will conclude with updated portions of the comp plan document. She said they will apply the lenses of equity and climate action planning to each project phase.

Ms. McCulley said as the Board is aware, there is also a list of additional projects that they share with the work program. She said projects made it into these lists if one or more Supervisors indicated an interest in them. Ms. McCulley presented three slides that grouped projects based on the staff resource demands in three categories: small, less than 500 staff hours; medium is 501 to 2,500; large is 2,501 and more staff hours. She said this is their best estimate of resource needs; better estimates would require scoping and development of a public engagement plan.

Ms. McCulley said they also sought alignment between their understanding of these projects and where they could find intersections with comp plan or zoning ordinance modernization phases to provide efficiencies and effectiveness of efforts, and of course as projects complete, they can deploy any available resources on this work.

Ms. McCulley said before getting into the specific lists, she wanted to go through a few things that she wanted the Supervisors to keep in mind. She said first, this is their best guess, and they do not have project level tracking yet. She said as the Supervisors know, staff have set schedules, and for various reasons, sometimes they find that they cannot be met as intended or that they actually need more staff resources than originally planned. She said secondly, scope and public engagement for each project drive timelines and resource requirements in large part. She said the number of stakeholders, especially if they have competing priorities, also drives up the time and resource needs. She said number three, one of the tools that is listed under invest in capacity category will be important as they undertake these projects, and Ms. Filardo talked about that; that is completion of a template for engagement based on various project characteristics that will incorporate an equity lens.

Ms. McCulley said the first list is those projects that they categorized as small resource demands, less than 500 hours. She said an example of work that has been completed that would fall in that category is fill and waste, 330 hours; another example is rural area landscape contractor by special permit, 73 hours.

She said within the next list (initiatives not currently resourced), which is the longest list, she wanted to take a minute and talk about that item C, stream health. She said the Board had seen in one of the prior slides ongoing stream health work, and that relates specifically to the work that the natural resources manager is doing with the stream health initiative, which is being called phase II, and it is focused primarily on the rural areas. She said in this list when they say "stream health," there are four things that are anticipated, and they are not saying that they would do all, but she needed to mention them so it is clear what they are talking about. She said first is increased erosion and sediment measures within qualifying watersheds; second is reduced land disturbance area; third is incremental land disturbance on one property over time that remains under the threshold each time, so incremental land disturbance; number four is the ag road exemption that was deferred on April 21st that got pulled at the last minute based on comments they received.

Ms. McCulley said to undertake this portion of some of these stream health initiatives, new resources are likely required in engineering for enforcement, inspection, and review. She said an example of a project in this resource category is the housing policy, which comes in at just under 2,000 hours. She said for those projects that are within the medium staff effort category, they have suggested pairings with the comp plan work where relevant; an example of that is the comp plan and zoning ordinance work to support Rivanna Station, which she has called defense production overlay in the list. She said this comp plan work can be folded into the land uses discussion of the comp plan and then implemented into the zoning ordinance and zoning map if that is the direction the Board takes.

Ms. McCulley said the final category involves the largest amount of staff resource demands, and an example of that is form-based code at 4,500 staff hours.

Ms. McCulley said to summarize, they believe they are continuing to target the right new work. She said first they are proposing that they complete what they have started and make commitments and schedule what involves staff resources that the Board has already directed them to do such as the wireless policy; second, they are investing in tools to improve their capacity and customer service capabilities; third, they intend to no longer defer but instead begin work on modernizing aspects of the zoning ordinance that can be addressed before comp plan updates—they are tackling the longstanding need for zoning modernization which has been repeatedly deferred; fourth, they are phasing the comp plan and zoning work together and incorporating those items from the initiatives list (not currently resource list) where they can.

Ms. McCulley said, as usual, they will be back before the Board midway through the fiscal year to report on progress and any additional capacity. She said they do believe that their resources are fully deployed with this plan; the work of this plan is important, and it is consistent with what they have heard as interests of the Board. She said they also believe that this work is what best and strategically supports their ability to address needs now and for the future.

Ms. McCulley paused for questions.

Ms. Price thanked Ms. Filardo and Ms. McCulley for their presentations. She said she is almost speechless with the amount of work that they are doing in community development, and in recognition in particular, their 10% reduction in personnel the prior year makes it even more outstanding what they have accomplished as they have people out in the field every day doing work for the community, and at the same time, they have the Board of Supervisors where they are constantly coming up with new ideas and new things to be added to their work.

Ms. Price said a comment more at least towards herself if not necessarily to other Supervisors is that they have to be careful because they sometimes do sort of a fire and forget; staff come in and talk about a project they are working on, and as far as the Board seems to think, it is done, when really staff is just starting on the project. She said in the minds of the Supervisors, staff has that done, and here is another project to do. She said it is difficult to really be able to prioritize all of the many different things that they have.

Ms. Price said she is very impressed with the way they are trying to coordinate different components into a more consolidated process as they move forward on it. She said just even preparing this presentation took a great deal of time, which is time that is not being spent on other things that the Supervisors have asked staff to do, and she recognizes that. She said she literally is almost at a loss for words; she thinks sometimes the Board is continuing to add so many priorities to staff that it makes it difficult to accomplish the ones that the Board has already asked them to do.

Ms. McKeel said she concurred with what Ms. Price had just said and had a couple of thoughts. She said staff's work has been outstanding, and she does not even know how they get done in a day or a week; it is just incredible. She said she is really supportive of modernizing and getting all of this work that has been started finished, and modernizing zoning is great.

Ms. McKeel added to Ms. Price's comments that the Supervisors all have projects that they are interested in, some of which have come up over and over again, and many of which have been captured like the wireless piece. She introduced the concept of a parking lot list where the Board of Supervisors and staff would work together over at least the next year while staff was doing this work to mutually understand the priorities and time limitations.

Ms. McKeel said the Supervisors might consciously recognize that new projects that they wanted to bring forward or new things that they wanted to talk about would go on this parking lot list. She noted that the Board of Supervisors would be getting updates from staff twice a year on the work plan, and staff could recognize that those new projects mentioned were efforts that the Supervisors would like undertaken but understood were not going to be done; they would be put on the list and readdressed at the end of six months when staff came back to the Board with the next working plan and prioritized based on what staff had been able to finish through.

Ms. McKeel mentioned her own frustration at times about the public versus private parking work and used that as an example because she then recognized how much time staff had to take away from what they were doing just to make a presentation to the Supervisors only to say they did not have time to do this work. She said while she certainly greatly appreciated hearing it and learned a lot, at the end of the day, staff cannot do it all.

Ms. McKeel stressed the importance of staff having the time to get through the next year and finish what they are doing now. She said that is teamwork; they all could work together to understand the current work is the priority and to not interfere with the work by adding on more work that at the end of the day they would not have time to do anyway. Ms. McKeel said she visualizes the parking lot as similar to what the Supervisors do with their legislative packet where it goes on the list and they come back to it later.

Ms. McKeel told Ms. Filardo she was still a little fuzzy on the staffing piece and at some point would like to have a better understanding. Ms. McKeel said she would like to hear from the other

Supervisors and from staff on that idea of a parking lot list and not having to be distracted.

Ms. Mallek said she thought they had a parking lot because of all the things that were not prioritized, so she thought it was a fine idea, and they needed to think about it more clearly perhaps. She said each one of the Supervisors probably has a different philosophy so she would share hers, and to her, a high priority would be work that can prevent other huge investments of staff time or chasing around and around because of clarifications or technical things that needed to be fixed in the ordinances, or something which is a really high-risk environmental disaster, or when they get to the prioritization thing, if they after seven years do some work on the defense production overlay while it is timely and before some conflicting things come in which make it never possible, those sort of timely decisions are really, really important to her.

Ms. Mallek said then there are things which she hopes are not as complicated as she thought. She said there has been lots of conversation recently in the Whitehall district back and forth with staff about a person who would like to be able to have a dog grooming business one dog at a time, and it is really no different in her mind than piano lessons with a student coming one at a time, which is certainly allowed with no employees as a home occupation. She said she does not remember why 15 or 20 years ago, that was an expressly excluded item, and Ms. McCulley is probably the only one who has been around long enough to have the answer. Ms. Mallek said it is just one of those things where something like that, that might really help people throughout the district to have a very small home business, she has this ridiculous approach that if they could just take out a couple of words or put in a couple of words without making Mr. Kamptner go crazy, then those are things that have high-impact positivity and should not have to have extensive public roundtables and that kind of thing.

Ms. Mallek said the presentation was very helpful; she had tried hard to concentrate and take lots of notes because it was very complicated to follow, but that is understandable. Ms. Mallek said the only other thing to leave so someone could respond to it more some other time was the Three Notch'd Trail, as an example, where there is an offer of outside money and outside staff to do either a short section or a pilot or a phase 1 of something that could be a longer project over 15 years, and so that is put down into the giant category, but perhaps if it was just a small section and had a much more limited scope, it would be in the smaller section and could be used as a pilot to understand how these VDOT projects really work and what the burden really is on staff.

Ms. LaPisto-Kirtley said she agreed a lot with what Supervisor McKeel has said and also some of what Ms. Mallek has said and Ms. Price. She said she is fully in support of the consolidation that staff has done where possible and very, very much in support of the modernization. She thinks that is something that needs to be focused on and something that will take the County into the future. She said it is something that will provide a very good blueprint along with the community and the developers of where they are going, what they expect, what they are going to do, so modernize as quickly as possible; it is long overdue. Ms. LaPisto-Kirtley said she did know that staff was emphasizing on the broadband, and she asked if cell service was also incorporated into that broadband.

Ms. Mallek asked if that was the wireless policy.

Ms. LaPisto-Kirtley said yes.

Ms. Mallek said that is cell service.

Ms. LaPisto-Kirtley said she knew wireless was, but knowing they were putting a lot of money into broadband internet, she wanted to make sure that they were putting up cell towers if needed to facilitate communication, especially in some of the rural areas where cell service is very, very spotty and a health and safety issue.

Ms. McCulley said yes, she thinks they would want to work with the new office and consider that as they are considering how the policies may need to change, not just to be updated to be compliant with federal laws and so forth, but to recognize these prioritizations in extending and deploying the broadband into the remote areas where it does not exist.

Ms. LaPisto-Kirtley said she considered that a health and safety issue; landline service is not reliable for a lot of people, so cell service becomes even more important. She said she did like the direction staff was taking.

Ms. LaPisto-Kirtley agreed with Ms. Mallek that they do come up with all of these ideas, so maybe they need to throw them all at Mr. Richardson, and he can determine that whereas it may be a good idea, it would take so many hours. Ms. LaPisto-Kirtley said that from time to time, she may think she has a great idea, but after hearing another supervisor's ideas, she might consider them to be actually more important and of more benefit to the community than her own, so she would certainly want to step back from her idea and give precedent to the other idea. She felt communication was important, and Mr. Richardson and his executive staff could help and were very capable of recognizing that it may be a good idea but would require "x" number of person hours and a lot of work so want to be cognizant of that also.

Ms. Palmer said first of all, one of the things that struck her was the wide variation in the number of people working in community development over the almost 7-1/2 years that she has been on the Board. She said she seemed to remember when she got on the Board in 2014, there were 62 people in community development, and it had gone way down; clearly, they went back up to something reasonable, though she does not know what the definition of reasonable is, depending on the workload, but it is

interesting to her that it has gone down so far in recent times, so she is hoping that they can hire those people back as soon as possible.

Ms. Palmer said as far as the way staff have organized this, she liked that a lot; she really appreciated the organization of the work plan. She said she would not be on the Board the following year, but she does think that it is very helpful to get these things a little bit more in advance than the day before, because with something as complicated as this, at least for her, she would like to get it over the weekend where she could really sit down and go through it and try to understand it a little bit better.

Ms. Palmer said as far as the parking lot issue, she thought that is what they were doing, and there have been many times when she has heard that something would take “x” number of hours, and they just do not have it right now—it has to go 2 years ahead or 3 years ahead or whatever. She said she did remember their predecessor coming before the Board many times and having years out when their ideas would be able to be dealt with, but she does appreciate getting an idea of the time; that is extremely helpful.

Ms. Palmer said one of her questions is with some things that are presented as best done at a specific point in time during the comp plan whether that shortens the length of time that they have given the Board or whether that is the length of time if they were put into that context. She gave the example of the defense production overlay, which was in updates to the comp plan and zoning, and asked if that was in the category of the 2,000 hours.

Ms. McCulley said she was checking on the answer.

Ms. Palmer said she was just trying to understand if their suggestions were included in their timing that they gave the Board or whether that would make it better.

Ms. McCulley said taking that was actually put in the medium staff hours, so 500 to 2,500 hours, because it involves work to the comp plan that is the policy basis for what they would do then as a zoning ordinance amendment and a rezoning.

Ms. McCulley said an answer (not necessarily “the” answer) could be that this is an area around Rivanna station that gets designated for some kind of specialty defense production with private and public entities, and it would be recognized in the land uses section of the comp plan with that work, and then it would be a comp plan amendment that would show that area, and they would do an ordinance amendment that would then implement what that type of zoning meant, so it would be an amendment to the zoning map and an amendment to the zoning ordinance to implement it. She said it is really three separate procedures, and that is why the number is so high for that as opposed to being a small project.

Ms. Palmer asked if she was right in assuming that everything prior to slide 16 is the FY 22 work plan and anything after that would be in subsequent years.

Ms. Filardo answered she did not think it was as exacting as that. She said they were hoping to tackle the first two phases of the comp plan and zoning ordinance work in this fiscal year. She said if one of these projects on one of the small, medium, or large lists aligns with those first two phases of the comp plan/zoning ordinance work, then they are going to try to accommodate that in this year if they can, so they have not scoped all of those big projects at the end of the presentation yet, but it is their fervent desire to fold that into the work as they move the comp plan forward, so “not necessarily” is the direct answer to the question.

Ms. McCulley said, for example, in the modernizing zoning category, they have four separate projects; it would be likely that it would take longer than the next year to complete all four of them.

Ms. Palmer said that in a very recent discussion about the lighting ordinance, Mr. Rapp had mentioned that in updating the lighting ordinance, there could be some changes in building codes or looking at building codes to try to make the situation a little bit better. She asked Mr. Rapp to explain if there was something minor that could be changed in that venue to help because the lighting ordinance did not look like it was going to get done in the near future.

Mr. Rapp said that was in a previous discussion they had talked about that. He said when looking at a lighting ordinance, they want to look at what the building code regulates; they often regulate the illumination of a property, how far those light levels can extend beyond that property, and the units of measurement, which do not necessarily align with the current lighting ordinance exactly, and so they would just want to align with what the building code does and how they are also looking at lighting and the direction that they are going as well. He said it is more of a kind of coordination with other state code and other regulation as they do that.

Ms. Palmer said the lighting ordinance goes with the natural resource plan and asked if making that alignment was helpful at all with respect to reducing light pollution.

Mr. Rapp said as of now, the building code does not get into dark skies, so it is a little bit different. He said it does more talk about impact to other properties. He said he is certainly not the expert on it, and he would refer that on to Mr. Dellinger, who knows it better. He said as Ms. Palmer had mentioned, when they looked at the natural resource section of the comp plan, it seemed to align with the natural resource-type things like lighting and stream health and other standards that would relate to that in the zoning ordinance, so that is how they would tackle it and look at all those different facets of the lighting.

He said he would defer to Mr. Dellinger for some of the specifics with building code, but they might want to make sure that they are consistent with all other regulations and goals of the climate action plan and how that relates to lighting and the variety of different policies that the County has.

Ms. Palmer asked whether timing-wise and resource-wise, as they are doing the climate action plan and natural resources and updating the comp plan, that lighting ordinance would somehow be folded in or help give information to guide when they do the ordinance in years to come. She asked Mr. Rapp to explain the process there for her.

Mr. Rapp said at this point it is still preliminary, but they were thinking that they would kind of scope each section of that comp plan, scope the natural resources to find out what that is, and once they get far enough along to where they have a general direction (does not have to all be flushed out but enough guidance) to start working on that ordinance. He said it would not be exactly at the same time; it would be one before the other, but they could certainly get the ordinance work started before completely finishing the comp plan work, so that once they kind of have the direction of it, it can happen simultaneously, just one kind of behind the other for each section as they go.

Ms. Palmer asked it would be making the work on that ordinance easier or more straightforward if that other was done first.

Mr. Rapp said it would provide the direction so that they know they are on the right track. He said they would hate to work on an ordinance at a detailed level and then realize that the community goals as they brought all of their policies together in a higher level in a comp plan do not align with the ordinance, then they are going back to the ordinance and revising that, so it kind of sets the foundation as it trickles down to the more detailed zoning ordinance.

Ms. Palmer said she appreciated how they folded the zoning modernization into this whole comp plan issue because she knew that is quite complicated, and she recognized that they all understand it much better than she certainly does, so they have helped her with this presentation understand the complexities of that better.

Ms. Price said as kind of an underlying concept, they all recognize that in emergency or exigent circumstances, plans have to change; they saw that over the last 16 months with the COVID-19 pandemic. She said, however, putting that aside, she had to candidly say what she heard was every Supervisor agree they needed to stop adding things to the work plan, and then several comments by Supervisors, either for a specific project or as a general thought, went back to wanting County staff to tell them whether or not it could be done, which completely undercut the statement that they have to stop adding things to the work plan if they have an idea.

Ms. Price said she liked Ms. McKeel's parking lot idea; if they had an idea, they could send it to one of the County leadership team (County executive, deputy, or assistant), let them prepare a list, and once a year or every six months, County staff could tell them what was reasonable. She said they could give the Supervisors that list with their thoughts, and the Supervisors could make a decision, but they cannot simply be adding things to the work plan, and that is effectively what she heard through the discussion that day.

Mr. Gallaway asked Ms. McCulley what it meant when she had said something about not having project level tracking yet.

Ms. McCulley said Ms. Filardo would probably want to tag in on that one.

Ms. Filardo said she understood what they have for resource tracking right now is miles ahead of where they once were as a County; they actually have a time reporting system that reports both for nonexempt employees and for exempt employees. She said what they really need in CDD is an understanding that, for instance, Jodie spent 80 hours on the work program project, and Amelia spent 50 hours on the zoning ordinance modernization along with Bart and Francis and so on and so forth, so that when the Supervisors want to know what it takes to complete a project in CDD, and CDD wants to know so they can resource everything correctly, they have the detail that they need to be able to put that forward.

Ms. Filardo said right now, what they did to get the estimates that they brought forward to the Supervisors was really ask their managers and project leads for these projects that are fairly far along to go back through their Outlook calendar and kind of count noses and count hours that they spent in those meetings as a kind of straw man for the work that was done on behalf of individual projects. She said that was not good enough, but it was what they had, so they were blessed to have Ms. Kristy Shifflett and her team, and they are working with the CDD to figure out a way to track resources down to one deeper, more detailed level so that they can resource more effectively and can give the Board better answers to the question on what a project would take because that is where they would prefer to be.

Mr. Walker said in the private sector, a consultant would be counting his time and assigning it to a project so they can bill the client for the exact time; in the County currently, BF&D and FES track their time by project because it is funded by the capital funds for those specific projects, and so that connection has already been made between FES and CDD about having used their tools in CDD so that it is more directly connected to actual project work.

Mr. Gallaway said at some point there was talk about the table, the clarity for uses; he wanted to

call that out as something that he thought was very good where somebody could look at it and understand completely what the use was, whether or not it was by-right, clear what they had to do to get that right.

Mr. Gallaway said the philosophy questions come up; he has heard each Supervisor mention it, starting with Ms. McKeel, and she paralleled into the legislative packet process. He said he would make a parallel with the budget process where they have a finite amount of dollars, and then they have things that those dollars need to be programmed to, and as a Supervisor coming into the budget each time, he knows that if he wants that instead of this, he has to find the dollar replacement for it. He said he has not done that with work projects in the CDD. He said he had not considered the number of hours in that context. He said it has never computed that way, and the conversation that day was getting his head to that point.

Mr. Gallaway said it is difficult; there are not time reserves, although time should be reserved for emergency uses for flexibility within their work capacity, and they had talked about that in the past, so he imagined that was happening. He said if time is lost, the hours cannot be put in a bank. He said as far as the parking lot, in the budget every year, the parking lot is not really just a random, throw it all in list. He said there is effort taken to get something into the parking lot, and the idea is they are eventually going to get to that parking lot and then start taking some votes about what gets the resources, and this is important enough that he thinks there is certainly merit in what Supervisor McKeel proposes, but he would suggest the parallel to the budget parking lot type process where this is done. He said if he knew that there were two or three things in a CD plan or a certain number of hours available, then he would have to go in and try to do that and then would have to try to get the votes to help make that happen.

Mr. Gallaway said he was thinking out loud because this was an interesting concept to him about how to go about this, but that was an interesting take because that philosophy would work. He discussed the differences in understanding how many hours a project would take where he has no level of capacity versus dollar amounts with an itemized breakdown. He said that piece was missing for Supervisors to understand how to pick and prioritize things and effectively instead of programming dollars to be programming hours to be helpful to staff other than just adding to the list or having high expectations that everything would get done and everything was a top priority. He said he appreciated that and thinks it is a conversation that should continue and certainly has merit, and he does not know how that conversation continues to happen but hopes that it does.

Mr. Gallaway said he had no disagreements with the plan staff brought forward and then would start thinking more through the process of how they start getting projects in play; it is no different than getting budget items paid for that are not there that Supervisors want that might not be in the County Executive recommended budget.

Ms. Price said she liked Mr. Gallaway's analysis. She said she equates that to the difference between what they can afford through the CIP versus what they can afford for operations and being able to look at this from how many hours are available.

Mr. Gallaway agreed.

Ms. McKeel said she would really like to hear from Mr. Richardson to let the Supervisors know his thoughts about the idea of a parking lot and taking a year's pause on new items and then coming back every six months.

Mr. Richardson said he appreciated the openness with which they had received this presentation that day. He said it was a different approach with Ms. Filardo and Ms. McCulley and the wonderful team in community development. He said today was the first time he had ever seen this presentation, and he did not have any involvement in getting this group to where they are today. He said Mr. Walker had a lot of involvement, and he always does, and he does a great job, but that team in community development connects so well with his office, particularly Mr. Walker. He said they had worked tremendously hard on trying to do a good job of helping this Board to understand the tug and pull of where they are every day.

Mr. Richardson told Ms. McKeel that he liked what Ms. McCulley said related to if the Board adopted this, they were going to go forward with it and would come back at midyear, and she specifically said they were going to talk to the Board about their capacity, because if they stick with this plan and move forward with this plan, by the fall, this department in the best case scenario may have created a little bit of capacity reserve. He said in working the plan and sticking with the plan, it is good to be able to establish the tempo with the expectations that they would not be pulled in a lot of different directions because things do come up.

Mr. Richardson encouraged they say they are important but not urgent; they are going to show discipline and stick with the plan, and if they can get back to the Board in the fall, and if things have gone as well or maybe better than what has been anticipated, they may have been able to create or manufacture some capacity reserve, and that is when Ms. Filardo and her team would go back to the Board and discuss if there were something that they could talk about sooner rather than later that they are preparing themselves to be able to take on.

Mr. Richardson said it just takes a little bit of time; it is investing in the base; it is making the base stronger so that they can move forward and be more efficient over a period of time. Mr. Richardson said that things take a long time, and one of the reasons is because of a highly engaged community. He said he had not seen very many things that they have done fast and quick or in just a couple of words here

and there; he does not think that is the case oftentimes and putting the amount of time that it takes and has taken, and they have gone back and tracked this, is amazing to him when he realized all the time things have taken. He said it is well-invested time, but oftentimes it is not easy, and so he is very supportive of the work they have done today.

Mr. Richardson said this was a very creative and innovative way to move forward and try to present this to the Board in maybe a more meaningful way, and it is not that they are trying to say no to everything, but it is trying to say that they need to plan and do the work and hit this tempo and try to see what they can get done with this concept.

Ms. Mallek said she was doing some math and trying to understand what 7,300 hours meant, which comes out to 912 workdays, which comes out to a lot of people, she hopes; it is one person for four years, or so much of the work they have to do is collaborative, and they probably get 12 people in a room for 3 hours, and that adds up really fast. She said the whole other complicating factor, which she would try to stifle herself or find other resources to get answers, is when they have legislative things and then there is enforcement issues, which is a completely different thing; they cannot just look away for a year. She said she wanted to give a little warning that she would not be able to bite her tongue on those things; someone has to be told if somebody reported something.

Ms. LaPisto-Kirtley said she agreed with Ms. Mallek that enforcement issues are almost a different issue, she hoped, but she liked what Mr. Richardson said that they do have things that they bring forward that are important, but they may not be urgent, which is why the parking lot is a really good idea, and she also liked the idea of being able to throw things at Mr. Richardson or Mr. Walker or Mr. Henry and getting their feedback. She said she did like the ability to run things by them, which is what she has been doing; they have been very cooperative in that area. She said enforcement is very good and the direction they are taking, the presentation, and what they are doing is giving the County an opportunity to get some big things done that need to get done to modernize and consolidate, because once again, this will take them to the future and make their lives a lot easier, especially for staff.

Ms. Palmer said she wanted to make sure that it is not interpreted that she is disagreeing with some of the Supervisors on the parking lot. She said she would like to say a few things about her perception of the past, which is they have gotten work plans where something is going to be in FY 2025; clearly, that is put out years ahead. She said many times when she has gone to staff and asked how much time something would take, she has had staff people say it would take a really long time just to figure out how much time that would take, and then she just puts it aside. She said other times, people come back to her and say they have kind of figured it out or have some idea, maybe a guess of 500 hours. She noted she does not know 500 hours are split up as Ms. Mallek was saying and has no concept of that, but she has always relied on staff to say they just do not have the hours for that, and that has been a consistent thing that she has gotten over the years when she has asked these questions.

Ms. Palmer said she thinks she has been well trained essentially by staff in that these things take a lot of hours, so it is not that she is against a parking lot, but she also understands that the County is about to undergo a comprehensive plan review, and that complicates the issue. She said with their request for some of the zoning changes at the same time, staff has come back and given the Supervisors a very good description of how that might work and how they will work through that in the future, and she appreciates that, and so as far as new things coming on, there is already a lot on this list, and it has been made very clear to the Board.

Ms. Palmer said as far as having to do what they do in the budget and go out and lobby other Supervisors for agreeing, she has certainly done that on community development projects before, so it is not that she is against a parking lot; it is not that she wants to continue to dump on community development; it is that there is a lot of nuance here, and staff has described that nuance very nicely, and she appreciates that.

Mr. Gallaway said for the complexity, he knew it was not as simple as equating dollars to people. Mr. Gallaway said he thinks of Ms. Falkenstein and all the work she has done on the form-based code; it is not just her time, but her expertise and her ability level, and somebody else that has been on with them for 3 months will have the same amount of time, but they are not going to have the same ability to use that time in the same way. He said their task is a tough one, and the Supervisors recognize that.

Mr. Gallaway asked if staff had what they needed from the Supervisors at this point for this item.

Agenda Item No. 12. **Closed Meeting.**

At 4:59 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to the Board of Equalization, the Jefferson Area Board for Aging Advisory Council, and the Historic Preservation Committee; and
- Under Subsection (3), to discuss and consider the disposition of properties in the Rio and Rivanna Magisterial Districts where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board.

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

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

Agenda Item No. 13. **Certify Closed Meeting.**

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

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.

Agenda Item No. 14. Boards and Commissions:

a. Vacancies and Appointments.

Ms. Price **moved** that the individuals named be appointed to the respective committees:

- **Reappoint**, Mr. William Cromwell to the Equalization Board as the Scottsville District representative with said term to expire December 31, 2021.
- **Appoint**, Mr. Pete Cypret to the Historic Preservation Committee with said term to expire June 4, 2023.
- **Reappoint**, Ms. Waltine Eubanks to the Jefferson Area Board for Aging (JABA) Advisory Council with said term to expire May 31, 2023.

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

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

Agenda Item No. 15. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were none.

Agenda Item No. 16. **Action Item:** Emergency Ordinance to Amend Ordinance No. 21-E(1), An Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19.

The Executive Summary forwarded to the Board states that in response to concerns that the number of COVID-19 cases was rising and thousands of students would soon be coming to the community for the University of Virginia's fall semester, the Board of Supervisors adopted Ordinance No. 20-E(5), An Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19 (the "Ordinance") on July 27, 2020. The Ordinance was part of a cooperative effort by the County, the City of Charlottesville, which adopted a similar ordinance, and the University of Virginia, to control the spread of COVID-19. The Ordinance established regulations pertaining to: (1) the maximum indoor occupancy allowed at restaurants, farm wineries, limited breweries, and limited distilleries; (2) the maximum size of public and private gatherings; and (3) the requirement for persons to wear face coverings in public places. When it was first adopted, the Ordinance was more restrictive than the Governor's Executive Orders in effect at the time.

Since its original adoption on July 27, the Ordinance has been amended several times as new information became available and the Governor adopted or amended Executive Orders. The Ordinance was most recently amended by the Board on April 7, 2021 in Ordinance No. 21-E(1), an emergency ordinance which mirrored, for the most part, the "slight easing" of restrictions in EO 72. Since April 7, the Governor amended EO 72 twice on April 21 and April 22 to further relax the restrictions on certain gathering sizes and the number of persons attending other activities, as well as relaxing the restrictions on the number of persons who may attend certain private bookings. The April 22 amendment to EO 72 has a delayed effective date of May 15, 2021.

The Charlottesville City Council repealed its COVID-19 ordinance on April 19, 2021.

The proposed ordinance (Attachment A) would again mirror the amendments to EO 72 by increasing the maximum sizes of private bookings at food establishments and similar venues (Section

4(A)), gatherings (Section 5(A)), persons attending entertainment and amusement businesses (Section 5(B)), persons attending sports venues (Sections 5(C)(1) and (2)), and persons attending races and marathons (Sections 5(C)(3) and (4)). To be consistent with the amendments to EO 72, the proposed Ordinance would amend certain restrictions pertaining to races and marathons effectively immediately to incorporate the April 21 amendment to EO 72. Otherwise, the substantive amendments in the proposed Ordinance would have a delayed effective date of May 15, 2021 to be consistent with the delayed effective date of the April 22, 2021 amendment to EO 72.

The County's face covering restrictions in Section 6 are unchanged. They remain consistent with EO 72 and its predecessors with the exception of the County's additional requirement that any person claiming to be exempt from the face covering requirement for a health or other qualifying reason must provide documentation from a health practitioner.

There is no anticipated budget impact.

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

Mr. Kamptner said as the Board was aware, the Board had adopted an emergency ordinance back on April 7th, and since then, the governor has issued three executive orders amending executive order 72. Mr. Kamptner started with the data that they have as of May 4th; these are all seven-day averages for Virginia and for Albemarle County, which shows that the County is doing pretty well and doing better than the state as a whole. He said he did check but not include in the slides the data for Charlottesville; their daily new cases, their hospitalizations, and their positivity rates are all slightly better than Albemarle County, so the community is doing quite well. He said for vaccination rates, Ms. McKeel mentioned at the top of the meeting that 58.2% of County residents have received one dose so far, and that exceeds the state percentage, and the percentage of those who are fully vaccinated also exceeds the state. He said the City of Charlottesville's percentages for both one dose and fully vaccinated are a few percentage points behind the County but in excess of the state percentage rate.

Mr. Kamptner presented slides showing the maximum sizes allowed for different types of activities that are covered in the COVID-19 ordinance. He showed the current ordinance and then the proposed ordinance for the Board's consideration that evening which will track executive order 72, as it has been amended over the last couple of weeks. He said the number of persons allowed and the percentages of those allowed where there are occupancy loads are all increasing. He said for indoor sports and outdoor sports and races and marathons with the similar table format, it was easy to see that the executive orders have increased either the percentage of the occupancy load or the number of persons who may attend these particular types of activities.

Mr. Kamptner said an amendment that was to executive order 72 that came after all the Board materials were submitted was a change to the executive order's face-covering requirements, and the current version of executive order 72 follows CDC guidelines. He said going to the CDC site was an adventure because one can find different guidelines with different dates; one thing he will say about the face coverings is that IMT (Incident Management Team) has not yet weighed in on any change of that particular restriction that is currently in section 6 of the ordinance, so with that, County Executive's recommendation following the recommendation from the IMT is that the Board amend the emergency ordinance as recommended.

Mr. Kamptner said he has recommended motion language, and they do plan to return to the Board with the recommendation from the IMT at the Board's next meeting on May 19th regarding whether to further extend this emergency ordinance or repeal it. He said because it was adopted on April 7th, it has a 60-day maximum duration; if it is going to be extended before that, then that would be the June 2nd Board meeting, and they will have a notice of public hearing.

Ms. Price said they can express great appreciation for community members for the responsibility and maturity that they have demonstrated throughout this. She said the fact that the community has such a high vaccination rate in relation to the rest of the Commonwealth and the nation and the fact that the infection numbers are so low are a true testament to what the community members have done as well as the leadership at the IMT team at the County and the Blue Ridge Health District have done.

Ms. Price noted there are places around the world, India most notably but also places like the Philippines that have a less than 1% vaccination rate, where they are seeing skyrocketing rates, so even though the community is well above those numbers in terms of vaccination rates, for those who are not vaccinated, if they do not continue to act mature and responsible, then that component of the population is going to be at great risk.

Ms. Price said putting that aside, the community's businesses, particularly those in the tourism industry, have gone through a rough year/year and a half. She noted Memorial Day, July 4th, and Labor Day weekends coming up and the weekends in between, and the businesses need to be able to have a good year to make up for the difficulties that they have had, so acting responsibly but also trying to help the businesses, she really would like to have County staff consider and then come back to the Board with their recommendation at the next meeting as to whether they really could just cancel the local ordinance and rely upon the state guidance. She said what she really would be concerned about for the businesses is if the state were to relax rules to a degree and the County is not able to stay consistent with them, that could put some of the County's businesses over these big holiday weekends and the summer season when they need to make their money at a disadvantage over other communities around the

Commonwealth.

Ms. Mallek thanked the staff and IMT for putting together the recommendation they have today, which she is good with, especially keeping masking in place for now. She said she was just during the break for supper listening to NPR, and they were talking about how people who have had transplants that are on immunosuppressive rejection medicine are not getting the benefit of the vaccination, so that is just one example of people who are not going to, for some reason, be able to be vaccinated at all or benefit from it, and so it is a good thing for everyone to keep them in mind as well as the young people. She said the changes in numbers are excellent, and she hopes people will continue to wear the masks.

Ms. Palmer said they received one email that asked if they could rely on the state guidance going forward because of the problems with the lag time, if that is what they are going to do anyway. She asked Mr. Kamptner to explain if they did come back in two weeks and say they were canceling the emergency ordinance whether they would then just do whatever the state does and whether that would be how that would work.

Mr. Kamptner said yes, the executive order, whatever version of it is in place and is effective at the time, is still to be enforced; it can be used as a tool to educate businesses and members of the public. He said it is still there. He said the particular violations that are identified as misdemeanors could still be enforced by the police, the ones that are more regulatory in nature (for example, restaurant protocols and things like that) are going to be enforced by the health department, and other sectors that have never even been regulated under the local ordinance will continue to be regulated and the enforcement or education overseen by the state agencies that typically oversee those types of business sectors.

Ms. Palmer confirmed that in the absence of the Board's emergency declaration, that is what would happen.

Mr. Kamptner said yes, and one thing to remember is that the County ordinance has always been very narrow in scope, hitting only certain types of activities that they thought they would have the minute capacity and the ability to enforce and, in reality, to educate the public. He said there are a number of business sectors that the ordinance has never affected, so the executive orders and the local ordinance have worked together; in very limited cases, there was a County ordinance that took the place of the executive order.

Ms. Palmer asked Mr. Kamptner to remind them of what some of those places would be that would not happen if they relied on the state just so they and the public were clear. She said if they got rid of their ordinance and relied on the state, clearly there would be those businesses and those activities that the health department regulates or looks after.

Mr. Kamptner added fitness centers, religious institutions, private business offices, what are called large zoos and amusement parks, though there are none in the County, and said those are all regulated by the state. He said there are probably close to more than a dozen business sectors that are regulated through executive orders and their guidance that the County has never regulated.

Ms. Palmer asked what the County regulates that the state does not regulate.

Mr. Kamptner replied nothing; there are just certain areas where the County ordinances, particularly back in July when the ordinance was first adopted, were much more restrictive than the state—the size of the requirement in restaurants and food establishments, putting occupancy limits and things like that.

Ms. Palmer said that was a very good thing to consider on the 19th, depending on what happens.

Mr. Richardson let the Board know that they have had conversations with Dr. Denise Bonds, Blue Ridge Health Department Director, and she has been invited to attend the Board meeting on May 19th, and Dr. Bonds is going to talk about the summer plan that the health department will have in place for the continued efforts for immunization. He said he would like to let the Board and the public know that right now, unless something changes, they are planning to demobilize the JCPenney clinic site on or around June 15th. He noted Ms. McKeel had said earlier in the evening that they need to urge people in the community who have not gotten immunized but have an interest in getting immunized, now is the time, and so for sure through June 15th.

Mr. Richardson asked if the Board would be so kind as to help get this information out, and Dr. Bonds specifically asked him that day if they would please do this in their communities to let the public know that they will continue to be open Monday through Friday. He said on Monday, they are open until 7:30 at night, and they do encourage walkups; they do have the capacity at the JCPenney site to get people without appointments in quickly, and they are moving through in a very orderly and fast pace in getting people in and out the door. He said the rest of the week, Tuesday through Friday, the hours are 9:00 until 4:00 p.m.

Mr. Richardson said Dr. Bonds on the 19th of May would be with the Board, and she will talk about the demobilization of the JCPenney site into the summer months as they look toward the fall, and that will be helpful for the Board and community to understand that as the community is at 60% right now with the first immunization, as Dr. Bonds said that day, that 75% golden herd immunity level needs to be reached, which is another 15%. He said he was excited that she would be there on the 19th in addition to what Mr. Kamptner has already said to the Board.

Ms. LaPisto-Kirtley asked Mr. Richardson, when he said that Dr. Bonds would be there and wanted them to get the word out to the community, if that was for ages 16 and over in the area.

Mr. Richardson replied yes.

Ms. McKeel **moved** to adopt the ordinance to amend the Emergency Ordinance identified as Attachment A.

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.

EMERGENCY ORDINANCE TO AMEND EMERGENCY ORDINANCE NO. 21-E(1)

AN EMERGENCY ORDINANCE TO AMEND EMERGENCY ORDINANCE NO. 21-E(1), AN ORDINANCE TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS COVID-19

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this Ordinance, this virus and the disease that it causes are referred to as "COVID-19"); and

WHEREAS, on March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency because of the COVID-19 pandemic pursuant to his authority under Virginia Code § 44-146.21, and this declaration was confirmed by the Board of Supervisors on March 17, 2020; and

WHEREAS, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One ("EO 51") declaring a state of emergency for the Commonwealth of Virginia because of the

COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a "disaster" as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the spread of COVID-19; and

WHEREAS, COVID-19 is extremely easy to transmit, can be transmitted by infected people who show no symptoms, and the population has not developed herd immunityⁱ, and in recent months several variants of COVID-19 now exist both globally, in the United States, and the Commonwealth of Virginia, including the variant identified as B.1.1.7, and which appear to be more contagious, resistant to certain medications, moderately reduce the effectiveness of antibodies generated by a previous COVID-19 infection or COVID-19 vaccine, or some combination thereofⁱⁱ; and

WHEREAS, these person-to-person, close contact, transmissions occur primarily through infected secretions such as saliva and respiratory secretions, or through their respiratory droplets, which are expelled when an infected person coughs, sneezes, talks or sings; and some outbreak reports related to indoor crowded spaces have suggested the possibility of aerosol transmission, combined with droplet transmission, for example, during choir practice, in food establishments, or in fitness classesⁱⁱⁱ; and

WHEREAS, COVID-19 spread is more likely when people are in close contact with one another (within about six feet), and by airborne transmission, which may be able to infect people who are further than six feet away from the person who is infected or after that person has left the space^{iv}; and

WHEREAS, the United States Centers for Disease Control and Prevention ("Centers for Disease Control") caution that: (1) the more people a person interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading; (2) the higher level of community transmission in the area that a gathering is being held, the higher the risk of COVID-19 spreading during the gathering; and (3) large in-person gatherings where it is difficult for persons to remain spaced at least six feet apart and attendees travel from outside the local area pose the highest risk of COVID-19 spreading^v; and

WHEREAS, the World Health Organization, the Centers for Disease Control, and the Virginia Department of Health have identified several behaviors and practices that are fundamental in controlling the spread of COVID-19 in the community: (1) wearing a cloth face covering when in public; (2) maintaining a separation of at least six feet between people ("social distancing" or "physical distancing"); (3) limiting the size of gatherings in public places; (4) limiting the duration of gatherings; (5) frequently washing hands; and (6) sanitizing frequently touched surfaces^{vi}; and

WHEREAS, the Centers for Disease Control state that cloth face coverings are strongly encouraged in settings where persons might raise their voice (e.g., shouting, chanting, singing)^{vii}; and

WHEREAS, the Centers for Disease Control advise, in restaurants: (1) wearing cloth face coverings when less than six feet apart from other people or indoors; (2) wearing face coverings as much as possible when not eating; (3) maintaining a proper social distancing if persons are sitting with others who do not live with the person; and (4) sitting outside when possible^{viii}; and

WHEREAS, for these and related reasons, the Virginia Department of Health has stated that those businesses that operate indoors and at higher capacity, where physical distancing “recommendations” are not observed, sharing objects is permitted, and persons are not wearing cloth face coverings, create higher risk for the transmission of COVID-19^{ix}; and

WHEREAS, since Governor Northam issued EO 51 on March 12, 2020, he has issued several more Executive Orders jointly with Orders of Public Health Emergency issued by M. Norman Oliver, MD, MA, State Health Commissioner, pertaining to COVID-19; and

WHEREAS, on December 10, 2020, Governor Northam issued Executive Order Number SeventyTwo (2020) and Order of Public Health Emergency Nine, Common Sense Surge Restrictions, Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19) (collectively referred to as “EO 72”) which imposes further directions and restrictions, and it has since been amended, most recently on March 23, 2021; and

WHEREAS, on July 27, 2020, the Board of Supervisors adopted Ordinance No. 20-E(5), “An Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19,” which became effective August 1, 2020, established regulations pertaining to: (1) the maximum indoor occupancy allowed at restaurants, farm wineries, limited breweries, and limited distilleries; (2) the maximum size of public and private gatherings; and (3) the requirement for persons to wear face coverings in public places; and

WHEREAS, the ordinance first adopted as Ordinance No. 20-E(5) has been amended as necessary as both emergency and non-emergency ordinances since its original adoption, most recently on January 6, 2021 (Ordinance No. 21-A(1)), and Ordinance No. 21-A(1) expires on April 7, 2021; and

WHEREAS, as of April 5, 2021, three COVID-19 vaccines have received emergency use authorization by the United States Food and Drug Administration^x, and there are treatments available for persons with COVID-19 in certain circumstances^{xi}; and

WHEREAS, as of April 5, 2021, the total number of persons in the United States fully vaccinated against COVID-19 is approximately 57.4 million, or approximately 17.5% of the population^{xii}; the total number of persons in Virginia fully vaccinated against COVID-19 is 1,520,918 or 17.86% of the population^{xiii}; and

WHEREAS, as of April 5, 2021, the COVID-19 case, hospitalization, and death rates are as follows: (1) in the United States, the seven-day average number of new daily cases is 136 per 100,000 persons^{xiv}; (2) in the Commonwealth of Virginia, the seven-day average number of daily cases is 16.2 per 100,000 persons, the seven-day average of new daily hospitalizations reported is 0.7 per 100,000 persons, and the seven-day average number of new daily deaths reported is 0.2 per 100,000 persons^{xv}; and (3) in Albemarle County, the seven-day average number of daily cases is 9.9 per 100,000 persons, the seven-day average of new daily hospitalizations reported is 0.7 per 100,000 persons, and the seven-day average number of new daily deaths reported is 0.1 per 100,000 persons^{xvi}; and

WHEREAS, in the past week in the Commonwealth of Virginia, new daily reported COVID-19 cases fell 8.4%, new daily reported COVID-19 hospitalizations rose 0.9%, and new daily reported COVID-19 deaths rose 53.8%^{xvii}; and

WHEREAS, despite national caseloads and warnings of a surge in COVID-19 cases resulting from the relaxation or complete lifting of COVID-19-related public health protocols^{xviii}, EO 72 describes itself as a slight easing of certain restrictions and cautions that “every Virginian must continue to practice measures that are proven to keep people safe: avoid gatherings with anyone outside your household, practice hand sanitation, maintain proper physical distance from others, stay home when possible, and wear masks while indoors and in public^{xix}; and

WHEREAS, the Blue Ridge Health District has stated that “current public health conditions are favorable for loosening the current mitigation strategies and aligning with the changes in Executive Order 72”; and

WHEREAS, on April 7, the Board of Supervisors adopted Emergency Ordinance No. 21-E(1), An Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19; and

WHEREAS, Governor Northam has since amended EO 72 twice, on April 21 and April 22, 2021 with the April 22 amendments having a delayed effective date of May 15, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that:

Sec. 1. Purpose

For the reasons stated in the recitals, the purpose of this Ordinance is to prevent the spread of COVID-19.

Sec. 2. Authority

This Ordinance is authorized by Virginia Code § 15.2-1200, which enables the County, through its Board of Supervisors, to adopt “necessary regulations to prevent the spread of contagious diseases among persons . . .” that “are not inconsistent with the general laws of the Commonwealth.” This Ordinance is adopted as an emergency ordinance pursuant to Virginia Code § 15.2-1427(F).

Sec. 3. Definitions

The following definitions apply to this ordinance:

- A. “Entertainment and amusement businesses” includes performing arts venues, concert venues, sports venues, convention centers, expos, movie theaters, museums, aquariums, fairs, carnivals, public and private social clubs, botanical gardens, entertainment centers, historic horse racing facilities, bowling alleys, skating rinks, arcades, trampoline parks, arts and craft facilities, escape rooms, amusement parks, zoos, and other places of indoor public amusement.
- B. “Face covering” means an item normally made of multiple layers of cloth or various other breathable materials that complies with the Centers for Disease Control’s recommendations for face coverings, with elastic bands or cloth ties to secure over the wearer’s nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source (*i.e.*, the person’s nose and mouth).
- C. “Family members” are all individuals residing in the same household or visiting such household pursuant to a child custody arrangement or order.
- D. “Farm winery” means an establishment that is required to be licensed as a farm winery under Virginia Code § 4.1-207.
- E. “Food establishment” means a food establishment as defined in 12VAC5-421-10 and the term includes, but is not limited to, any place where food is prepared for service to the public on or off the premises, or any place where food is served, including restaurants, lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, and dining accommodations of public or private clubs. For purposes of this Ordinance, “food establishment” does not include kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under Virginia Code § 53.1-68.
- F. “Gathering” includes, but is not limited to, parties, celebrations, wedding receptions, or other social events, whether they occur indoors or outdoors. The following are not “gatherings”: (1) the gathering of family members who live in the same residence; (2) the presence of persons performing functions of their employment or assembled in an educational instructional setting; (3) the presence of persons in a particular location, such as a park or retail business, provided that those persons do not congregate; and (4) the presence of persons in shared spaces not expressly addressed in Section 5 but which may be subject to restrictions on the maximum size of gatherings in EO 72 or any state or federal law or order that are unique to that institution, business sector, facility, activity, or event.
- G. “Limited brewery” means an establishment that is required to be licensed as a limited brewery under Virginia Code § 4.1-208.
- H. “Limited distillery” means an establishment for which a limited distiller’s license is required under Virginia Code § 4.1-206.
- I. “Parties” means an individual patron consuming food and/or beverages alone, or a group of patrons consuming food and/or beverages together.
- J. “Public place” means: (1) any indoor place shared by other persons, including, but not limited to, local government buildings, retail stores, food establishments, theaters, personal care and personal grooming services, and transportation facilities and vehicles other than a personal vehicle as well as waiting and congregating areas associated with boarding public transportation; or (2) any outdoor place shared by other persons who are not family members. “Public place” does not include a person’s residence or personal vehicle. “Public place” also does not include institutions of higher education and other schools, fitness and other exercise facilities, religious institutions and places where religious rituals are conducted, areas under state or federal jurisdiction or control, indoor

shooting ranges, and the County courthouse buildings, provided that they, and any other institutions, business sectors, and locations shared by other persons not expressly addressed in Section 6 may be subject to face covering requirements in EO 72 or any state or federal law or order that are unique to that institution, business sector, facility, activity, or event.

Sec. 4. Limitation on the Number of Persons at Food Establishments, Farm Wineries, Limited Breweries, and Limited Distilleries

- A. *Indoor occupancy.* All parties at food establishments, farm wineries, limited breweries, and limited distilleries must be separated by at least six feet, including in the bar area. Tables at which dining parties are seated must be positioned six feet apart from other tables. If tables are not movable, parties must be seated at least six feet apart, including in the bar area. All private bookings are limited to ~~50~~ 100 people indoors and ~~400~~ 250 people outdoors.
- B. *State requirements, recommendations, and guidance.* This section does not affect any requirement, recommendation, or guidance in EO 72 including, but not limited to, those requiring or recommending physical distancing and wearing face coverings, which are referred to in EO 72 as “masks,” that apply to food establishments, farm wineries, limited breweries, and limited distilleries. This section also does not affect any Order of Public Health Emergency of the State Health Commissioner, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic.

Sec. 5. Limitation of the Number of Attendees at Gatherings and Certain Events and Activities

- A. *Generally.* All public and private in-person gatherings, as defined in Section 3(F), of more than 100 persons if they are indoors, or 250 persons if they are outdoors, are prohibited, except as provided in Sections 5(B) and (C).
- B. *Entertainment and amusement businesses.* At entertainment and amusement businesses, the total number of spectators indoors cannot exceed the lesser of 50 percent of the lowest occupancy load on the certificate of occupancy, if applicable, or 1000 persons. The total number of spectators for outdoor venues cannot exceed 50 percent of the lowest occupancy load on the certificate of occupancy. If no occupancy load has been determined, the total number of spectators may not exceed 50 percent of the resulting number when the square footage of the venue likely to be accessed by spectators is divided by 40 square feet per person. Private bookings at entertainment and amusement businesses may not exceed 100 persons if they are indoors, or 250 persons if they are outdoors.
- C. *Recreational sports.* The total number of attendees (either spectators, or spectators and participants, as stated below) at indoor and outdoor recreational sports activities are limited as follows:
1. *Indoor sports.* For sports played indoors, the total number of spectators may not exceed the lesser of 50 percent of the occupancy load stated on the certificate of occupancy for the venue or 250 persons per field.
 2. *Outdoor sports.* For sports played outdoors, the total number of spectators may not exceed the lesser of 50 percent of the occupancy load stated on the certificate of occupancy for the venue or 1000 persons per field.
 3. *Races or marathons until May 14, 2021.* For races or marathons until and including May 14, 2021, the total number of attendees (including participants and spectators) may not exceed 30 percent of the resulting number when the square footage of the venue likely to be accessed by persons is divided by 40 square feet per person, and with staggered starts separating runners into groups of 50 persons or less for indoor races, and into groups of 100 persons or less for outdoor races, such as cross country races or marathons where physical distancing of runners can be maintained.
 4. *Races or marathons on and after May 15, 2021.* For races or marathons on and after May 15, 2021, the total number of attendees (including participants and spectators) may not exceed 50 percent of the resulting number when the square footage of the venue likely to be accessed by persons is divided by 40 square feet per person, and with staggered starts separating runners into groups of 100 persons or less for indoor races, and into groups of 250 persons or less for outdoor races such as cross country races or marathons where physical distancing of runners can be maintained.
- D. *State requirements, recommendations, and guidance.* Sections 5(A), (B), and (C) incorporate the corresponding limitations in EO 72 on gathering sizes and persons attending certain events and activities in the County. However, this section does not affect any other applicable requirement, recommendation, or guidance in EO 72 including, but not limited to, those requiring or recommending physical distancing pertaining to entertainment and amusement businesses and recreational sports and wearing face coverings, which are referred to in EO 72 as “masks.” This

section also does not affect any requirement, recommendation, or guidance pertaining to business sectors and other events and activities subject to EO 72, or as it may be further amended or superseded, any Order of Public Health Emergency of the State Health Commissioner, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic. This section also does not affect the exceptions in section I(D)(3) of EO 72.

Sec. 6. Face Coverings

- A. *Face coverings required.* Face coverings must be worn by all persons aged five years and older in public places, as defined in Section 3(J), except as provided in Sections 6(B) and (C).
- B. *Persons not required to wear face coverings.* Face coverings are not required to be worn by the following persons:
1. *Children.* Children four years of age or under.
 2. *Wearing face covering poses certain risks.* Persons for whom wearing a face covering poses a bona fide and substantial mental or physical health risk, such as persons who have trouble breathing, a health condition, or a disability. For this exception to apply: (i) the person must present a valid document from a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services, including mental health services, consistent with state law, stating that wearing a face covering would be contrary to the person's health or safety, and the date on which the person may begin wearing a face covering again; and (ii) the public place must be unable to provide goods, services, or activities outdoors to the person or to the adult accompanying a child four years of age or under. This section does not require either the person or the physician or other health care practitioner to disclose the underlying health risk, health condition, or disability
 3. *Certain employees.* On-duty employees exempt from wearing face coverings by workplace safety regulations promulgated by the State Safety and Health Codes Board or exempt from face covering rules established by an applicable Executive Order of the Governor or an Order of Public Health Emergency of the State Health Commissioner.
- C. *Circumstances when face coverings are not required to be worn by persons.* Face coverings are not required to be worn by persons in the following circumstances:
1. *Outdoor activities.* While a person is outdoors in a public place such as a parks and other open space, provided that at least six feet of physical distancing from any person who is not a family member defined in Section 3(C) is maintained.
 2. *Eating or drinking.* While a person is eating food or drinking a beverage.
 3. *Exercising.* While a person is exercising or using exercise equipment.
 4. *Certain musical instruments.* While a person is playing a musical instrument, whether indoors or outdoors and in a rehearsal or during a performance, when wearing a face covering would inhibit playing the instrument, such as a wind instrument, if at least 10 feet of physical distancing can be maintained from other persons.
 5. *Incapacity.* Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
 6. *Communicating with the hearing impaired.* While a person is communicating with the hearing impaired and for which the mouth must be visible.
 7. *Receiving services.* While a person is receiving governmental or medical services if removing the face covering is necessary to receive the services.
 8. *End of the waiver of Virginia Code § 18.2-422.* When the waiver of Virginia Code § 18.2-422, currently established in section II(F) of EO 72, or as it may be further amended or superseded, ends.
- D. *Responsibility of adults accompanying minors.* Adults accompanying minors should use their best judgment regarding placing face coverings on any minor between the ages of two through four in public places. Adults accompanying minors between the ages of five through 17 must use reasonable efforts to prompt the minor to wear face coverings while in public places.

Sec. 7. Effect of More Restrictive Executive Order or Order of Public Health Emergency

Section 4, 5, or 6 does not apply when a more restrictive requirement in an Executive Order of the Governor or an Order of Public Health Emergency of the State Health Commissioner is in effect.

Sec. 8. Penalties

- A. *Penalty for violation of Section 4.* A violation of Section 4 by the owner of the food establishment, farm winery, limited brewery, or limited distillery, and any manager or assistant manager, however titled, responsible for the operation and management of the food establishment, farm winery, limited brewery, or limited distillery on the date of the violation, is punishable as a Class 3 misdemeanor. Violations of the requirements of EO 72 referenced in Section 4(B) are enforced pursuant to EO 72 rather than this Ordinance.
- B. *Penalty for violation of Section 5.* A violation of Section 5 by the owner or tenant of the private property on which the gathering is located, is punishable as a Class 1 misdemeanor. A violation of Section 5 by any person attending the gathering, after first being warned by a law enforcement officer to disperse from the gathering because it exceeds the limitation for a gathering and having failed to disperse after a reasonable period of time not to exceed two minutes, is punishable as a Class 1 misdemeanor. Violations of the requirements of EO 72 referenced in Section 5(D) are enforced pursuant to EO 72 rather than this Ordinance.
- C. *Penalty for violation of Section 6.* A violation of Section 6 by any person subject to its requirements is punishable as a Class 1 misdemeanor. No person under the age of 18 is subject to a criminal penalty for failing to wear a face covering.
- D. *Injunctive relief.* The County, the Board of Supervisors, and any County officer authorized by law, may seek to enjoin the continuing violation of any provision of this Ordinance by bringing a proceeding for an injunction in any court of competent jurisdiction.

Sec 9. Succession to Ordinance No. 21-A(1) and Duration

This Ordinance succeeds Ordinance No. 21-A(1) and is in effect on April 7, 2021, and as amended on May 5, 2021, provided further that Sections 4(A), 5(A), 5(B), 5(C)(1), 5(C)(2), and 5(C)(4) have a delayed effective date on and after midnight on May 15, 2021, and continues in full force and effect for 60 days from April 7, 2021 unless it is re-adopted following a noticed public hearing on or before the 60-day period expires.

Sec. 10. Effect of this Ordinance on the Powers of the Director of Emergency Management

This Ordinance does not affect the powers of the County Executive, acting as the Director of Emergency Management pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster.

Sec. 11. Severability

It is the intention of the Board of Supervisors that any part of this Ordinance is severable. If any part of the Ordinance is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity does not affect any other part of this Ordinance.

State law reference – Va. Code §§ 15.2-1200, 15.2-1427(F), 15.2-1429, 15.2-1432, 18.2-11.

Agenda Item No. 17. **FY 2021 Budget Amendment and Appropriations.**

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the FY 2021 appropriations itemized below is \$5,767,303.25. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2021 Budget Amendment totals \$5,767,303.25. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2020-21 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$	26,391.43
State Revenues	\$	39,000.00
Federal Revenues	\$	90,001.82
Loan Proceeds	\$	950,000.00
Other Fund Balances	\$	4,661,910.00
TOTAL ESTIMATED REVENUES	\$	5,767,303.25

ESTIMATED EXPENDITURES

General Fund	\$	90,999.82
Special Revenue Funds	\$	124,002.00
Capital Projects	\$	5,552,301.43
TOTAL ESTIMATED EXPENDITURES	\$	5,767,303.25

The budget amendment is comprised of a total of twelve (12) separate appropriations. Two (2) have already been approved by the Board as indicated below:

- Two (2) appropriations approved 4/21/2021
- Ten (10) appropriation requests for approval on May 5, 2021, are the remaining, as described in Attachment A.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the appropriation for local government and school projects and programs, as described in Attachment A.

Appropriation #2021062 **\$166,293.00**

Source: General Government CIP Fund's Fund Balance \$ 166,293.00

This request is to appropriate \$166,293.00 in the General Government CIP fund balance for 3.5 positions in the Department of Finance and Budget in support of the capital program. These positions provide capital and debt budget management and development work, construction procurement, and fixed asset accounting services. These positions do not increase the total position count, but rather reallocate existing FTEs from the General Fund to the Capital Fund.

Appropriation #2021063 **\$14,000.00**

Source: State Revenue \$ 14,000.00

This request is to appropriate \$14,000.00 in State Revenue from the Virginia Department of Transportation (VDOT) for the Stillhouse Ridge Subdivision Bond. The VDOT land use permit has been satisfactorily completed and VDOT has returned the surety to the County and all remaining bond funds will be returned to the bonding company.

Appropriation #2021064 **\$1,020,000.00**

Source: Borrowed Proceeds \$ 950,000.00
School CIP Fund Fund Balance \$ 70,000.00

This request is to appropriate \$950,000.00 in borrowed proceeds and \$70,000.00 in School CIP fund balance totaling \$1,020,000.00 for the Crozet Addition Design and Cost of Issuance. The bids for this project were received in early March 2021 and exceeded the current budget. The additional funds will cover higher materials and labor costs due to market conditions and funding for additive bid items, including: exterior courtyard, exterior dining terrace, sunshades on new classroom addition, new front entrance canopy, and adequate project contingency.

Appropriation #2021065 **\$336,152.00**

Source: Proffer Fund fund balance \$ 336,152.00

This request is to appropriate \$336,152.00 from the Old Trail Proffer Fund fund balance to the Capital budget to build the Old Trail Village playground (including site furnishings, stone dust pathways, and signage), which is part of the initial development of Western Park (Phase 1A). These proffer funds are designated for use in Crozet.

Appropriation #2021066 **\$27,465.00**

Source: General Government CIP Fund Fund Balance \$ 27,465.00
Reserve for Contingencies* \$ 4,008.00

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

This request is to appropriate \$27,465.00 in General Government CIP Fund fund balance and

\$4,008.00 from the Reserve for Contingencies to support costs associated with the Rivanna Solid Waste Authority (RSWA) Memorandum of Understanding (MOU). This is pursuant to the RSWA budget, which was finalized after adoption of the County's FY 21 budget.

After approval of the appropriations in this attachment, the FY 21 General Fund Reserve for Contingencies balance will be \$475,919.39. Of that amount, \$107,789.00 is for unanticipated expenses that may require ongoing funding and \$368,130.39 is for expenses that may require one-time funding.

Appropriation #2021067 **\$90,001.82**

Source: Federal Revenue	\$	90,001.82
General Fund Transfer*	\$	9,000.18

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

This request is to appropriate \$90,001.82 in Federal Revenue for an Assistance to Firefighters Grant received from the Federal Emergency Management Agency and \$9,000.18 in local match provided from existing budget for a total grant award of \$99,002.00. This funding will be used to purchase personal protective equipment and supplies to respond to the Coronavirus pandemic.

Appropriation #2021068 **\$26,391.43**

Source: Local: East Rivanna Volunteer Fire Company	\$	26,391.43
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This request is to appropriate \$26,391.43 in revenue from the East Rivanna Volunteer Fire Company to support the costs associated with purchasing Engine 24. The funding is primarily for upgrades that are more than what is required by the County's specifications, which is funded in the capital Fire Rescue Apparatus Replacement Program.

Appropriation #2021069 **\$4,062,000.00**

Source: General Fund School Reserve Fund's Fund Balance	\$	4,062,000.00
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This request is to appropriate the following School Division appropriation requests approved by the School Board on April 22, 2021:

This request is to appropriate \$4,062,000.00 from the General Fund School Reserve Fund's Fund Balance for two capital projects:

- \$1,562,000.00 for School Security Improvements that would add camera entry systems and electronic access card readers at all schools; and
- \$2,500,000.00 to be added to the Technology Replacement Program for new classroom display technologies to provide equity across the School Division and to replace existing/aging classroom display technologies.

Appropriation #2021070 **\$25,000.00**

Source: State Revenue	\$	25,000.00
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This request is to appropriate \$25,000.00 for a grant from the Virginia Tourism Corporation to the Charlottesville Albemarle Convention & Visitors Bureau (CACVB). The grant reimburses advertising expenditures spent on behalf of Albemarle County, Charlottesville, and its tourism partners.

Appropriation #2021071 **\$0.00**

Source: Housing Fund, Performance Agreement Reserve	\$	500,000.00
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* This appropriation does not increase or decrease the total County budget.

This request is to appropriate \$500,000.00 from the Housing Fund Performance Agreement Reserve to the Economic Development Authority (EDA) pursuant to the performance agreement between the County, EDA, and Habitat for Humanity of Greater Charlottesville. Habitat for Humanity of Greater Charlottesville has met the two additional milestones for cash contributions pursuant to the terms of the performance agreement.

Mr. Bowman, Chief of Budget Division with the Department of Finance and Budget, said this item was a public hearing and an action item on a fiscal year 2021 proposed budget amendment.

Mr. Bowman said that Virginia code requires that the County hold a public hearing before it amends the budget when the total change is greater than 1% of the adopted budget. He said that was the case that evening as they have an amendment that is a total increase of 5.8 million dollars to the fiscal year 2021 budget. He said this amount mostly consists of a few items that were noted on a slide he demonstrated.

Mr. Bowman said first, there was 4.1 million dollars from the general fund's school reserve fund for school security improvements and technology. He said he would take a brief moment to explain what this funding source was because it may not be as obvious a name as state revenue or federal revenue or fee revenue, or whatever that may be, and this source does relate to the Board's adopted financial policies. He said to elaborate on what this funding source is, at the close of the fiscal year, any balance that remains in the school fund is moved to a separate fund called the general fund's school reserve fund, and that reserve is maintained by the Board of Supervisors up to 2% of the school division's operating budget. He said any amount of that is transferred to the capital budget on an annual basis unless as otherwise determined by the Board of Supervisors pursuant to the financial policies.

Mr. Bowman said there was 1 million dollars in additional funding for the Crozet elementary addition, which is a capital project that is based on the results of that bidding process. He said he had spoken about the financial policies on the previous item, and he should do so again here. He said although this increase is largely funded by borrowed proceeds, the County is still projected to be well within the financial policies for debt forecasting, so it does not produce any sort of danger looking at debt to total assessed value or debt to general fund or any of these key ratios that the Board has seen in the past.

Mr. Bowman said before continuing on from the school items, he would like to thank Maya Kumazawa, who is the school division's director of budget and planning. He said she has been in regular communication with staff on this issue with Crozet as they worked through the process.

Mr. Bowman said they have approximately 0.3 million in proffer funding, and that is for the initial development of Western Park; that is proffer funding that is designated for use in that area, and the scope of that project that is explained in Attachment A is just for the initial phase. He said Attachment A also does include the details on all appropriations that are for approval that evening.

Mr. Bowman said after the public hearing, staff recommends that the Board adopt the resolution in Attachment B.

Mr. Gallaway said he had a technical question. He said as he was looking at the sheet, he noted the asterisk on the housing fund 2021071 and asked if the number 0 was because it does not change, so above the line notates the change.

Mr. Bowman said yes, the distinction is that the top line refers to the total change in the budget, so for the housing fund appropriation, because there is already an appropriated reserve, this is just taking money out of that reserve and sending it to the EDA to fulfill the obligations of that performance agreement; that is why there is funding moving that is not an increase to the budget like, for example, the other items he summarized in his presentation.

Mr. Gallaway opened up the public portion. He noted there were no sign-ups and closed the public hearing portion and the matter went back before the Board for further questions, comments, or a motion.

Ms. Price **moved** that the Board adopt the resolution (Attachment A) to approve additional FY2021 appropriations.

Ms. Palmer **seconded** the motion.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2021 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 21 Budget is amended to increase it by \$5,767,303.25;
- 2) That Appropriations #2021062; #2021063; #2021064; #2021065; #2021066; #2021067; #2021068; #2021069; #2021070; and #2021071 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2021.

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APP#	Account String	Description	Amount
2021062	4-9010-12143-412140-110000-1001	SA2021062: Fixed Assets and Procurement positions	\$60,612.00
2021062	4-9010-12143-412140-210000-1001	SA2021062: Fixed Assets and Procurement positions	\$4,646.00
2021062	4-9010-12143-412140-221000-1001	SA2021062: Fixed Assets and Procurement positions	\$8,564.00

2021062	4-9010-12143-412140-231000-1001	SA2021062: Fixed Assets and Procurement positions	\$10,711.00
2021062	4-9010-12143-412140-232000-1001	SA2021062: Fixed Assets and Procurement positions	\$220.00
2021062	4-9010-12143-412140-241000-1001	SA2021062: Fixed Assets and Procurement positions	\$814.00
2021062	4-9010-12143-412140-221500-1001	SA2021062: Fixed Assets and Procurement positions	\$150.00
2021062	3-9010-51000-351000-510100-9999	SA2021062: Fixed Assets, Procurement, and Budget positions	\$166,293.00
2021062	4-9010-12148-412140-110000-1001	SA2021062: Budget Position	\$59,150.00
2021062	4-9010-12148-412140-210000-1001	SA2021062: Budget Position	\$4,525.00
2021062	4-9010-12148-412140-221000-1001	SA2021062: Budget Position	\$8,352.00
2021062	4-9010-12148-412140-231000-1001	SA2021062: Budget Position	\$7,516.00
2021062	4-9010-12148-412140-232000-1001	SA2021062: Budget Position	\$240.00
2021062	4-9010-12148-412140-241000-1001	SA2021062: Budget Position	\$793.00
2021063	3-9023-22000-322000-240900-9999	SA2021063 Stillhouse Ridge VDOT Revenues	\$14,000.00
2021063	4-9023-91000-491000-940070-9999	SA2021063 Stillhouse Ridge VDOT Revenues	\$14,000.00
2021064	4-9000-69985-466500-800605-6103	SA2021064 Crozet Addition Renovation	\$1,000,000.00
2021064	3-9000-69000-351000-512090-6599	SA2021064 Crozet Addition Renovation	\$930,000.00
2021064	3-9000-69000-351000-510100-6599	SA2021064 Crozet Addition Renovation	\$70,000.00
2021064	4-9010-95000-495000-312807-9999	SA2021064 Cost of Issuance	\$20,000.00
2021064	4-9010-93010-493010-930004-9999	SA2021064 Crozet Addition Renovation	\$930,000.00
2021064	3-9010-41400-341000-410530-9999	SA2021064 Crozet Addition Renovation	\$950,000.00
2021065	4-9010-71025-471010-800140-1007	SA2021065: Western Park Phase 1A - Playground funded from Old Trail Proffers	\$336,152.00
2021065	3-9010-51000-351000-512054-9999	SA2021065: Western Park Phase 1A - Playground funded from Old Trail Proffers	\$336,152.00
2021065	4-8537-93010-493010-930010-9999	SA2021065: Western Park Phase 1A - Playground funded from Old Trail Proffers	\$336,152.00
2021065	3-8537-51000-351000-510100-9999	SA2021065: Western Park Phase 1A - Playground funded from Old Trail Proffers	\$336,152.00
2021067	3-1608-33000-333000-300001-1003	SA2021067: FEMA FF Asst Grant for PPE	\$90,001.82
2021067	4-1608-32015-432010-600400-1003	SA2021067: FEMA FF Asst Grant for PPE	\$99,002.00
2021067	3-1608-51000-351000-512004-9999	SA2021067: FEMA FF Asst Grant for PPE	\$9,000.18
2021067	4-1000-32015-432010-930200-1003	SA2021067: FEMA FF Asst Grant for PPE	\$9,000.18
2021067	4-1000-32015-432010-600400-1003	SA2021067: FEMA FF Asst Grant for PPE	-\$9,000.18
2021068	3-9010-19000-319000-199904-3140	SA2021068 FR Apparatus Replacement Program	\$26,391.43
2021068	4-9010-32020-432020-800120-3140	SA2021068 East Rivanna Overage Payment	\$26,391.43
2021069	4-9000-69985-466731-800600-6599	SA2021069 School Security Funding	\$1,562,000.00
2021069	4-9000-69990-468300-800700-6599	SA2021069 School Technology Program Funding	\$2,500,000.00
2021069	3-9000-69000-351000-512012-6599	SA2021069 Transfer from 1005 to 9000	\$4,062,000.00
2021069	4-1005-93010-493010-930001-9999	SA2021069 Fund 1005 Transfer to Capital	\$4,062,000.00
2021069	3-1005-51000-351000-510100-9999	SA2021069 Fund 1005 Fund Balance	\$4,062,000.00
2021070	3-4600-24000-324000-240500-1567	SA2021070: CACVB VA Tourism Grant	\$25,000.00
2021070	4-4600-72050-472030-360000-1567	SA2021070: CACVB VA Tourism Grant	\$25,000.00
2021071	4-1200-89000-489000-563110-1008	SA2021071: Habitat Performance Agreement to EDA	-\$500,000.00
2021071	4-1200-93010-493010-930222-9999	SA2021071: Habitat Performance Agreement to EDA	\$500,000.00
2021071	3-6850-51000-351000-512000-9999	SA2021071: Habitat Performance Agreement	\$500,000.00
2021071	4-6850-91095-491095-563110-1008	SA2021071: Habitat Performance Agreement	\$500,000.00
APP#	Account String	Description	Amount
2021066	4-9010-42042-442040-700006-1210	SA2021066 RWSA MOU Amount Increase	27465.00
2021066	3-9010-51000-351000-510100-9999	SA2021066 RWSA MOU Amount Increase	27465.00
2021066	4-1000-49000-449000-999851-1004	SA2021066 RWSA MOU Amount Increase	4008.00
2021066	4-1000-99900-499000-999990-9999	SA2021066 RWSA MOU Amount Increase	-4008.00

Agenda Item No. 18. Proposed Amendments to the Field School’s Lease of Outdoor Space at the Old Crozet Elementary School.

The Executive Summary forwarded to the Board states that in 2009, the County solicited for tenants at the Old Crozet School, ultimately entering into lease agreements with the Field School of Charlottesville and the Old Crozet School Arts. Both leases are still active. At that time, a lease rate per square foot for indoor space was developed, designed to cover the operating costs of maintaining the facility. At the time, no consideration was given for the leasing of outdoor space.

As a result of the pandemic, in July 2020, the Field School requested permission to install six

tents and four portable restrooms on the grounds of the Old Crozet School, to facilitate outdoor classroom instruction. The outdoor space (5,544 square feet) was needed for the academic year starting in August 2020. The only legal means to approve the request administratively was to charge the same rate per square foot for the outdoor space as for indoor space (\$4.43 per square foot per year), for a total annual rent increase of \$24,559.92.

After this administrative approval, the Field School submitted a request for rent forgiveness (Attachment A). In response, staff has developed a proposed adjusted rate for the lease of outdoor space. Staff research found that, in general, rental rates for improved property (i.e., a building) are 0.8% - 1.1% of the property's value per month. Based on the current appraised land value of the 5.4 acre parcel (\$972,000), the resulting range would be \$0.03 to \$0.05 per outdoor square foot per month. Using the middle of the range would result in a rental rate of \$0.48 per outdoor square foot per year. If this rate were made retroactive, the Field School would receive a rent credit of \$1,824.90 for each month during which the higher rate was paid.

In addition, more recently, the Field School has indicated that it wishes to reduce the size of its outdoor rented space. Attachment B shows the proposed outdoor space to be rented going forward. The proposed amended lease would reduce not only the Field School's outdoor rental rate retroactively, but the size of its outdoor space going forward.

Virginia Code § 15.2-1800 requires the Board to hold a public hearing prior to the proposed conveyance of this interest in County owned real property.

A retroactive rate adjustment would result in a \$16,424.10 credit to the Field School.

Following the public hearing, staff recommends that the Board adopt the attached resolution (Attachment C) approving proposed amendments to the Field School's lease of outdoor space at the Old Crozet Elementary School.

Mr. Freitas, Chief of Public Works, said the item for the Board's consideration that evening was proposed lease amendments to the Field School's lease. He said the head of school, Dr. Skipper, along with their Field administrator, Ms. Tracy Kunkel, were joining them that evening.

Mr. Freitas said to provide a bit of background, the Field School has been a tenant at the Old Crozet School since 2009. He said when the lease was first negotiated, staff developed a rental rate based on indoor square footage designed to cover the cost of operating and maintaining the facility; with the exception of the use of a small athletic field for which the tenant was responsible for grounds care, there was no consideration at the time to renting outdoor space. Mr. Freitas said that changed with the pandemic outbreak.

Mr. Freitas said in an effort to mitigate the spread of the COVID-19 virus in July 2020, the Field School requested space to set up six tents for use as outdoor classrooms. He said they needed the tents up and ready by August. He said as this would be for their exclusive use, a lease amendment would be needed. He said without a public hearing, the only recourse was to charge the same fee for the outdoor space as is charged for indoor space, currently \$4.43 per square foot per year. He said that amounted to an annual rent increase of \$24,559.92 for the 5,544 square feet needed for the tents.

Mr. Freitas said subsequently in December 2020, the Field School requested rent forgiveness of \$20,466.60 in light of improvements they made to the facility. Mr. Freitas said after much discussion, staff recommended developing an alternative rental rate for outdoor space and making it retroactive to August 24, 2020. He said staff found that a common practice in determining a rental rate is to base the monthly rent on a percentage of the property's value ranging from 0.8% to 1.1%. He said using that methodology and based on the property size and assessed value, staff calculated a range of 0.03 to 0.05 per square foot per month. He said using the middle of that range as the fair rental rate in this case resulted in an annual rent of \$1,347.84.

Mr. Freitas said it should be noted that the Field School is also asking to reduce the amount of outdoor space currently in their lease. Mr. Freitas said if approved, the change in rental rate would reduce annual revenue by \$21,898.80; additionally, making the rate retroactive to August 24th would result in a \$16,424.10 credit to the Field School. Mr. Freitas presented a slide detailing the locations of the tents the Field School is using. He said they are on hard surface, one in the south of the building and then two to the north on the old basketball court, and he demonstrated a picture of one of the tents they have set up.

Mr. Freitas said that staff recommends that the Board adopt the resolution approving the proposed amendment to the Field School lease.

Ms. Palmer asked what the hours of operation are for the Field School at this location.

Dr. Skipper said the first students start getting dropped off in the morning around 8:30; he is usually in around 8:00, and then the last students are usually home around 4:30, though they may have some staff who would be in the building a little later. He said this year, they have had nobody from outside the community including parents come into the building, but in past years, periodically there would be an evening event as well, not for the Field School but other community events.

Ms. Palmer asked how many students were attending this past year.

Dr. Skipper replied 72.

Dr. Skipper said he appreciated the Board's consideration of this request. He said as they could imagine, going into the school year for a small school was a stretch on the part of the entire community to make it all happen. He said they did make significant improvements to the plant to allow them to treat the air and handle the air-handling for the filtrations that they needed, and so it had worked out beautifully and would not been successful without the help they received from the County in allowing them to use the land so they could establish the tents. He said they literally kept classes outside all year, in some instances, even in the 20s, and it was impressive.

Dr. Skipper said the families have been fabulous, so everything has worked very well, but they would appreciate some help on the rate adjustment because of the nature of the spaces they are talking about. He said they were looking forward to another great year coming up, hopefully between vaccines and improvements in the COVID rates around, everything will be more back to normal. He said they have been in person all year, so it has been really good.

Ms. LaPisto-Kirtley asked if 72 students were their normal amount yearly or if it was down the past year or up.

Dr. Skipper said it was actually up a little bit the past year; it was within the historic range for the school but up a little bit.

Mr. Gallaway opened up to the public hearing portion. He confirmed there were no sign-ups and closed the public hearing portion.

Ms. Mallek **moved** that the Board adopt the attached resolution (Attachment C) approving proposed amendments to the Field School's lease of outdoor space at the Old Crozet Elementary School.

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

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

RESOLUTION TO APPROVE AN AMENDED LEASE WITH THE FIELD SCHOOL

WHEREAS, the Board finds it in the best interest of the County to adjust the rental rate for the Field School's lease of outdoor space at the Old Crozet School, located at 1408 Crozet Avenue, Crozet, Virginia, retroactive to August 24, 2020, and the size of its prospective outdoor leased space.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves amending the County's lease with the Field School to adjust (a) the rental rate for outdoor space at the Old Crozet School, retroactive to August 24, 2020, and (b) the size of its prospective outdoor leased space, and hereby authorizes the County Executive to execute an amended lease, once approved as to form and substance by the County Attorney.

Agenda Item No. 19. Crozet Sports Community Foundation Lease for a Portion of the Crozet Library.

The Executive Summary forwarded to the Board states that the ground floor of the Crozet Library has two spaces for which the Jefferson-Madison Regional Library (JMRL) has no immediate use. At its September 4, 2013 meeting, the Board approved a lease with Crozet Running LLC for the larger of the two spaces (1,697 square feet). On July 31, 2020, the owners of Crozet Running LLC gave notice that they did not desire to renew their lease.

On December 10, 2020, staff solicited proposals for a new tenant, advertising the lease opportunity on the County's website, as well as in five regional newspapers. Submittals were due no later than January 11, 2021. Two proposals were received. A team comprised of staff from Community Development, Facilities and Environmental Services, and the Office of Economic Development evaluated the proposals. All ranked the Crozet Sports Community Foundation (CSCF), a non-profit offering athletic, academic, and child support program, as their first choice. The Office of Equity and Inclusion was also asked to review the proposals and identified no concerns. Subsequently, the proposed lease (Attachment A) was negotiated. The initial term is for five years, commencing June 1, 2021, after which it would automatically renew for additional one-year terms unless either party gave written notice of intent not to renew. The initial rental rate would be \$19.68 per square foot per year, which includes the cost of utilities and trash service. The rate would be indexed for inflation annually based on the Consumer Price Index. The proposed lease would also allow the Tenant rent-free occupancy from June 1, 2021 through June 30, 2021, to make certain improvements to ready the space for occupancy. This provision is consistent with past County practice.

Virginia Code § 15.2-1800 requires the Board hold a public hearing prior to the proposed conveyance of this interest in County-owned real property.

With there being no charge for the first month's rent, this lease is expected to generate \$30,613.88 in the 11 months from July 1, 2021 through May 31, 2022 in its first year.

Following the public hearing, staff recommends that the Board adopt the attached resolution (Attachment B) approving a lease with the Crozet Sports Community Foundation for a portion of the Crozet Library and authorizing the County Executive to execute a lease in a form acceptable to the County Attorney.

Mr. Freitas, Chief of Public Works, said the item for the Board's consideration that evening was the proposed lease with the Crozet Sports Community Foundation for space at the Crozet Library. He said the foundation's president Mr. Justin Byrd was joining them that evening.

Mr. Freitas said the space in question is on the ground floor of the library fronting Crozet Avenue. He said the space was formerly leased to Crozet Running from October 2014 until September 2020. He said staff began the search for a new tenant in December of 2020 with the solicitation advertised in the Roanoke Times, Northern Virginia Daily, Richmond Times, Daily Progress, and the C-Ville Weekly as well as on the County's website.

Mr. Freitas said proposals were due January 11, 2021, and two proposals were received. He said the proposals were evaluated by a team comprised of staff in Community Development, Facilities & Environmental Services, and the Office of Economic Development. He said the proposals were evaluated based on four criteria; while the point spread was not great, all evaluators ranked the Crozet Sports Community Foundation as their first choice.

Mr. Freitas said the Crozet Sports Community Foundation was founded in 2018 and received status as a nonprofit in 2020. He said they offer a number of programs and are a community-oriented organization serving the growing athletic, academic, and health needs of the Western Albemarle community.

Mr. Freitas said the proposed rental rate is the same rate currently being applied to their other tenants leased and includes utilities and use of the County's trash service. He said internet connectivity and telephone service are not included. He said they are proposing an initial five-year term starting June 1, 2021, after which it would automatically renew for additional one-year terms unless and until written notice is given by either landlord or tenant. He said the lease also provides for rent-free occupancy during the first month allowing the tenant the opportunity for outfitting the space. He said this is consistent with past tenant practice.

Mr. Freitas demonstrated a slide showing the location in the building of the lease space. He said after conducting a public hearing on the proposed lease, staff recommends that the Board approve the lease and authorize the County Executive to sign the lease in a form acceptable to the County Attorney.

Ms. Mallek said it sounded like this activity would provide just what the original intent was, to have a public facing organization there to make a lively streetscape.

Mr. Byrd said he thought Mr. Freitas had done a great job of outlining their proposal, and he would just add that he appreciated the selection of their proposal for their organization to continue being able to serve the growing needs of the community. He said they were very excited about the opportunity and appreciated consideration from the Board to approve the proposal.

Ms. Price concurred with Ms. Mallek that this was exactly the type of an organization that they would want to use the public space, and she was supportive of it.

Mr. Gallaway opened up to the public hearing portion. He confirmed there were no sign-ups and closed the public hearing portion.

Ms. Mallek **moved** that the Board adopt the attached resolution (Attachment B) approving a lease with the Crozet Sports Community Foundation for a portion of the Crozet Library and authorizing the County Executive to execute a lease in a form acceptable to the County Attorney.

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

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

**RESOLUTION TO APPROVE A LEASE AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE
AND THE CROZET SPORTS COMMUNITY FOUNDATION**

WHEREAS, the Board finds it in the best interest of the County to lease a portion of the Crozet Library, located at 2020 Library Avenue, Crozet Virginia, to the Crozet Sports Community Foundation.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a Lease Agreement between the County and the Crozet Sports Community Foundation for the

lease of space at the Crozet Library, and authorizes the County Executive to execute the Agreement, once it has been approved as to form and substance by the County Attorney.

AGREEMENT OF LEASE

THIS LEASE AGREEMENT is made as of 17 May, 2021 by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and the CROZET SPORTS COMMUNITY FOUNDATION, INC., Tenant.

ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the rents and covenants herein set forth, Landlord hereby leases to Tenant, and Tenant hereby rents from Landlord, the premises described on Exhibit A attached hereto and made a part hereof together with any and all improvements thereon (the "Leased Premises"). The Leased Premises shall be occupied by Crozet Sports Community Foundation, Inc.

ARTICLE II. TITLE: QUIET ENJOYMENT

So long as Tenant is not in default hereunder, Tenant shall have peaceful and quiet enjoyment, use and possession of the Leased Premises without hindrance on the part of the Landlord or anyone claiming by, through, or under Landlord.

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease Agreement shall begin on the 1st day of June, 2021 (the "Effective Date"), and end on the fifth anniversary of the Effective Date, unless sooner terminated or extended as hereinafter provided. The foregoing notwithstanding, after June 1, 2022, either party may terminate this Lease upon ninety (90) days advance written notice to the other party.

Section 3.2. Renewal. After the initial term provided in Section 3.1, this Lease Agreement will automatically renew for additional 12-month terms unless and until written notice of termination is given as provided in Section 3.1.

Section 3.3. Upfit of Premises. Any upfitting of the Leased Premises, including any additional remodeling, ceiling tiles, carpet and interior painting will be the sole responsibility and at the sole expense of the Tenant. Notwithstanding Section 4.1 herein, Tenant will neither incur nor be charged any rent between June 1, 2021 and June 30, 2021.

ARTICLE IV. RENT AND TAXES

Section 4.1. Annual Rent. Commencing upon the Effective Date, during the first year of this Lease, Tenant agrees to pay to Landlord annual rent of \$33,396.96, payable in equal monthly installments, in advance, on the first day of each month during the term hereof.

After the first year of this Lease, the rent for subsequent years of the term of the Lease shall be indexed for inflation and shall be calculated by first establishing a fraction, the numerator of which shall be the level of the CPI Index (as defined herein) as of the first day of that month which is two months before the month in which the Effective Date occurs in the subsequent years, and the denominator of which shall be the level of the CPI Index as of the first day of that month which is

two months before the initial Effective Date. The resulting fraction shall be multiplied by the rent agreed upon or established for the first year of the term of the Lease to determine the annual rent due for the year. The rental figure shall be revised each year based upon this formula. The CPI Index shall be the U.S. Bureau of Labor Statistics Consumer Price Index (all items, all urban consumers, 1982-1984 = 100). If the CPI Index shall be discontinued, Landlord shall designate an appropriate substitute index or formula having the same general acceptance as to use and reliability as the CPI Index and such substitute shall be used as if originally designated herein. Notwithstanding the foregoing, in no event shall the rent due for any lease year decrease below the rent payable for the first year.

Section 4.2. Address for Rent Payment. All payments of rent due Landlord pursuant to Section 4.1 shall be made to Landlord at the address specified in Section 17.3, or to such other party or at such other address as hereinafter may be designated by Landlord by written notice delivered to Tenant at least ten (10) days prior to the next ensuing monthly rental payment date.

Section 4.3. Taxes. Throughout the term of this Lease, Tenant shall pay all real property taxes lawfully assessed against its leasehold interest by the County of Albemarle pursuant to *Virginia Code* § 58.1-3203. Such taxes shall be billed to the Tenant and paid by the Tenant directly to the County of Albemarle.

ARTICLE V. UTILITIES AND SERVICES

Landlord shall provide water, sewer, electricity, and heating and cooling services as part of Tenant's rent. Landlord shall further provide custodial services (to common areas only) and arrange for the regular collection of a shared dumpster as part of Tenant's rent. Tenant shall exercise reasonable and responsible care to conserve these utilities. The Tenant agrees that the monthly rent stipulated above may be adjusted to reflect any change in the cost to the Landlord of providing those utility services above. The Landlord shall provide the Tenant with prompt notice of any such change, and shall make available evidence of its actual utility costs. Tenant shall provide telephone, custodial, and all other services to the Leased Premises.

ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. Tenant shall have use of the Leased Premises for athletic, academic, and child support programs or other use approved by Landlord in writing and not inconsistent with Landlord's Library use. Tenant shall also have use of the elevators and main entry corridors during Library operating hours, and of the shared entrance from Crozet Avenue at all times, which areas will not be calculated in the gross square footage for rental purposes.

Section 6.2. Parking. Tenant shall be entitled to non-exclusive use of parking spaces in the parking lot and access to the Leased Premises.

ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

Section 7.1. Installation by Tenant.

(a) Tenant may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements which do not damage or alter the Leased Premises, provided that Landlord's consent shall have first been obtained in writing, and provided that Tenant shall obtain all required governmental permits for such alterations, additions or improvements.

(b) Tenant may, from time to time, make interior structural alterations, additions or improvements, only with Landlord's prior written consent to plans and specifications therefor, which consent shall not be unreasonably withheld. Upon the expiration or sooner termination of this Lease, Landlord shall have the option (exercisable upon sixty (60) days notice to Tenant except in the case of a termination of this Lease due to a default by Tenant, in which case no such notice shall be required) to require Tenant to remove at Tenant's sole cost and expense any and all improvements made by Tenant to the Leased Premises or to elect to keep such improvement as Landlord's property. In the event Tenant is required to remove any improvements, (i) Tenant shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if Tenant fails to properly remove such improvements or provide for the repair of the Leased Premises, Landlord may perform the same at Tenant's cost and expense.

Section 7.2. Signs. Tenant shall have the right to place signs on the interior or exterior of the Leased Premises, subject to all applicable zoning and sign regulations and with the prior written approval of Landlord.

ARTICLE VIII MAINTENANCE OF LEASED PREMISES

Section 8.1. Maintenance. Landlord shall be responsible for all repairs and maintenance for the Leased Premises, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, air conditioning, plate glass and windows. Notwithstanding the foregoing, Tenant shall be responsible for all maintenance and repairs necessitated by the negligence of Tenant, its employees and invitees.

Section 8.2. Right of Entry. Landlord reserves the right for itself, its agents and employees to enter upon the Leased Premises at any reasonable time to make repairs, alterations or improvements; provided, however, that such repairs, alterations, or improvements shall not unreasonably interfere with Tenant's operations. Such right to enter shall also include the right to enter upon the Leased Premises for the purposes of inspection.

Section 8.3. Surrender of Leased Premises. At the expiration of the tenancy hereby created, Tenant shall surrender the Leased Premises and all keys for the Leased Premises to Landlord at the place then fixed for the payment of rent and shall inform Landlord of all combinations on locks, safes and vaults, if any, which Landlord has granted permission to have left in the Leased Premises. At such time, the Leased Premises shall be broom clean and in good condition and repair, commensurate with its age. If Tenant leaves any of Tenant's personal property in the Leased Premises, Landlord, at its option, may remove and store any or all of such property at Tenant's expense or may deem the same abandoned and, in such event, the property deemed abandoned shall become the property of Landlord.

ARTICLE IX. INSURANCE

Section 9.1. Liability Insurance of Tenant. Tenant covenants and agrees that it will, at all times during the term of this Lease, keep in full force and effect a policy of public liability and property damage insurance with respect to the Leased Premises and the business operated by Tenant and any sub-tenants of Tenant on the Leased Premises in which the limits of public liability for bodily injury and property damage shall not be less than One Million Dollars (\$1,000,000) per accident, combined single limit. The policy shall name the Landlord as an additional insured. The policy shall provide that the insurance thereunder shall not be cancelled until thirty (30) days after written notice thereof to all named insureds.

Section 9.2. Fire and Extended Coverage. Landlord agrees that it will, during the initial and any renewal term of this Lease, insure and keep insured, for the benefit of Landlord and its respective successors in interest, the Leased Premises, or any portion thereof then in being. Such policy shall contain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage," as the same may exist from time to time. Landlord agrees to name Tenant as an additional insured on such policy, as its interest may appear. Tenant shall be responsible for insuring its personal property (including its equipment and inventory) kept on the Leased Premises.

Section 9.3. Evidence of Insurance. Copies of policies of insurance (or certificates of the insurers) for insurance required to be maintained by Tenant and Landlord pursuant to Sections 9.1 and 9.2 shall be delivered by Landlord or Tenant, as the case may be, to the other upon the issuance of such insurance and thereafter not less than thirty (30) days prior to the expiration dates thereof.

Section 9.4. Waiver of Subrogation. Tenant hereby releases the Landlord from any and all liability or responsibility to Tenant or anyone claiming through or under it, by way of subrogation or otherwise, from any loss or damage to property caused by any peril insured under Tenant's policies of insurance covering such property (but only to the extent of the insurance proceeds payable under such policies), even if such loss or damage is attributable to the fault or negligence of Landlord, or anyone for whom Landlord may be responsible; provided, however, that this release shall be applicable and in force and effect only with respect to loss or damage occurring during such time as any such release shall not adversely affect or impair the releasor's policies or insurance or prejudice the right of the releasor to recover thereunder.

ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. Tenant shall not commit or suffer to be committed any waste or any nuisance upon the Leased Premises.

Section 10.2. Governmental Regulations. During the term of this Lease, Tenant shall, at Tenant's sole cost and expense, comply with all of the requirements of all county, municipal, state, federal and other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to the Leased Premises or Tenant's use and occupancy thereof.

ARTICLE XI. FIRE OR OTHER CASUALTY

If the Leased Premises shall be damaged so as to render the Leased Premises untenable by fire or other casualty insured against under the insurance required to be carried by Landlord pursuant to Section 9.2, Landlord may elect to either terminate this Lease as of the date of damage or repair the Leased Premises. Unless Landlord elects to terminate this Lease, such damage or destruction shall in no way annul or void this Lease except that Tenant shall be entitled to a reduction of the rent payable under Article IV while such repairs are being made, such reduction to be based upon the proportion of the Leased Premises rendered untenable as a result of such damage. Notwithstanding the foregoing, if any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, Tenant may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to Landlord.

ARTICLE XII. DEFAULT OF TENANT

Section 12.1. Default. The occurrence of any of the following shall be deemed a "default" under this Lease:

(a) Tenant fails to pay when due any amount of rent, additional rent or other monies due under this Lease, including Articles IV and V, and such payment is not received by Landlord within ten (10) days after written notice of such failure is received by Tenant; or

(b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from Landlord.

Section 12.2. Remedies. In the event of any default or breach hereof by Tenant, Landlord shall have the right (in addition to all other rights and remedies provided by law) to terminate this Lease or to re-enter and take possession of the Leased Premises, peaceably or by force, and to remove any property therein without liability for damage to and without obligation to store such property, but may store the same at Tenant's expense, and to collect from Tenant all rent then due and which would accrue for the unexpired portion of the term hereof, together with reasonable attorney's fees. In addition, in the event of a failure to pay rent, additional rent or other money within five (5) days of its due date, Tenant shall pay to Landlord the greater of Twenty-Five and no/100 Dollars (\$25.00) or one half (1/2) of one percent (1%) of such sum for each day after the fifth day such rent or other money is late.

ARTICLE XIII. HOLDING OVER, ASSIGNS, SUCCESSORS

Section 13.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of Landlord, shall be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and shall otherwise be on the terms and conditions herein specified as far as applicable. If Tenant remains in possession *without* Landlord's consent after expiration of the term of this Lease Agreement or its termination, the Tenant shall pay to Landlord its damages, reasonable attorney's fees and court costs in any action for possession. Tenant

shall pay to Landlord as liquidated damages a sum equal to 200% of the Base Rent then applicable for each month or portion thereof Tenant shall retain possession of the Premises or any part thereof after the termination of this Lease.

Section 13.2. Showing the Leased Premises. During the last ninety (90) days of the term hereof, Tenant shall allow Landlord, or its agents, to show the Leased Premises to prospective tenants or purchasers at such times as Landlord may reasonably desire.

Section 13.3. Successors. All rights and liabilities herein given to, or imposed upon the respective parties hereto, shall extend to and bind the heirs, executors, administrators, successors and permitted assigns of the parties. All covenants, representations and agreements of Landlord shall be deemed the covenants, representations and agreements of the fee owner from time to time of the Leased Premises and Landlord shall be automatically released of all liability under this Lease from and after the date of any sale by Landlord of the Leased Premises. All covenants, representations and agreements of Tenant shall be deemed the covenants, representations, and agreements of the occupant or occupants of the Leased Premises.

ARTICLE XIV. BROKER'S FEES

Tenant and Landlord hereby warrant that there are no brokerage commissions due in connection with this Lease.

ARTICLE XV. NO ASSIGNMENT

Tenant shall not assign this Lease or sublet all or any portion of the Leased Premises, either directly or indirectly, without the prior written consent of Landlord. No assignment, sublease or transfer of this Lease by Tenant shall (i) be effective unless and until the assignee, subtenant or transferee expressly assumes in writing Tenant's obligations under this Lease, or (ii) relieve Tenant of its obligations hereunder, and Tenant shall thereafter remain liable for the obligations of the Tenant under this Lease whether arising before or after such assignment, sublease or transfer.

ARTICLE XVI. SUBORDINATION OF LEASE

This Lease and all rights of Tenant hereunder are and shall be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Leased Premises, including any and all renewals, replacements, modifications, substitutions, supplements and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, Tenant shall promptly upon the request of Landlord execute and deliver an instrument in recordable form satisfactory to Landlord evidencing such subordination; and if Tenant fails to execute, acknowledge or deliver any such instrument within ten (10) days after request therefor, Tenant hereby irrevocably constitutes and appoints Landlord as Tenant's attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any such instruments on behalf of Tenant. Tenant further agrees that in the event any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, Tenant shall not withhold or delay its consent thereto.

ARTICLE XVII. MISCELLANEOUS

Section 17.1. Waiver. The waiver by Landlord or Tenant of any breach of any term, covenant or condition contained herein shall not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of rent hereunder by Landlord or Tenant, respectively, shall not be deemed to be a waiver of any breach by Tenant or Landlord, respectively, of any term, covenant or condition of this Lease regardless of knowledge of such breach at the time of acceptance or payment of such rent. No covenant, term, or condition of this Lease shall be deemed to have been waived by Tenant or Landlord unless the waiver be in writing signed by the party to be charged thereby.

Section 17.2. Entire Agreement. This Lease, and the Exhibits attached hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between Landlord and Tenant concerning the Leased Premises; and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced in writing and signed by them.

Section 17.3. Notices. Any notice, demand, request or other instrument which may be, or is required to be given under this Lease, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

- (a) if to Landlord, at
County of Albemarle
County Executive's Office
401 McIntire Road
Charlottesville, Virginia 22902
or at such other address as Landlord may designate by written notice;
- (b) if to Tenant, at
Crozet Sports Community Foundation, Inc.
c/o Justin Byrd, President
496 Patterson Mill Lane
Crozet, VA 22932-3611
or at such other address as Tenant shall designate by written notice.

Section 17.4. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way do they affect this Lease.

Section 17.5. Partial Invalidity. If any term, covenant or condition of this Lease, or the application thereof, to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected

thereby and each term, covenant, or condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

Section 17.6. Recording. Upon request of either party, a memorandum of lease will be executed and recorded. Such memorandum shall contain any provisions of this Lease which either party requests except for the provisions of Article IV, which shall not be included. The cost of recording such memorandum of lease or a short form hereof shall be borne by the party requesting such recordation.

Section 17.7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Section 17.8. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

TENANT

**CROZET SPORTS COMMUNITY FOUNDATION,
INC.**

By: 
Justin Byrd, President

LANDLORD

This Lease is executed on behalf of the County of Albemarle by Jeffrey B. Richardson, County Executive, following a duly-held public hearing, and pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By: 
Jeffrey B. Richardson, County Executive

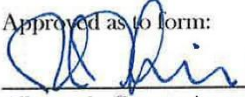
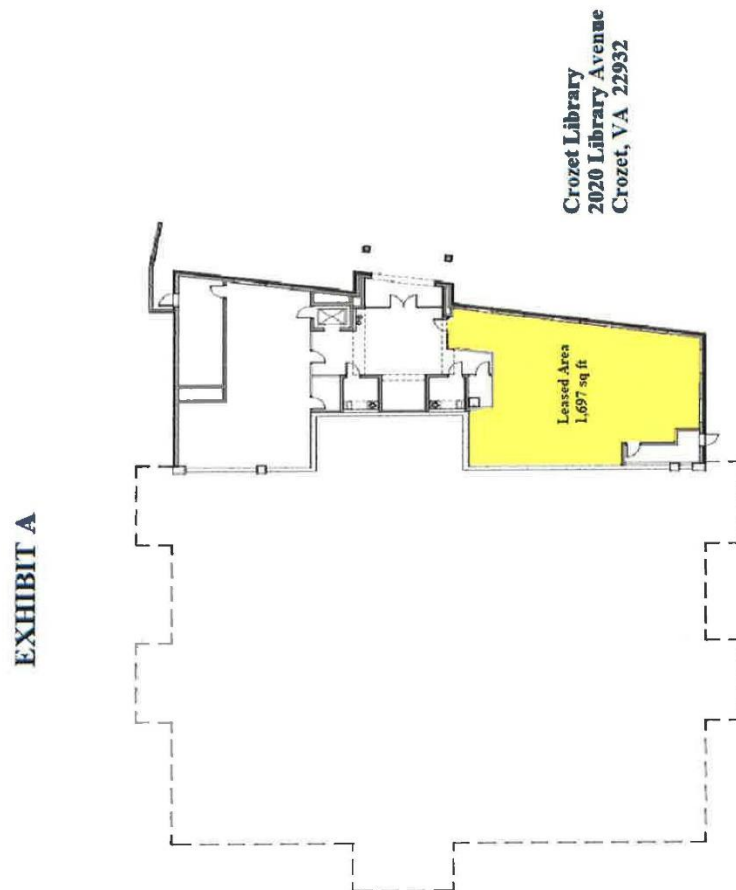
Approved as to form:
 May 12, 2021
Albemarle County Attorney

EXHIBIT A

DESCRIPTION OF LEASED PREMISES

All that certain space (the "Space") situated in the County of Albemarle, Virginia, located on the Ground Floor of 2020 Library Avenue, Crozet, Virginia, containing 1697 square feet, more or less, shown as "Leased Area" on the floor plan attached hereto and incorporated herein. Reference is made to the floor plan for a more particular description of the location of the described space. This Space is a portion of Albemarle County Parcel ID 056A2-01-00-01800, containing 1.41 acres, more or less.



Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Price said she wanted to go back to something that Ms. McKeel started at the very beginning of the meeting as it had been on her mind for months; they have such a wonderful community, and the residents have been so supportive of the actions by County staff, the ambassador program, the IMT, the Blue Ridge Health District, and it is a combination of all of these factors coming together which is why the community is in as good shape as it is, and she wanted to say thank you because it has made all their lives better.

Ms. McKeel said if anyone had not gotten their vaccination, they were still available and please do.

Ms. Mallek said she would put the immunization schedule on Penney's hours in her newsletter going up that week.

Ms. LaPisto-Kirtley said unless everyone wanted to hear about planting milkweed for the Save the Monarch program, otherwise she had nothing.

Mr. Gallaway noted they had sent a letter to some of their representatives regarding the postal service and some of the delays; they did receive a response from Congressman Good, and his response to the letter had been forwarded to the Supervisors for their review.

Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

There was none.

Agenda Item No. 22. Adjourn to May 19, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16)

At 6:45 p.m., the Board adjourned its meeting to May 19, 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.

Chair

Approved by Board
Date: 04/05/2023
Initials: CKB