

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 4, 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, Chair; Ms. Donna Price, Vice-Chair; Ms. Beatrice (Bea) LaPisto-Kirtley, Ms. Ann Mallek, Ms. Diantha McKeel, and Ms. Liz Palmer.

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 stated that the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said that the opportunities for the public to access and participate in the electronic meeting were posted on the Albemarle County website, on the Board of Supervisors' homepage, and on the Albemarle County calendar. He stated that participation included the opportunity to comment on those matters for which comments from the public would be received.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said at Ms. Price's request, Item 8.4 (authorization to schedule a public hearing to adopt an ordinance regarding the formation of a regional cigarette tax administration board) would be pulled and addressed after the consent agenda.

Ms. Price said that Ms. Allshouse would have a few comments to make on that item.

Mr. Gallaway said Item 8.8 would also be pulled from the consent agenda (SE202100024 Bonumose, Inc. Special Exception).

Ms. Price said the minutes for December 18, 2019 in Item 8.1 would be pulled.

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

NAYS: None.

ABSENT: Ms. Palmer.

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

Ms. Price said she had been on vacation the prior week with family for her mother's 91st birthday and thus was not in the County when the micro-storm struck severely in the southern part of the County in the Samuel Miller and Scottsville districts. She expressed her appreciation for Deputy County Executive Doug Walker, Scottsville Mayor Ron Smith, Town Administrator Matt Lawless, and Appalachian Power for keeping her informed of the actions taken to restore electricity and take care of the community through the cooling station at Walton Middle School.

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Ms. Mallek reported that local 4-H members would be selling their livestock at the combined Albemarle-Fluvanna 4-H sale during the Fluvanna County Fair on Saturday, August 21. She said it would begin at 1:00 p.m., with buyers treated to lunch beforehand. She said it would be held at Pleasant Grove Park on the shores of the Rivanna in Palmyra. She said there would be hundred-dollar chickens, goats, and other things to buy, and it would be great to see the children succeed.

Ms. Mallek expressed concern about drought and noted that urban residents who had not been out in the countryside may not be aware of how severe the dryness is. She said streams are drying up in the countryside, and pastures, hayfields, and cornfields are gone. She stated that areas that were formerly green no longer were, even in the lucky areas that got a shower in July. She asked Ms. Palmer and Mr. Richardson to be on high alert and that RWSA be preparing customers for a precipitous drop in supply unless they got rain. She said it happens very quickly at South Fork when things get to that saturation point, sometimes 2-4 feet a day.

Ms. Mallek stated that water consumption would skyrocket when the students returned on the 18th of August. She said they needed to be alert for that so as not to be caught unaware and then have complaints from people saying they had not been told this was going on and so had been using water as

usual.

Ms. Mallek said she had been receiving calls about the United States Postal Service. She said there have been concerns about this for a good year or more, but she had not known until the past week that postal employees at several different stations in the County have been told by their managers they are not allowed to sort or deliver mail until after the packages. She said the packages from Amazon have top priority, and they do not have enough staff to do the mail. She said they are hiring separate people to do only packages, and packages are being delivered on Saturdays and Sundays; it is out of whack. Ms. Mallek said she did not know what they can do except perhaps to talk to the Governor, and maybe the Governor's conference group could get to the President, and she thought it would have to be at that level.

Ms. Mallek said she had received an email that morning from a lobbyist for the coalition against bigger trucks, and she would forward that during the break. She said if anybody had a chance to talk to senators and congressmen, there were transportation amendments again being placed to allow overweight, overlength trucks on federal highways. She said that would then automatically mean that they would be on the country roads, and they were specifically asking for logging trucks right now. She said those are already huge and carry 70,000 to 80,000 pounds routinely; they want to go even higher, and no one is going to be taking care of the road damage that is done from that. She said she hoped people could send off an email or something about that.

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Ms. LaPisto-Kirtley said she understood that pickleball is going very well in Darden Towe, and she thanked everyone.

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Ms. Palmer said she was also out of town the past weekend, by coincidentally very close to where Ms. Price was in North Georgia. She thanked staff and all the citizens that stepped up to help their neighbors handle the terrible storm in Southern Albemarle.

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Ms. McKeel remembered the derechos that had come through a few years back, and said she was really thankful for the residents of Scottsville that nobody was hurt because of how awful those storms can be.

Ms. McKeel said the Supervisors and Planning Commissioners had received in the mail the New York Times bestseller, The Color of Law: A Forgotten History of How Our Government Segregated America. She thanked the anonymous sender and said she appreciated getting it, as it is a fascinating book. She said she would highly recommend the book to anyone who is interested in this type of information.

Ms. McKeel said she had ordered four boxes of coffee through Amazon and failed to note that they needed to be put in one package, and they were sent in four separate boxes. She suggested that people who are ordering try to remember to do that to reduce the number of packages.

Ms. McKeel said with the drought and the many areas with woods and trees and brush around the houses, she hoped that people were really being careful with their cigarettes. She said throwing cigarette butts out of windows or smoking in the woods is a huge concern when it gets this dry. She said she did not know how to notify people or address it or send out alerts, but it would be great to make people aware that they need to be extra careful with their cigarettes and their burning fires.

Ms. McKeel said she had read in the Richmond Times-Dispatch that the state has now launched their historical marker program, and it was exciting that in Charlottesville in the community, an Asian-American Pacific Islander, W.W. Yen, was going to be recognized on a highway marker. She said there was an interesting article that day in the Daily Progress about this gentleman. She said it was nice to see that the historic markers were becoming more diversified and being used these days for African Americans and people of Asian descent.

Ms. LaPisto-Kirtley alerted the Supervisors that she was out of the country and about six hours ahead of everybody and might not be able to remain present for the entire meeting.

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#### Agenda Item No. 6. Proclamations and Recognitions.

There were none presented.

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

Mr. Vipul Patel said he was the property owner of 943 Jefferson Lake Drive of the Scottsville District. He said at the June 2 meeting, which led to the deferral of his homestay application, Board members may have unintentionally misrepresented and/or struggled with respect to his application. He said his comments were not personal but rather an input towards proper governance, as the assumptions and hypotheticals were beyond comprehension.

Mr. Patel said he wished to address the specific concerns of Board members Ms. Palmer, Ms.

Mallek, and Ms. McKeel. He said the current staff report fully addressed their concerns of June 2. He quoted Ms. Palmer as having said: "This feels almost like—legally I know it's not—a rezoning of a residential property..." "We all are discussing 'what ifs'..." "This was clearly designed from the beginning to be a commercial operation..." "This is a hotel, for God's sake..."

Mr. Patel said for the record that Mr. Kamptner had responded, "It is not a rezoning ... reaching the limits of the homestay framework that the Board created when it adopted the ordinances," and Mr. Svoboda had concurred. Mr. Patel said he fully disagreed with the remarks that it was "designed from the beginning to be a commercial operation" and "this is a hotel."

Mr. Patel said that Supervisor Mallek stated, "Applicant said there is no longer a house here." Mr. Patel said for the record, he had never stated such at any time, and the 1942-built house remains intact. He said the "cart before the horse" interjection does not apply. He asked the Board to please accept the fact that he has not sought an excuse or sympathy towards his homestay application permit, and the current renovations were initiated on valid permits issued by the department.

Mr. Patel said that Ms. McKeel had stated, "We've never had a house, property renting five rooms there, and another resident manager, and yet another (referring to the cottage)...We're really putting a lot of people at that ingress/egress...data, past traffic data doesn't make any difference because you had one house, and that people that lived in that house knew that road, to me that makes a huge difference." Mr. Patel said for the record, Jefferson Lake Drive, established by deed of 1942, is a VDOT-approved private entrance. He said that the current staff report further qualifies the driveway: "Historically, Jefferson Lake Drive provided access to six residential units." He said thus the ingress/egress to one house is inaccurate.

Mr. Patel said VDOT crash reports from 2014 to March 2021 indicate none at Jefferson Lake Drive. He said that is nearly seven years of data, provided to staff on June 8. He said that by all standards, crash data is relevant to safety.

Mr. Patel was told his time had expired.

Mr. Gallaway told Mr. Patel that if he had additional comments, he could send the written comments to the Clerk to be part of the official record and made available to the Supervisors.

Mr. Gallaway closed Matters From the Public.

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#### Agenda Item No. 8. Consent Agenda.

Mr. Gallaway said the consent agenda would be minus items 8.4, 8.8, and the December 18, 2019, minutes.

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

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

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Item No. 8.1. Approval of Minutes: November 6, November 20, December 11, and December 18, 2019; April 13, April 22, and May 6, 2020.

Ms. Mallek had read the minutes of November 6, 2019, and found them to be in order.

Ms. McKeel had read the minutes of November 20, 2019, and found them to be in order.

Mr. Gallaway had read the minutes of December 11, 2019, and found them to be in order.

Ms. Price had read the minutes of April 13 and May 6, 2020, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of April 22, 2020, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of November 6, November 20, and December 11, 2019; and April 13, April 22, and May 6, 2020.**

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#### Item No. 8.2. FY2021 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 total change to the Fiscal Year 2021 (FY 21) budget due to the appropriations itemized in Attachment A is \$181,480.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for local government projects and programs described in Attachment A.

**Appropriation #2021086**

<b>Sources:</b>	Donations	\$181,480.00
<b>Uses:</b>	Special Revenue Fund	181,480.00
<b>Net Increase to Appropriated Budget:</b>		\$181,480.00

**Description:**  
This request is to appropriate \$181,480.00 in donations to the County to assist the Blue Ridge Health District (BRHD) for the purchase of a Mobile Vaccine Clinic.

By the above-recorded vote, the Board adopted the resolution (Attachment B) to approve the appropriations for local government and school projects and programs described in Attachment A:

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2021 APPROPRIATION**

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

- 1) That Appropriation #2021086 is approved;
- 2) That the appropriation referenced in Paragraph #1, 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
2021086	3-1000-18100-318100-181109-1001	SA2021086 Donations	\$181,480.00
2021086	4-1722-59000-459000-800380-9999	SA2021086 BRHD Mobile Clinic	\$181,480.00
2021086	4-1000-93010-493010-939999-9999	SA2021086 Transfer BRHD Mobile Clinic	\$181,480.00
2021086	3-1722-51000-351000-512004-9999	SA2021086 Transfer BRHD Mobile Clinic	\$181,480.00

**Item No. 8.3. Amendment of the County’s Purchasing Manual.**

The Executive Summary forwarded to the Board states that in accordance with Virginia Code § 59.1-485, the Department of Finance & Budget’s Office of Procurement adopted electronic signatures as a legal method of signature for procurement documents. Additionally, under the COVID-19 declaration of emergency, the County waived the requirement for contract signatures to be notarized. Although this was to support the continuity of operations during the COVID-19 pandemic, there are benefits to maintaining this process for the County and businesses after the declaration of emergency is rescinded. After the declaration of emergency is rescinded, the Department of Finance & Budget’s Office of Procurement will continue the use of electronic signatures and electronically routing contract documents through a secure platform that is compliant with the Uniform Electronic Transactions Act. Staff recommends permanently removing the requirement that contract signatures be notarized and that this requirement be removed from Chapter 26 of the Purchasing Manual (Attachment A). This will not change notary requirements for other documents, such as bonds.

In addition, staff recommend that the Board approve the following amendments to the Purchasing Manual:

- Chapter 26-2.6 page 1: The inclusion of hyperlinks to the Code of Virginia references for staff and community convenience.
- Chapter 26-2.6 page 6: The clarification of staff position titles in the chart of authorized signatories, the provision of Division Chiefs’ authority for procurement approvals up to \$30,000 (tier 2), and the alignment of this tier from \$25,000 to \$30,000 with State threshold statutes.
- Chapter 22-1 page 2: A minor correction of a typographical error (Attachment B).

There is no budgetary impact.

Staff recommends that the Board adopt the attached resolution (Attachment C) to amend and re-adopt the Albemarle County Purchasing Manual by revising Chapter 26 as set forth in Attachment A and Chapter 22 as set forth in Attachment B.

**By the above-recorded vote, the Board adopted the attached resolution (Attachment C) to amend and re-adopt the Albemarle County Purchasing Manual by revising Chapter 26 as set forth in Attachment A and Chapter 22 as set forth in Attachment B:**

**RESOLUTION TO AMEND AND RE-ADOPT  
THE ALBEMARLE COUNTY PURCHASING MANUAL**

**WHEREAS**, the County of Albemarle Purchasing Manual ("Manual") delineates not only the requirements of the Virginia Public Procurement Act, but also the methods and procedures that best enable the County to procure the highest quality goods and services at a reasonable cost and in an efficient, fair, and competitive manner; and

**WHEREAS**, the Manual was last amended on March 4, 2020; and

**WHEREAS**, the Board finds it is in the best interests of the County to amend the Manual to reflect the County's use of electronic signatures and electronic contract routing in compliance with Virginia Code § 59.1-479 *et seq* (Uniform Electronic Transactions Act) and to make other minor changes to increase the efficiency of the procurement process.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby amends and re-adopts the Albemarle County Purchasing Manual by amending Chapter 26-2.6 and Chapter 22-1.

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## Chapter 26. The Contract

### Summary

This chapter identifies, in general terms, the required elements of a contract entered into for the procurement of goods or services. The specific elements of a contract are set forth in model contracts in Appendix A. This chapter also identifies the procedure for resolving contractual claims. Finally, this chapter establishes the procedure for reviewing and executing contracts.

Essential Information in this Chapter
<ul style="list-style-type: none"><li>• After a contract is awarded, a contract shall be prepared and circulated for review and signature by the vendor and county officers.</li><li>• Before forwarding a contract to the county attorney for review, the contract preparer shall confirm that all contract documents are included and that the certificate of insurance and all bonds or other forms of surety are provided and satisfy the requirements of the invitation for bids or request for proposals.</li><li>• The contract shall be in a form approved by the county attorney.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
<p>§ <a href="#">2.2-4309: Modification of the contract</a> § <a href="#">2.2-4311: Employment discrimination by contractor prohibited</a> § <a href="#">2.2-4311.1: Compliance with federal, state, and local laws and federal immigration law; required contract provisions</a> § <a href="#">2.2-4311.2: Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth</a> § <a href="#">2.2-4312: Contractor required to maintain a drug-free workplace</a> § <a href="#">2.2-4331: Contract pricing arrangements</a> § <a href="#">2.2-4332: Workers' compensation for construction contractors and subcontractors</a> § <a href="#">2.2-4333: Retainage on construction contracts</a> § <a href="#">2.2-4334: Deposit of certain retained funds</a> § <a href="#">2.2-4335: Construction contract provisions barring damages for unreasonable delays void</a> § <a href="#">2.2-4350(B): Separate payment dates</a> § <a href="#">2.2-4354: Payment clauses to be included in contracts</a> § <a href="#">2.2-4363: Contractual disputes</a> § <a href="#">18.2-498.1: Certificate of no collusion</a> § <a href="#">22.1-296.1(C): Certification of Crimes Against Children</a> § <a href="#">59.1-483: Use of electronic records and electronic signatures; variation by agreement</a> § <a href="#">59.1-485: Legal recognition of electronic records, electronic signatures, and electronic contracts</a></p>

## **26-1 General**

After a contract is awarded, a contract shall be prepared and circulated for review and signature by the vendor and County officers. The contract shall be created using the templates maintained by the purchasing agent and approved by the county attorney or otherwise in a form approved by the county attorney. (See Appendix A; contact purchasing agent for current in-use templates) All contracts shall contain the terms and conditions required by this chapter and by law. In no event shall a contract contain clauses requiring mandatory arbitration, indemnification of the vendor by the County, vendor ownership or security interest in property of the County, or broad powers of decision granted to the vendor.

The contract may be a short form contract. This contract specifies the procurement number, the date of execution, the parties to the contract, the contract term, the contract amount, and payment terms. The contract documents, incorporated by reference, include the original invitation for bids or request for proposals, with all addenda, and the vendor's proposal.

## **26-2 Review of Contract and Contract Documents by County Attorney**

Before forwarding a contract to the county attorney for review, the contract preparer shall confirm that all contract documents are included and that the certificate of insurance and all bonds or other forms of surety are provided and satisfy the requirements of the invitation for bids or request for proposals.

The county attorney shall review a contract for the following matters and any other matters identified during review:

### **26-2.1 The Contract**

The contract shall be reviewed by the county attorney for the following:

- Form and substance: The contract shall be in a form approved by the county attorney.
- Identification of the parties: The County shall be identified as the "County of Albemarle, Virginia." The school division shall be identified as the "School Board of Albemarle County, Virginia." The vendor shall be identified by its legal name.

Legal status of the parties: The County shall be identified as being "a political subdivision of the Commonwealth of Virginia." The School Board shall be identified as "a body corporate under the laws of the Commonwealth of Virginia." The legal status of the vendor shall be also stated (e.g., "a Virginia corporation").

- Term of the agreement: The term of the contract shall not commence prior to the date of the County's or School Board's properly authorized representative's signature. Terms of contracts, including renewals, in excess of five years are generally disfavored but may be approved by the purchasing agent if circumstances warrant.
- Included documents: All of the documents listed in the "contract documents" section of the contract shall be included in the contract package.

#### **26-2.2 Required Provisions**

State law requires the inclusion of certain provisions in public contracts. Those required provisions currently include:

- Employment discrimination by contractor prohibited (*Virginia Code* § 2.2-4311) (contracts exceeding \$10,000 in value)
- Compliance with federal, state, and local laws and federal immigration law (*Virginia Code* § 2.2-4311.1) Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth (*Virginia Code* § 2.2-4311.2)
- Drug-free workplace to be maintained by contractor (*Virginia Code* § 2.2-4312) (contracts exceeding \$10,000 in value)
- Statement that the County or the School Board, as applicable, does not discriminate against faith-based organizations (*Virginia Code* § 2.2-4343.1)
- Payments to subcontractors (*Virginia Code* § 2.2-4354)

All County and School Board contracts shall include all provisions required by and in the *Virginia Code*, and shall be subject to, and follow the required form of, subsequent amendment(s) to state law.

The following provisions are required by this purchasing manual to be included in all public contracts:

- Non-appropriation: The continuation of contract past the end of any fiscal year is subject to appropriations by the Board of Supervisors or School Board, as applicable.
- Albemarle County business license requirement.
- Contract interpretation under the laws of the Commonwealth of Virginia.
- Venue in Albemarle County, Virginia.
- Payment and performance bonds (if construction project is \$100,000 or more).
- Compliance with local, state, and federal laws.
- Termination with cause.



The following provisions are recommended by this purchasing manual to be included in all public contracts:

- Non-assignment of contract by either party.
- Termination without cause.
- Hold harmless, indemnification (vendor indemnification of the County, NOT the County indemnifying the vendor).
- Independent contractor.
- Submission and disposition of contract claims.
- Payments to subcontractors.
- Insurance.
- Cooperative procurement, if applicable and approved by the purchasing agent.

The following provisions are PROHIBITED by law and this purchasing manual:

- Dispute resolution by arbitration.
- Indemnification of vendor by the County.
- Payment of vendor's attorney's fees.

### **26-2.3 Certificate of Insurance**

If the invitation for bids or the request for proposals requires that the vendor have insurance during its performance of the contract, the certificate of insurance shall be reviewed for the following:

- Correct type of coverage: The certificate shall identify all of the types of insurance coverage (e.g., general liability, property damage, automobile liability, workers' compensation) required by the invitation for bids or the request for proposals.
- Correct amount of coverage: The certificate shall identify the amount of each type of insurance coverage, which must meet or exceed the amount for that type required by the invitation for bids or the request for proposals. The amount of coverage may be satisfied by combining the amount of insurance for the particular type of coverage with the amount of excess liability or umbrella insurance identified on the certificate of insurance, but only if the insurer provides a written statement that the coverage and the eligibility requirements for the excess liability or umbrella insurance is the same as the primary insurance.
- Term of coverage: The term of the insurance coverage shall begin on or prior to the date of the term of the contract, and shall continue during the full term of the contract. A certificate of insurance that indicates that an insurance policy will expire prior to the end of the contract term may be approved, but the vendor must provide a new certificate of insurance prior to the expiration of that policy.
- County or School Board named as an additional insured: The County or the School Board, as the case may be, must be identified on the certificate of insurance as an additional insured for all types of insurance coverage except for workers' compensation and

professional liability. The County shall be identified as the "County of Albemarle, Virginia." The school division shall be identified as the "School Board of Albemarle County, Virginia."

- Form of the certificate: The certificate shall be on a form approved by the County risk manager, such as the standard Acord 25 form.
- Original certificate: The vendor shall provide a duplicate original certificate of insurance. An original certificate shall be provided upon request of the purchasing agent.
- Signature of insurance agent: The certificate of insurance shall be signed by an insurance agent licensed to do business in Virginia and registered with the Virginia State Corporation Commission Bureau of Insurance.

#### **26-2.4 Bonds and Other Forms of Security**

Security such as performance bonds, payment bonds, or other forms of security shall be reviewed to ensure that they comply with the requirements for security as set forth in Sections 24-3.2, 24-4.2 and 24-5.

#### **26-2.5 Signature of Vendor**

The signature of the vendor shall be reviewed for the following:

- Signatory must be authorized to bind the vendor: The contract shall be signed on behalf of the vendor only by a person who is authorized to contractually bind the vendor. The vendor may be required to provide proof of the signatory's authority prior to approving the contract.
- Title or office of signatory must be identified: The title or office of the signatory shall be identified on a line immediately below his or her signature.

**26-2.6 Authorized County/School Board Signatories**

The following officers are authorized to sign contracts on behalf of the County and/or School Board:

Tier	Annual Contract Value	Authorized Signatories
I	Up to \$5,000	Employees specifically designated by their Department Head or Tier III signatory and who have completed mandatory training
II	Up to \$30,000	County Division Chiefs, School Division Heads, School Principals*
III	Up to \$100,000	Department Heads, County Executive,** School Superintendent** and Superintendent's cabinet
IV	N/A	Purchasing Agent/Chief Procurement Officer***, , Director of Finance/Chief Financial Officer***

\*School principals are authorized to sign only form contracts prepared and approved by the county attorney. Any modification of standard contract terms requires the separate review of the county attorney and signature by a Tier III or IV signatory, depending on the amount.

\*\*The deputy county executive(s) and deputy superintendent are authorized in the absence or unavailability of the county executive and superintendent, respectively.

\*\*\*The deputy chief procurement officer and assistant CFO are authorized in the absence or unavailability of the purchasing agent and director of finance, respectively.

**26-3 Contractual Claims and Dispute Resolution**

A contractual claim shall be made pursuant to the following procedure:

- Time to submit notice of intention to file a claim: The vendor shall submit to the purchasing agent written notice of its intention to file a claim within twenty calendar days after the date of the occurrence of the event on which the claim is based, or within twenty calendar days after the date of the beginning of the work upon which the claim is based, as the case may be. However, if damage is deemed certain in the opinion of the vendor to result from its acting on an order from the County, it shall immediately take written exception to the order.
- Time to submit claim: A contractual claim, whether for money or other relief, shall be received in the purchasing office no later than sixty calendar days after final payment. An untimely notice will be insufficient to satisfy the requirements here, and no claim shall be recognized.
- Form and substance of claim: A claim shall be in writing, shall identify the date of the occurrence or the date of the beginning of the work upon which the claim is based, shall state the basis for the claim, and shall identify the

relief sought. An oral notice or statement will be insufficient to satisfy the requirements herein, and no claim shall be recognized.

- Investigation of claim: Upon receipt of a claim, the purchasing agent shall conduct an investigation and evaluation of the claim. As part of his investigation, the purchasing agent may request that the vendor submit additional information to support his claim and may request the vendor or a representative thereof to appear before the purchasing agent to provide additional information. The purchasing agent also may consult the using department and the county attorney.
- Resolution of claim: The purchasing agent, with the advice and consent of the county attorney, may settle and resolve a claim by mutual agreement of the vendor and the County. If resolution of the claim requires that the County pay additional money to the vendor, the purchasing agent's authority to settle a claim is limited to an amount not exceeding twenty-five percent of the amount of the contract, or \$50,000, whichever is greater. If resolution of the claim requires that the County pay an amount exceeding twenty-five percent of the amount of the contract, or \$50,000, whichever is greater, the purchasing agent shall present the proposed settlement to the Board of Supervisors or the Board's designee as defined in Section 26-4 for its determination.
- Written decision by purchasing agent if claim not resolved: If a claim is not resolved by mutual agreement of the vendor and the County within thirty calendar days of receipt of the claim, the purchasing agent shall notify the vendor in writing of his decision, which shall set forth the reasons for the action taken. The decision of the purchasing agent shall be final and conclusive to the fullest extent provided by law. A vendor may not institute legal action on the claim prior to receipt of the purchasing agent's written decision, unless the purchasing agent fails to render his decision within thirty calendar days after receipt of the claim.
- Payment during pendency of claim: The pendency of a claim shall not delay payment of amounts agreed due in the final payment, provided that the goods or services contracted for have been provided and accepted. The acceptance of the final payment by the vendor shall not constitute a waiver of the vendor's right to timely submit a claim.

The purchasing agent may consult the using department and the county attorney during any stage of the claim process.

#### **26-4 Change Orders**

*Virginia Code § 2.2-4309(A)* provides in part: “[N]o fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of . . . the governing body, in the case of political subdivisions.” The county executive, deputy county executive, or assistant county executive shall act as the designee of the Board of Supervisors for purposes of this review and approval. Approval shall be documented in writing on a form prepared by the purchasing agent or by other verifiable means. Proposed change orders shall receive this review whenever the cumulative total of proposed changes first exceeds twenty-five percent of the amount of the contract or any multiple of twenty-five percent thereafter (such as 50%, 75%, etc.). Modifications that fail to comply with this section are voidable at the discretion of the Board of Supervisors or its designee, and the unauthorized approval of a modification cannot be the basis of a contractual claim.

#### **26-5 Contract Administration and Record Retention**

Unless otherwise determined by the purchasing agent, the using department shall be responsible for the administration of all of the contracts for which it is responsible. Administration begins at the creation of a solicitation and continues from the time of the award of a contract through the completed performance of the work under the contract and acceptance by the County of the work. Administration also includes resolution of disputes through final payment.

Each County department shall designate a person or persons who shall be responsible for contract administration. Designated persons are strongly encouraged to attend any contract administration training provided by the purchasing agent.

Documentation regarding the negotiation, execution, performance, and resolution of a contract should be uniformly and securely maintained in conformity with the Library of Virginia retention schedules. Timely destruction of these records should be made only pursuant to the applicable retention schedules and in the manner proscribed. Documentation of records destruction shall also be appropriately maintained.

Any and all records regarding a procurement shall be delivered to the purchasing agent upon request.

## Chapter 22. Small Purchases

### Summary

This chapter establishes the procedures to be followed when the cost of the goods or nonprofessional services to be procured is not expected to exceed \$100,000, and when the cost of professional services to be procured is not expected to exceed \$80,000. If goods or nonprofessional services are sought to be procured, one of the three following procedures shall apply, depending on the expected cost of the procurement: (1) procurements up to and including \$5,000; and (2) procurements greater than \$5,000 up to and including \$100,000. A separate procedure applies when professional services are being procured.

Essential Information in this Chapter
<ul style="list-style-type: none"><li>• The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$100,000 for goods and nonprofessional services or \$80,000 for professional services.</li><li>• Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner in order to avoid formal procurement procedures that would otherwise apply.</li><li>• The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized.</li><li>• If goods or nonprofessional services are sought, one of three informal procurement procedures applies. A separate procedure applies when professional services are sought to be procured.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
Section 2.2-4303(G): Small purchases for goods and nonprofessional services; professional services

### **22-1   General**

This chapter establishes the procedures to be used for single or term contracts when the aggregate or the sum of all phases is not expected to exceed \$100,000 for goods or nonprofessional services or \$80,000 for professional services.

The following general principles apply to all procurements made pursuant to this chapter:

- Determination of estimated cost of procurement: The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$100,000 for goods or nonprofessional services or \$80,000 for professional services as provided in Section 4-5.

- Providing for competition: These small purchase procedures are intended to provide for competition whenever practicable and shall be applied to further this intent.
- Piecemealing of procurement prohibited: Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner, otherwise split a procurement into multiple procurements, or request or require that the selected vendor invoice the County at intervals, for the purpose of reducing the estimated cost of the procurement to below the applicable purchasing thresholds described in this manual.
- Written request for quotations are preferred: Whenever possible, the request for quotations should be made in writing. Emails are an acceptable form for a written request for a quotation. The written request shall include reference to the Albemarle County General Terms and Conditions or the applicable contract template in use (see Appendix A). If the request is oral, the using department will follow the oral request with delivery to the vendor of the General Terms and Conditions or applicable contract template in use.
- Written quotations are preferred: The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized, in the event that a dispute arises after the order is placed regarding terms or pricing. Emails are an acceptable form for a written quotation.
- Travel and training expenses whose costs not expected to exceed \$50,000 exempt: Travel and training expenses whose costs are not expected to exceed \$50,000 are exempt from the procedures set forth in Sections 22-2, 22-3 and 22-4. These costs, which may include those for job-related training, continuing education, and associated meals, lodging, and other related and authorized expenses, are subject to the approval of the using department and the purchasing agent.
- Purchase order required over \$5,000: A purchase order is required on any purchase over \$5,000.

**22-2 Goods or Nonprofessional Services: Cost Not Expected to Exceed \$5,000**

- Where the estimated cost of goods or nonprofessional services is \$5,000 or less unless exempted (see Part 4), purchases may be made upon receipt of a minimum of one ~~(1)~~ written or telephone (oral) quotation. Additional sources may also be solicited. Other quotes received that were not solicited shall be considered. If more than one quote is received, the award shall be made to the lowest responsive and responsible bidder. A record of the quotation must be kept with the file. If a telephone quote is solicited, a record shall be kept of the name and address of the vendor(s) contacted, the item description or service offered, price quoted, delivery dates and terms, names of persons giving and receiving the prices and

the date the information was obtained. Notation on the requisition form is considered to be an adequate record.

- Additional competition should be sought whenever there is reason to believe a quotation is not a fair and reasonable price.

**22-3 Goods or Nonprofessional Services: Cost Expected to be Greater Than \$5,000 up to and including \$100,000**

If the cost of the goods or nonprofessional services is expected to be greater than \$5,000 up to and including \$100,000, the following procedure shall apply:

- Scheduling: The using department should allow sufficient time for vendor(s) to provide quotations and for the County's evaluation of the quotations and completion of the administration of the contract negotiation and execution process.
- Quotation: The using department shall seek at least three (four, if the cost is expected to exceed \$30,000) written quotations from vendors. When soliciting a quotation, the using department shall describe the goods or services desired, the quantity, the date by which delivery or performance is expected to be made, a statement that the County is seeking competitive quotations, any technical factors that may be evaluated, and the date and time by which written quotations must be received in the office of the using department.
- Posting of public notice: Purchases under this section that are expected to exceed \$30,000 shall require a written solicitation (or request for quotations), the posting of a public notice on the County's website, and may include posting on the Virginia Department of General Services' central electronic procurement website, and/or other appropriate website(s).
- Contents of written quotation: A written quotation submitted by a vendor shall contain the following information: (1) the name of the vendor quoting the offer; (2) the name of the individual quoting the offer; (3) the manufacturer and model of the goods or a description of the services; (4) the pricing and unit price; (5) the payment terms; (6) the promised delivery or performance date; (7) the technical qualifications, if requested; and (8) the date the quotation was made.
- Selection of vendor: The using department shall select the vendor providing the best value or lowest price quotation, depending on the structure of the request for quotations. However, if the vendor fails to provide a written price quotation which contains all of the information required by the preceding paragraph or if the purchasing agent determines that the vendor is not responsible, then the purchasing agent shall select the vendor providing the next best value or lowest price quotation and



shall state the basis for the decision in writing and place it in the procurement file.

The purchasing agent may require that any procurement of goods or services otherwise subject to this section comply with the competitive sealed bidding or competitive negotiation procurement procedures set forth in Parts 2 or 3.

#### **22-4 Professional Services: Cost Not Expected to Exceed \$80,000**

If the cost of professional services (as defined in Section 1-5 of this manual) is not expected to exceed \$80,000, the following procedure shall apply:

- Scheduling: The purchasing agent should allow sufficient time for vendor(s) to provide quotations and for the County's evaluation of the quotations and completion of the administration of the contract negotiation and execution process.
- Negotiation with one or more vendors: If the cost is not expected to exceed \$15,000, the using department is authorized to negotiate with one or more vendors. If the cost is expected to be greater than \$15,000 up to and including \$80,000, the using department shall contact and interview a minimum of three vendors. The negotiations may be conducted either in person or by telephone and shall consist of identifying the services desired, the date by which performance is expected to be made, the qualities of the vendor described in the following paragraph, and the cost for the services.
- Selection of vendor: The using department shall recommend to the purchasing agent the vendor to be selected. If the using department negotiated with more than one vendor, the using department shall recommend the vendor it determined to be the most qualified, responsible, and suitable; cost shall not be the sole determining factor. The purchasing agent shall notify the selected vendor, whose selection shall be contingent upon the County and the vendor entering into a written agreement.
- Written agreement: The purchasing agent shall provide the appropriate template or prepare a written agreement approved by the county attorney.

The purchasing agent may require that the procurement of professional services otherwise subject to this section comply with the competitive negotiation procedure set forth in Part 3.

#### **22-5 Excepted Items from Competitive Requirements**

The purchasing agent has determined that competition for certain goods and services is impracticable because of the nature and value of the goods and services or because these items have historically proven to be available from only a single source. As such, these specific goods and services, as listed in Appendix C, are excepted from competitive requirements, so long as the value

does not exceed the small purchase threshold. The purchasing agent, in consultation with the county attorney's office, is empowered to amend the list without prior approval of the Board of Supervisors.

- **Procedure:** Where a using department's or entity's estimated cost of goods or nonprofessional services does not exceed \$100,000 (or as otherwise restricted herein) for the goods and services detailed in Appendix C, purchases may be made upon receipt of one written quotation. A record of the quotation must be kept with the file and must be consistent with documentation as described in Section 22-2. The document shall also cite the specific exemption from the list in Appendix C. The documentation shall be provided to the purchasing agent or his designee upon request.

Departments should attempt to seek additional competition whenever there is reason to believe a quotation is not a fair and reasonable price.

Purchases of items listed in Appendix C must be accomplished through either a purchase order or a purchase card transaction.

- **Agreements:** Contract templates maintained by the Purchasing Office (see Appendix A) should be used to form all contracts between the County or the School Board and the vendors. Using departments or entities do not have authority to sign agreements provided by a vendor. In no event should a contract that is authorized pursuant to the Exemption List in Appendix C exceed a term of 5 years, including renewals, without express, written permission from the purchasing agent.
- **Record Retention:** Retention and timely destruction of all procurement records relating to exempt purchases (quotation, two-party agreements, purchase justifications, etc.) are the responsibility of the using departments or entities and must conform to the Library of Virginia retention schedules, including but not limited to GS-02.

07/21

22-5

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Item No. 8.5. Authorized a Public Hearing for An Ordinance to Amend County Code Chapter 7, Health and Safety.

The Executive Summary forwarded to the Board states that the County regulates noise from activities and land uses under County Code Chapter 7, Health and Safety, and Chapter 18, Zoning; the County regulates continuous sounds from animals (e.g., barking dogs), under Chapter 4, Animals. The noise regulations under Chapter 7 regulate sounds created from specific sources, such as construction and demolition activities, motor vehicles, electronic devices such as sound amplification equipment, and sounds generated near noise-sensitive institutions such as schools, courts, and hospitals.

County Code § 7-105 prohibits certain sounds, either during specified hours of the day, if the sound produced from the activity is audible from an identified location or distance from the property line, or a combination of both the time of day and audibility. The proposed ordinance would amend County Code § 7105 to prohibit sound produced by loud explosive devices, such as air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, if the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. Virginia Code § 15.2-918 enables localities to prohibit these devices. The proposed ordinance also would expressly state that using these devices is not an exempt agricultural activity as otherwise provided in County Code § 7-106.

There is no expected budget impact.

Staff recommends that the Board schedule a public hearing to consider adoption of the attached proposed ordinance (Attachment A) at a future Board meeting.

**By the above-recorded vote, the Board voted to schedule a public hearing to consider adoption of the attached proposed ordinance (Attachment A) at a future Board meeting:**

**ORDINANCE NO. 21-7( )**

AN ORDINANCE TO AMEND ARTICLE 1, NOISE, OF CHAPTER 7, HEALTH AND SAFETY, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article 1, Noise, of Chapter 7, Health and Safety, is hereby amended as follows:

**By Amending:**

Sec. 7-105        Specific acts prohibited.

**Chapter 7. Health and Safety Article**

**1. Noise**

. . . . .

**Sec. 7-105 Specific acts prohibited.**

It is unlawful for any person to produce sound from the following acts that meets or exceeds the applicable sound levels:

- A. *Motor vehicle or motorcycle operation.* The sound is produced by: (i) the absence of a muffler and exhaust system conforming to Virginia Code §§ 46.2-1047 and 46.2-1049 on a motor vehicle or a motorcycle; (ii) jackrabbit starts, spinning tires, racing engines, or other similar acts in a motor vehicle or on a motorcycle; or (iii) a refrigeration unit mounted on a motor vehicle, and either:
  1. *On a street or on public property.* The motor vehicle or motorcycle is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle or motorcycle; or
  2. *On private property.* The motor vehicle or motorcycle is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle or motorcycle is located; or (ii) from inside a dwelling unit or hotel room.
- B. *Sound producing or reproducing devices.* The sound is produced by any device intended primarily for the production or reproduction of sound and either:
  1. *Device within or on a motor vehicle on a street or on public property.* The device is within or on a motor vehicle that is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle;
  2. *Device within or on a motor vehicle on private property.* The device is within or on a motor vehicle that is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;
  3. *Device within a place of public entertainment.* The device is located within a place of public entertainment, and the sound is audible for a duration of five continuous minutes or more, without an interruption of the sound for 30 or more consecutive seconds during the five minute period, within any one hour period: (i) from a distance of 100 feet or more from the property line of the parcel on which the place of public entertainment is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room;
  4. *Device within a dwelling unit.* The device is located within a dwelling unit and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;
  5. *Device producing outdoor amplified music or serving as an outdoor public address system.* The device is located to produce outdoor amplified music, to serve as an outdoor public address system, or both, including any such device used in conjunction with an agricultural activity, and the sound is not otherwise regulated under subsections (B)(1) through (4) or exempt pursuant to County Code § 7-106, and the sound is audible from inside a dwelling unit or hotel room; or
  6. *Device in other locations.* The device is located other than within or on a motor vehicle, a place of public entertainment, a dwelling unit, or is not producing a sound subject to subsection (B)(5), and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room.
- C. *Off-road vehicles.* The sound is produced by an off-road vehicle operated in a location other than on a street, where the off-road vehicle use is not an authorized primary use under County Code Chapter 18, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the off-road vehicle is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room.

- D. *Proximity to sound-sensitive institutions.* The sound is produced on any street adjacent to any school, hospital, nursing home, or court (hereinafter, collectively referred to as "institutions"), provided that conspicuous signs are posted and visible on the street(s) adjacent to the institution stating that the street is adjacent to a school, hospital, nursing home, or court and either:
1. *Schools and courts.* The sound is audible from inside the school building or the court between the hours of 7:00 a.m. and 10:00 p.m. when the school or court is in session; or
  2. *Hospitals and nursing homes.* The sound is audible from inside the hospital or nursing home.
- E. *Construction, demolition, or maintenance activities.* Either of the following:
1. Sound produced by construction, demolition, or maintenance activities between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
  2. Sound produced by construction, demolition, or maintenance activities related to a public facility, a public use, or a public improvement between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, but which is produced by a contractor of a governmental entity, or a subcontractor of such a contractor, either off-site or outside of the project limits when the project limits are established in writing by the governmental entity, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- F. *Silvicultural activities.* Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to logging activities, between the hours of 10:00 p.m. any day and 6:00 a.m. the following day or at any time if the silvicultural activities, including logging activities, are determined to not be lawfully permitted bona fide silvicultural activities, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- G. *Solid waste collection.* Sound produced by the collection of solid waste between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within a residential zoning district established pursuant to County Code Chapter 18, and between the hours of 10:00 p.m. any day and 5:00 a.m. the following day within any non-residential zoning district established pursuant to County Code Chapter 18, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the solid waste collection activity; or (ii) from inside a dwelling unit or hotel room.
- H. *Yard maintenance activities.* Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing, and snow blowing between the hours of 10:00 p.m. and 7:00 a.m. within a residential zoning district established pursuant to County Code Chapter 18, and between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within any non-residential zoning district established pursuant to County Code Chapter 18, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- I. Loud explosive devices used to repel birds. Sound produced by loud explosive devices, including air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. The use of a loud explosive device is not an agricultural activity exempt from this Article pursuant to County Code § 7-106.

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(Ord. 98-A(1), 8-5-98; Ord. 09-7(3) , 12-2-09; Ord. 13-7(2) 9-4-13; Ord. 16-7(1) , 5-4-16; Ord. 20-7(1) , 3-18-20, effective 5-1-20)

**State law reference(s)** - Va. Code §§ 15.2-918, 15.2-1200.

Item No. 8.6. Albemarle County Fire Rescue (ACFR) Administrative Reorganization.

The Executive Summary forwarded to the Board states that in an effort to keep up with call volume increase and an increased need to support volunteer stations with career staffing, ACFR has seen a significant increase in operational personnel in recent years. This increase has increased support needs on administrative personnel, whose numbers have remained stagnant.

During the last 15 months department growth, retirements and long-term leave of key personnel, and the availability of new tools to accomplish work prompted ACFR leadership to evaluate key positions and changing department needs.

A series of retirements and long-term leave for key personnel within ACFR during a period of department growth and increased need for service prompted ACFR to evaluate the current structure of our administrative personnel against the changing needs of our department. During this process, we evaluated costs, known needs, and feedback from employees in affected positions. As a result, ACFR proposes restructuring the Member Services and Operations administrative staff to better meet the needs of our department (Attachment A).

During the employee feedback process, we consistently heard that employees struggle with work/life balance due to capacity, workload, and the need to take on responsibilities outside the scope of their position. To combat this and stabilize our administrative workforce, ACFR proposes the addition of non-uniformed positions - a fleet mechanic and a member services analyst (Attachment B). The cost of these two new positions will be offset by other fleet repair and personnel savings.

Additionally, ACFR will convert three existing positions from uniformed to non-uniformed roles. After careful evaluation, ACFR determined that the functions of these positions could be accomplished at the same level of effectiveness with non-uniformed personnel while recognizing significant benefits. Filling this position with nonuniformed personnel will allow us to expand our applicant pool to find the person with the right knowledge, skills, and abilities for the job. Additionally, this allows us to eliminate the need for rotating the uniformed personnel back into the field and creates stability in those positions. Finally, converting uniformed positions to non-uniformed positions is more cost-effective.

This proposal realizes a net cost savings while ensuring that our office staff are best aligned to meet the needs of our growing and changing department. Restructuring these positions created additional capacity in the department, addresses unmet needs, and allows work to be accomplished more effectively.

This proposal utilizes personnel savings from retirements and the conversion of uniformed personnel to non-uniformed personnel, as well as operational savings from fleet maintenance savings. As such, there is a net cost-savings for this proposal (Attachment C).

Staff recommends that the Board authorize two new positions, a fleet mechanic and a member services analyst, for Albemarle County Fire Rescue..

**By the above-recorded vote, the Board voted to authorize two new positions—a fleet mechanic and a member services analyst—for Albemarle County Fire Rescue.**

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Item No. 8.7. SE202100020 Homestay Special Exception Anderson.

The Executive Summary forwarded to the Board states that the applicant requests a special exception pursuant to County Code § 18-5.1.48(i) for a homestay at 4800 Mahonia Drive to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125-foot setbacks to 65 feet +/- from the northern property line and 95 feet +/- from the southeastern property line for a homestay use in a proposed basement apartment in the existing primary dwelling.

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

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

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR  
SE2021-00020 ANDERSON HOMESTAY**

**BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the SE2021-00020 Anderson Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the requested special exception would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

**NOW, THEREFORE, BE IT RESOLVED**, that in association with the Anderson Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125 foot northern and southeastern yards required for a homestay in the Rural Areas zoning district, subject to the conditions attached hereto.

\* \* \*

**SE2021-00020 ANDERSON HOMESTAY CONDITIONS**

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the House and Parking Location Exhibit dated July 12, 2021.
2. Homestay use is limited to the existing structures, as currently configured and depicted on the House and Parking Location Exhibit dated July 12, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated July 12, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

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Item No. 8.9. Albemarle Broadband Authority Quarterly Report, **was received for information.**

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Item No. 8.10. Board-to-Board, June 2021, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

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Item No. 8.4. Authorization to Schedule a Public Hearing to Adopt an Ordinance Regarding the Formation of a Regional Cigarette Tax Administration Board.

The Executive Summary forwarded to the Board states that during the 2020 General Assembly session, Virginia counties received enabling authority to levy taxes on the sale of cigarettes, effective July 1, 2021. That legislation encourages local cigarette stamping and tax collection through regional cigarette tax boards.

On December 2, 2020, the Board discussed this new enabling authority and recommended that staff move forward with a process to support the development of a regional board to administer cigarette taxes for this region, 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 to implement the tax.

Albemarle County participated in several informational meetings with the Thomas Jefferson Planning District Commission (TJPDC) staff and members of other jurisdictions about the possibility of establishing a regional entity to administer the cigarette tax on behalf of its member localities.

On March 22, 2021, during a Fiscal Year 2022 (FY 22) Budget Work Session, staff provided an update on the cigarette tax equity impact assessment and provided information regarding TJPDC's discussions with area localities about the potential development of a regional cigarette tax administration board.

On May 5, 2021, the Board adopted a Resolution of Interest in participating in a regional cigarette tax administration board with the understanding that 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. In addition to Albemarle, the following counties have adopted a Resolution of Interest to participate in a Regional Cigarette Tax Administration Board: Augusta, Fluvanna, Greene, Madison, Nelson, and Orange. The City of Charlottesville is in the process of considering whether it wants to participate.

These jurisdictions have met to discuss the role of a regional cigarette tax administration board, ways to share administrative costs, and a timeline of activities required to establish a regional board in FY 22. The regional board would likely be modeled on the Northern Virginia Cigarette Tax Board, which presently serves 19 localities in that part of the state.

The next step in the process is for jurisdictions that desire to form a regional cigarette tax board to schedule a public hearing to consider adopting an ordinance to form a regional tax board, adopt an ordinance, and enter into an operational agreement. Staff are currently working to draft the required ordinance and agreement. TJPDC staff will distribute these drafts to the jurisdictions that have expressed interest in forming a regional cigarette tax board for their review and comment. These documents will be provided to the Board prior to the public hearing.

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; however, no expenditures have been budgeted for this revenue at this time.

Staff recommends that the Board schedule a public hearing on September 1, 2021, to consider adopting an ordinance to form a regional cigarette tax board.

\* \* \* \* \*

Ms. Price said she had asked that this item be pulled from the consent agenda because a copy of the proposed ordinance was not available at the time the agenda was being set. She said in terms of transparency for community members, it made sense to have some discussion. She said at this point, they do not have a final draft but do have indications of where things are going. She said it was important that the Board provide some information to the community members when they do not have the actual ordinance as part of the materials before the meeting.

Ms. Allshouse, Assistant CFO for Policy and Partnership in the Department of Finance and Budget, said she was in attendance with David Blount, Deputy Director and Director of Legislative Services from the Thomas Jefferson Planning District Commission; and Jian Lin, Chief of Revenue Administration.

Ms. Allshouse said she had a few slides to share some information about this ordinance. She noted that Ms. Price had raised a good question about why this ordinance was not attached to this consent agenda item. She said she would share information as to why it was not and how they would be sharing that with the Board shortly.

Ms. Allshouse stated that they were asking for authorization to schedule a public hearing on September 1 to consider adopting this ordinance. She said Mr. Blount was in attendance for any additional questions, as this is an ordinance that the Thomas Jefferson Planning District Commission (TJPDC) is circulating amongst many jurisdictions. She said as the Board may recall from earlier

conversations about the potential regional cigarette tax board, there are seven other jurisdictions that may be joining the TJPDC as they develop a regional board for potentially administering the cigarette tax.

Ms. Allshouse said the initial draft ordinance and agreement was prepared by TJPDC staff; they did it in close coordination with the County, and they had distributed it to other jurisdictions for comments and feedback. She said they would like one ordinance to be used by all the different jurisdictions so that they all use the same ordinance. She noted that the agreement the TJPDC put together was modeled after agreements from Northern Virginia and Southwest Virginia.

Ms. Allshouse said the ordinance would establish a regional board, which would efficiently administer the collection, accounting, disbursement, compliance monitoring, and enforcement of cigarette taxes assessed by localities that desired to join the board, so it would be efficiently done by one entity. She said the regional board would act as the agent of localities for the administration of respective cigarette tax ordinances if they were passed.

Ms. Allshouse stated that the ordinance about the regional board would include an operating agreement, establishing the regional board's powers, duties, and other procedures. She said that the regional board would become effective upon the approval of at least two of the localities that the TJPDC is reaching out to. She said staff will present this proposed ordinance and the operating agreement prior to the opening of the public hearing on September 1, so more information would be shared about it again at the beginning of that public hearing if the Board approves this to go to public hearing.

Ms. Allshouse said there would be an ordinance to set up the regional tax board, and included in that ordinance would be a reference to the actual agreement by the localities to put the board together. She said she wanted to share with the Board of Supervisors a couple of highlights from the agreement that has been drafted and is being circulated. She said the agreement would establish a regional board's powers, duties, and procedures; one representative from each jurisdiction would be a member on the board. She said the board would ensure that the cigarette taxes are assessed and collected according to all the respective ordinance rules and procedures, and it would ensure that the regional board has liability insurance and an administrator that would set up the functions of the board. She said it would regulate their disbursements of receipts and the management of how they manage all the funds. She said the agreement would not be implemented until the adoption of the ordinances and the execution of the agreement by at least two jurisdictions.

Ms. Allshouse said those are the components of what would be presented on September 1 for a public hearing.

Ms. Price thanked Ms. Allshouse for presenting exactly the type of information she thought was important. She said she understood that the draft of the ordinance was now available.

Ms. Mallek asked what the voting majority would be on this board representing the seven jurisdictions and whether it would be just a simple majority if there were a decision to be made.

Ms. Price asked for clarification if there were eight jurisdictions—Albemarle County plus seven others.

Mr. Blount said the voting would be envisioned to be a simple majority. He said they could start out with seven or eight, but there is also an opportunity at the Board's discretion for additional localities to join later, which would then change the number needed to constitute a majority.

Ms. Mallek said if it were an even number, there would have to be a determination whether four/four is a no or a yes.

Mr. Blount agreed that they would have to figure that out.

Ms. McKeel asked if Mr. Blount could run through the jurisdictions for clarification more for the public.

Mr. Blount said four of the five counties were in the planning district region, so in addition to Albemarle County, that would include Fluvanna, Nelson, and Greene. He said also outside of this region were the counties of Madison, Orange, and Augusta counties, and then the City of Charlottesville has expressed interest as well, for a total of eight.

Ms. McKeel said it was good for everybody to know exactly what localities were being talked about.

Ms. Price **moved** that the Board authorize the Clerk to schedule a public hearing on September 1, 2021 to consider adopting an ordinance to form a regional cigarette tax board. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception to allow a “Laboratories/Research and Development/Experimental Testing” use with a gross floor area of 50,000 square feet in the CO Commercial Office Zoning District on Parcel ID 07800-00-00-020F0.

County Code §18-23.2.1 (16) permits “Laboratories/Research and Development/Experimental Testing” uses by-right in the CO Zoning District if the gross floor area is less than 4,000 square feet. Gross floor area of more than 4,000 square feet within a given site would require a special exception by the Board of Supervisors.

The applicant’s request is provided in Attachment A.

Please see Attachment B for staff’s full analysis. Based on the findings therein, staff recommends approval of the applicant’s request with the following conditions:

1. The gross floor area of the Laboratories/Research and Development/Experimental Testing use is limited to 50,000 square feet.

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

\* \* \* \* \*

Ms. Mallek said she had pulled this item from the consent agenda because when she saw it would be limited to 50,000 square feet, it had jogged her memory that they used to have all sorts of fairly arbitrary rules about boxes and sizes and had tried to move away from that so there would be flexibility when a business wanted to grow. She said she would like to get a little more background on why that was included, and she would love it if they can provide more flexibility.

Mr. Langille said the reason that the 50,000-square-foot figure was in there as a condition was because that was what the applicant had asked for in their application.

Ms. Mallek **moved** that the Board adopt the attached Resolution (Attachment C) to approve the special exception request as written. Ms. Price **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

#### **RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR SE 2021-00024 BONUMOSE, INC.**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00024 Bonumose, Inc. 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 §§ 18-23.2.1(16) and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

1. would not be a substantial detriment to adjacent parcels;
2. would not change the character of the adjacent parcels and the nearby area;
3. would be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Commercial Office (CO) district, and with the public health, safety, and general welfare (including equity); and
4. would be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the special exception to allow the gross floor area of the Laboratories/Research and Development/Experimental Testing use to exceed 4,000 square feet, subject to the condition attached hereto.

\* \* \*

#### **SE 2021-00024 BONUMOSE, INC. CONDITION**

1. The gross floor area of the Laboratories/Research and Development/Experimental Testing use is limited to 50,000 square feet.

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Agenda Item No. 9. **Action Item:** Recommended Updates to the Agency Budget Review Team (ABRT) Fiscal Year 2023 (FY23) Application Process.

The Executive Summary forwarded to the Board states that the Agency Budget Review Team (ABRT) was created in 1991 as a joint City/County process utilized to review funding requests received by the City and County from community non-profit agencies. Over the years, the City and County refined the ABRT process to include the use of an objective rating tool and outcome measures, updated criteria, and alignment with funding priorities and human service-related goals. The City and County began to implement separate approaches to the human services non-profit Human Services application review process beginning in FY 2020.



The County's FY 2022 ABRT process continued to include volunteer citizens and County staff members on teams that reviewed and scored funding requests from human services non-profit agencies based on updated County's Human Services goals that included a focus on equity and inclusion and support of the County's COVID-19 goals. The process also included a new grant application software system. The County's ABRT process continues to be supported by a temporary employee and is facilitated by the Department of Finance and Budget in coordination with the Department of Social Services, the Office of Housing, and the Office of Equity and Inclusion. The County's adopted FY22 Budget includes \$1.67 Million in funding for ABRT community non-profit agencies.

After the adoption of the FY 22 Budget, staff provided a comprehensive summary of the ABRT process, including a review of FY 22 ABRT survey results, the application questions and scoring instrument. In addition, interns from the University of Virginia's Frank Batten School of Leadership and Public Policy reviewed the County's FY 22 process and provided recommendations for improvements for the upcoming year.

Based on this review, staff plans to improve the application questionnaire to improve clarity, consistency, and data collection, provide a guideline for reviewers' analysis of agencies' budget requests, discontinue use of a separate ABRT document, incorporate the pertinent information into the FY 23 Recommended Budget document, and provide updates to the ABRT information available on the County's website.

In addition, staff recommends the following FY 23 policy-related changes for the Board's review and approval:

- Reduce the length of time a non-profit has been in operation eligibility requirement from 2 years to 1 year.
- Incorporate a portion of the County's American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SLFRF) into the FY 23 ABRT application process and FY 23 Budget development timeline. This will provide a systematic way for non-profit agencies to request ARPA funding to support the fulfillment of the County's economic vitality and human services goals under this program and will provide an avenue for community partners into the funding development process.

On August 4, staff will bring forth these recommendations for the Board's consideration. If these recommendations are approved by the Board, staff will incorporate these updates into the ABRT FY 23 funding application process slated to begin in late summer.

If approved, a portion of the County's Federal ARPA economic vitality/human services funding would be utilized to provide additional funding for non-profit agencies in FY 23. The amount of funding will be determined through the upcoming budget process.

Staff recommends that the Board support the recommended changes for the FY23 ABRT process.

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Ms. Allshouse said she was there to talk with the Board about the Agency Budget Review Team (ABRT) process for nonprofits that apply for human services funding from the County. She noted that also in attendance were Andy Bowman, Chief of Budget; Kimberly Gardner, grants leader for the County who works with American Rescue Plan Act (ARPA) funding; and John Freeman, who would be managing the ABRT process.

Ms. Allshouse reported that she had about eight slides to go through with some of their recommendations for the ABRT process moving forward. She said staff would like to share these with the Board early in the process to get feedback and concurrence as they head into the program and set this up for the agencies to respond to. She stated that the desired outcome that day was for the Board to consider their recommended updates for the FY23 process, one of the first processes out as they are thinking about FY23 budget development.

Ms. Allshouse stated that many Supervisors who have been on the Board for a longer period of time remember that the ABRT was initially created as a joint City/County process. She said in about FY20, they transitioned to doing the ABRT process just at the County, and the City is doing their process separately. She said in FY20, though, they actually utilized the City's grant portal, so nonprofits would be putting an application in through the City to apply for County funding. She said they also utilized the County's human service goals at that point, and they have a County volunteer and staff member team that was started in FY20.

Ms. Allshouse said they updated their process the prior year in FY22. She said staff thinks of this as continuous improvement, and so they also like to look at their process every year and make improvements as they go along. She said for last year, they updated the human services goals to align with the equity value and noted Ms. Russell had come forward with that the previous year. She said the County also obtained its own application portal. She said this meant that agencies that want to apply for County funding go to the County's website and through the County portal. She said it changed that confusion for agencies about going through a City portal for County funding.

Ms. Allshouse reported that the County ended up with its own electronic application process last year and also has a County-only scoring matrix and questionnaire. She said the County became quite

independent in FY22 with its own application process. Ms. Allshouse said the County had its first year using its own application and its own process: They did surveys of the volunteers that had worked with them; reviewed the grant application; looked again at their goals, process, and scoring instrument; and have a few recommendations going into FY23.

Ms. Allshouse pointed out the recommendations along the bottom of her slide. She said she had another slide on the ARPA funding but wished to pause first for questions about three of the recommendations. She said the first thing staff recommended was that they clarify the application a bit more, as they realized there was confusion on some of the questions. She said they would put some clarifying language in the questionnaire that would be on the application portal and also wanted to add more information on the website for nonprofits about the process.

Ms. Allshouse stated that the second recommendation was to discontinue a separate ABRT report. She said staff had provided this separate report to the Board, in addition to the FY23 budget document, and found that it resulted in some slight confusion. She noted they had this separate report when they had worked with the City, but based on some feedback received, they believed the best thing to do for better understanding and clarity was to incorporate the summary of that information into the actual budget document.

Ms. Allshouse said for many years, including coordination with the City when ABRT was done jointly, there was a requirement that agencies needed to be in business at least two years before they could apply for County funding. She said staff's proposal this year was to reduce it from a two-year requirement to one full year. She said basically an agency could be doing business and showing their outcome and progress for one year instead of two. She said that would definitely be a change, and she wanted to ensure ample time for the Board to consider it.

Ms. Allshouse said staff was recommending that they incorporate a portion of the federal ARPA funding into the ABRT process for FY23. She said this would allow a standard place for outside agencies to apply for consideration for some onetime ARPA funding toward the County's COVID-19 related goals. She paused for questions or comments or discussion on the first three of these goals and recommendations.

Ms. Price thanked Ms. Allshouse for her clear explanation. She said she totally supported the first one; one of the things she appreciates so much about the County is the continuous evaluation done on everything. She said she understood for number two that they were just going to fold the ABRT information into the budget report, and it made perfect sense. Ms. Price said she was not sold yet on reducing the requirement of viability from two years to one year and was open to hear from other Supervisors, as she did understand there are other metropolitan areas that have reduced their requirement from two years to one. She said it made perfect sense to incorporate the process of the ARPA funding or that portion of it into the ABRT process because it works and provides an efficient mechanism.

Ms. Mallek asked how these changes would also affect the arts applications, which County staff has evaluated separately.

Ms. Allshouse clarified that this was only about the human services nonprofits. She said arts and culture are done separately, and this would not affect it, although they always consider good ideas that come out of this for any of their applications. Ms. Mallek noted they might be looking over that process as well, with a similar idea of improvement to reduce confusion, and she would look forward to more of that later.

Ms. Mallek said she was okay with discontinuing the separate report, but it would be very helpful if this were a consolidated chapter in the budget book rather than having it strewn all over the departments. She said she has a very hard time figuring out which department which agency is in, and if she could go to one chapter and have the narrative there, that would help considerably. She stated that she was not in favor of reducing the years and would have to get some very good information to change her mind. She said the area is very prone to nonprofits invented to raise money and provide a salary for the executive director and never do anything. She said the County must be extremely careful with taxpayer money; people have to prove that they are substantial and a stable organization and are really providing a service—not just a flash in the pan for one year. Ms. Mallek said that she supported number four.

Ms. LaPisto-Kirtley concurred with her fellow Supervisors, Ms. Price and Ms. Mallek, regarding one, two, and four, as well as three; she asked for the reasoning behind lowering it from two years to one year. She asked if there was something specific that staff could address at this point and was of a like mind to not reduce it. She said she would like to see someone prove themselves that they are in it for the long haul and really for the benefit of the community.

Ms. Allshouse said staff had done a study and had two Batten Institute students as interns this past year, and they reached out to a lot of other jurisdictions about how they run their agency funding processes. She said staff also looked at ways to make sure that their funding process is open and allows agencies to apply for funding, and this was only to open the door for funding applications, not assurance that they would receive funding. She said staff also thought with bringing in ARPA funding that there might be some agencies that had been around for one year that were doing useful things for the more onetime COVID-related activity. She emphasized that those were the various thoughts staff had as they put that in place and is open to what the Board would like them to do. She said the County has gone with

two years for a long time, and staff stands ready to do whatever the Board would like.

Ms. LaPisto-Kirtley queried whether agencies that had been in there for a year could at least start the application process after a year and a half, for example, which would then allow them after two years to perhaps garner some money.

Ms. Palmer said as far as combining the two documents, she strongly agreed with Ms. Mallek's comment. She stated that the information needs to be in there and needs to be in a similar form so the Supervisors can find it, and she did not want the information reduced.

Ms. Palmer said she was obviously fine for the clarity issue. She said when she had first read the two years versus one year, she had assumed they were doing that because of the ARPA funding. She said if the Board as a whole did decide to go with one year instead of two, it would be a good idea to see a separate list the following year of those that had applied after only one year and whether they were given funding. She said the one year was a little scary to her, but obviously incorporating the ARPA funding was a good idea. She said she had some questions but understood staff was going to say more about it soon.

Ms. McKeel stated that she appreciated the continuous improvement model now that the County has separated from the City process. She said it was great to go back every year and tweak it for needed improvements, not only for the community but also for working through and dealing with this process itself. Ms. McKeel said she was absolutely convinced that clarity and updating the information on the website was the right thing to do. She said she did not mind if the separate report was rolled into the budget book, as that would be easier and would likely help reduce some staff time in not having to produce a whole separate document. She said the Supervisors are used to looking carefully at those descriptions and having them all in one place was great.

Ms. McKeel stated that she was not in favor of the adjusted requirement for the agencies from two years to one. She said she understood the City has done that, but the County does not have to copy the City. She said she appreciated the fact that they had the students that were doing this work, and she had not gotten the impression that they really did a broad survey across the state.

Ms. McKeel said that at the end of the day, she feared that if they went from two years to one, what they are really doing is nonprofit building—and that was not their role as Supervisors with taxpayer dollars. She said there is a lot of support for the hundreds of nonprofits in the community; the Center for Nonprofit Excellence supports them, and the Charlottesville Area Community Foundation supports them in a different way. She said she was pretty stuck on two years before applying.

Ms. McKeel said she did not see any conflict with two years and the ARPA funding. She said the ARPA funding was not going to go on forever, and it would seem to her that they could easily separate out the ARPA funding as being a short-term process because it connects to COVID. She said she doubted that would be going on for years and years, and she thought they could carve that out so that people would understand it and still maintain the two years for nonprofits.

Mr. Gallaway stated that he was good with number one and was open to number two but liked the clarity of being able to see everything in its own report. He said there are some advantages to him when he is reviewing that to have it there; he likes having strategic items in the budget that then connect to that work, and those should be incorporated into the budget book in that way. He said he was certainly not closed to the idea but probably just needed to understand more about what it would look like to include summary info in the budget document, and he could then compare that to what the Supervisors are used to receiving.

Mr. Gallaway said his initial reaction was no different than many of the Supervisors with the change from two years to one, and he was trying to wrap his head around what the circumstance would be for something that only existed a year that would be that special exception. He said there were certainly things that came up during the pandemic, such as nonprofit agencies that quickly formed to address things. He said he suspected there were other processes and avenues to support those efforts in emergency situations, just as there were in reaction to the pandemic, and he did not know if that was enough of an exception to change their process.

Mr. Gallaway added that he certainly agreed with number four.

Ms. Palmer stated that she agreed with the County going its own way on this and not doing it jointly with the City, but it was a good idea to have information on what the City did fund in terms of ones the County funds also. She said she hoped that would be in future updates or budget books so they could keep track of how that was happening.

Ms. Allshouse said Mr. Bowman may want to respond to this because he is in charge of putting the budget book together, which at that point is a recommendation. She said that in thinking about what the City is doing, the County would be trying to coordinate with them to see what they are also recommending. She asked Mr. Bowman if there was anything he would like to add about the budget document and incorporating this information.

Mr. Bowman was not present.

Ms. Allshouse said she would definitely work with him to make sure it was done in the way the

Board was asking. She said she was hearing the Supervisors say they liked the information in the larger book and did not care whether it was a separate book from the budget. She said staff was contemplating summarizing it and making it less wordy, but she was hearing that the Board liked that detail as well. She said she would definitely coordinate with Mr. Bowman to make sure they get the information to the Board as they would like.

Ms. Mallek said as an after-action report rather than during the budget process, it would be good to have that information. She said they have learned there were things that the other jurisdiction had supported for years and just cut off cold turkey that the County was able to carry forward. She said it was good to have that information, but she did not need it before they decided.

Ms. Mallek said this huge amount of ARPA funding requires the County to have an even better process because it is drawing people out of the woodwork just like the people who are besieged when they win the lottery. She said she was grateful that Ms. Birch and Ms. Gardner were watching this so carefully because it will never be seen again, and they must make sure they are doing an excellent job with it.

Mr. Richardson asked if staff had gotten an accounting of the third category, which was a move from two to one.

Mr. Gallaway said the overall consensus was to keep it as is.

Mr. Richardson said he thought that as well but wanted to make sure that staff had clearly gotten the Board direction.

Mr. Richardson asked Ms. Allshouse if the team had talked about the difference with a one-year organization, and if there was financial information available when an organization had been in place for one year that would be in place after two. He said he was thinking about the audit because there is a lag time of usually at least three to six months, and the ABRT process places a high value on getting an understanding of financial stability and where the money is going.

Ms. Allshouse responded that this was a really good point, and staff had not thought about the timing of the audit. She agreed that would be three to six months after the first year, as they would have to close their books before getting an audit—and with that piece added in, she agreed with the Board.

Mr. Richardson said that this was a very helpful discussion, and he appreciated the Board's attention to it.

Ms. Mallek asked if they were requiring the Form 990 to be filed and that it was required to be accurate, and she hoped they were requiring it. She said that she did not want the County to be part of funding when things come to light later that the 990s have not been filed accurately.

Ms. Allshouse said she was not sure personally what the 990 is and asked Ms. Mallek if she was referring to an audit.

Ms. Mallek said someone would be hired to do an audit report, but a nonprofit has to file a 990 with the SCC (State Corporation Commission) every year and has to report on extra income, all board members, etc.

Ms. Allshouse said she would see that as incorporation papers, and organizations are required to upload that information about their organization into the application portal.

Ms. Mallek said that was a first step anyway.

Ms. McKeel said it was important that they have actual documentation of the audit.

Ms. Allshouse reported that she had some more information about ARPA and staff's thoughts about incorporating that funding into this process. She said this provides a systematic way for community partner agencies to submit applications for consideration. She said ARPA is onetime funding and is over a two-year period—unlike CARES (the Coronavirus Aid, Relief, and Economic Security ACT), which had to be done very quickly. She emphasized that ARPA is onetime very special funding with very special considerations. She said they want to make sure it is well known to the nonprofits that the ARPA funds are temporary in nature, which is stated in the funding information.

Ms. Allshouse said the proposals that they receive for ARPA funding must meet the federal eligibility criteria, and one of Ms. Gardner's roles is studying eligibility. She said they would have to meet the federal eligibility requirements, which are to respond to the COVID-19 pandemic or its negative economic impacts.

Ms. Allshouse said they want to make sure the ARPA funding does support the County's economic vitality and human services goals. She said in addition to being eligible for the federal level, they want to make sure they are pushing forward the concepts and the ideas that the County staff felt were advantageous.

Ms. Allshouse stated that staff's thoughts were to move the applications for ARPA funding to a staff team. She said they often involve volunteers in this process, but because of the eligibility criteria

and other items around that, just a staff team would look at those applications. She said they were trying to align the ARPA funding for FY23 so it would be considered as part of the FY23 budget and work in lockstep with that timeline.

Ms. Allshouse explained how the portal would work and said that an agency would enter all their basic information, including whether they are eligible and currently a legitimate nonprofit. She said all those pieces of documentation go in under the agency name. She said they have an option; they can apply for the County ABRT funding and/or they could apply for ARPA funding. She said they were not limiting an agency to one way or the other, but they would have to do a separate application. Ms. Allshouse stated that ABRT funding would have to address the County's ABRT human services goals, which are very detailed. She said if they go the direction with ARPA funding, they will have to meet the ARPA funding federal guidelines and the ARPA goals. She said it comes together at the end as a staff recommendation.

Ms. Allshouse presented a slide of the timeframe and how it works but said they do not have the exact dates yet. She said in the current month of August, they are recruiting volunteers to serve on the ABRT process—many of whom had served before; in September, they would hold an application orientation and then open up the application portal on the website; there would be a due date in October, and they are still working out the exact date of when the agencies must submit their applications online; in November, volunteers and staff teams would do their work; they would complete their scoring in December and provide it to the budget team in the Department of Finance and Budget.

Ms. Price said that she was pleased with the ABRT process, and everything Ms. Allshouse had talked about today confirmed that it is a process that provides for objectivity and decision-making, rather than personality and subjectivity.

Ms. Mallek said the timeframe that applied to both the ARPA and the ABRT can be shared with agencies that were wondering when they should get organized.

Ms. Palmer asked for a quick summary of where things were with respect to taking care of evictions and where the process leads.

Ms. Gardner said they are actually in the process of finishing up a contract with the United Way to fund the emergency assistance program, similar to the one that was done with CARES; that should be done this week, with notice to the United Way by Friday or Monday. She said \$800,000 was going into the program, and they were very excited about that.

Ms. Mallek asked Ms. Gardner if that was for rental assistance or for attorneys to help people not get evicted or both.

Ms. Gardner responded that it was direct help to renters.

Ms. McKeel said she thought Ms. Gardner was saying it goes through the United Way.

Ms. Mallek expressed concern that there was no help available for the people who have already received their paperwork and are about to be thrown out. She said they are getting 10 minutes in court with no attorney and no help. Ms. Mallek said she was going to raise that at the end of the day, and they would talk about it later.

Ms. McKeel said the Supervisors are all appreciative of the community members that are volunteering their time, as this takes an extraordinary amount of time. She said they are really appreciative to them, as well as staff. She said she had been very impressed over the years with how much one-on-one coaching and assistance the team gives nonprofit representatives who are trying to figure out what they did wrong the previous year or how they can improve their applications.

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Agenda Item No. 10. **Action Item:** SE202100018 Beauchamps Homestay Special Exceptions.

The Executive Summary forwarded to the Board states that the applicant has requested three (3) special exceptions in association with the proposed homestay at 943 Jefferson Lake Drive:

1. Increase the Number of Guest Rooms - Pursuant to County Code §18-5.1.48(i)(1)(i), the applicant is requesting a special exception to permit up to five (5) guest rooms, instead of the two (2) guest rooms otherwise permitted by County Code §18-5.1.48(j)(1)(v).
2. Reduce Required Minimum Yards - Pursuant to County Code § 18-5.1.48(i)(1)(ii), the applicant is requesting a special exception to reduce the 125 ft. setback otherwise required by County Code §185.1.48(j)(1)(v).
3. Waive Owner-Occupancy – Pursuant to County Code § 18-5.1.48(i)(1)(iv), the applicant is requesting a special exception to waive the owner occupancy requirement of County Code § 185.1.48(j)(1)(iv), to allow a resident manager for the homestay.

This request was originally discussed at the Board's June 2, 2021 meeting. The application was deferred so that further information could be provided regarding both (a) the number of guest

rooms and their configuration and (b) vehicular access to the property. The original staff analysis from that meeting is provided as Attachment A, with no revisions. Updated information is contained in this staff memo. Though County Code § 18-33, which addresses special exceptions, was amended on June 2, 2021, the relevant provisions did not change with that amendment, but are now found in §18-33.9.

Guest rooms- The proposed homestay would offer five guest rooms, including four on the upper level and one on the lower level, where the resident manager would reside. Homestays may include provisions for dining but guest rooms are not to have provisions for cooking. Please refer to ordinance definitions below.

*Homestay.* "Homestay" means an accessory residential use providing transient lodging and rooms for dining and meetings for use by homestay guests provided that the dining and meeting rooms are subordinate to the homestay use. A homestay use may offer no more than five guest rooms for lodging.

*Guest room.* "Guest room" means a room which is intended, arranged or designed to be occupied, or which is occupied by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

Staff reviewed the proposed floor plan again and found that it complies with these homestay regulations. Provisions for cooking are located only in the resident manager's area of the homestay.

Jefferson Lake Drive- During the June 2 meeting, Board members expressed concerns about the potential for increased traffic. The property is accessed via Jefferson Lake Drive, a private street located along Thomas Jefferson Parkway. Following the meeting, staff consulted with VDOT representatives and the County's transportation planning staff to further evaluate the Jefferson Lake Drive intersection with Thomas Jefferson Parkway. Historically, Jefferson Lake Drive provided access to six residential units, in addition to the two units located on the applicant's property. With the approval of the special use permit to expand the neighboring cemetery, only the homestay property accesses Jefferson Lake Drive.

The homestay is located along a series of curves between Michie Tavern and just past Monticello where drivers are cautioned to travel 20 mph, with numerous road signs going both eastbound and westbound, including "slow" pavement markings. Signage exists to alert drivers to turns at tourist destinations such as Michie Tavern and Monticello. The street sign for Jefferson Lake Drive is clearly visible from Thomas Jefferson Parkway for homestay guests to identify access. Upon booking, the applicant would provide detailed information and directions to the property. There have been no crashes associated with Jefferson Lake Drive based on crash data provided by VDOT dating back to 2016. Homestays are an accessory use to a single-family residence and are not expected to generate more traffic than residential uses accessing Jefferson Lake Drive.

No identifiable impacts would warrant additional condition(s) beyond those specifically attributable to a homestay use, such as larger commercial vehicles accessing the property. To address this impact, staff has recommended an additional condition of approval that prohibits commercial vehicles from accessing the homestay.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve all three special exceptions with the conditions contained therein and listed below:

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the Parking and House Location Exhibit, dated May 10, 2021.
2. Homestay use is limited to a total of five (5) guest rooms, all of which must be within the existing dwelling, as depicted on the Parking and House Location Exhibit dated May 10, 2021.
3. The existing buffer and screening located along the northern and eastern property lines, as depicted on the Parking and House Location Exhibit dated May 10, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)(e) must be established and maintained.
4. No vehicle (a) having a registered gross weight of 16,000 pounds or more, or (b) being more than (i) 25 feet in length, (ii) eight feet in height (including attached accessories and appurtenances), or (iii) 102 inches in width may access the property to serve homestay guests, but such vehicles may access the property for construction, home repair, maintenance, landscaping, and delivery of goods.

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Mr. Svoboda said that SE202100018 was a deferred application for a homestay special exception near Michie Tavern. Mr. Svoboda said at the last meeting regarding this matter, there were questions regarding the definition of a homestay, and staff was asked to verify crash data with VDOT regarding any accidents or those involving sight distance with Jefferson Lake Drive.

Mr. Svoboda presented a slide as a reminder of the area and the commercial character that exists along Thomas Jefferson Parkway. He presented slides of the building, which was constructed as the home there, and a view of it near the parkway. He said the request was for three items: to increase the number of guest rooms, reduce the required minimum yards, and waive the owner

occupancy to allow a resident manager. He stated that he thought with the conditions and the discussion last time that issue number two had been resolved; however, until they get past one or three, number two is not really relevant. He presented a sketch of the guest room floor plan, which they had received a copy of.

Mr. Svoboda said the question of what a homestay was and whether or not they would be required to have dining or meeting space was one issue that had arisen. He said that a traditional conference center or hotel has dining or meeting space that is used for more than just the hotel guests. He said with a homestay, it is accessory to the single-family house, but only the guests are allowed to use the amenities or meeting room. He said when looking at homestays and talking about dining or meeting rooms, those are areas that mainly take place within the room itself that is for rent.

Mr. Svoboda said the traditional B&B that has the breakfast gathering place is not what is being seen in most of these anymore. He said there is a traditional one near PVCC, but those types of B&Bs where everybody meets at the table for dinner are not really being seen anymore. He added that the way the regulation was adopted, one cannot have a dinner party or pool party or conference at a homestay; those amenities or things that take place on the property are only for homestay guests. He said he hoped that helped clarify the dining and/or meeting space question.

Mr. Svoboda described the guestroom or floor plan on the next slide, noting that the basement side has an outside entrance and the manager's quarters there take up at least half of the basement area. He said the other four rooms were upstairs.

Mr. Svoboda stated that they were asked to verify some crash data with VDOT and had received information from Adam Moore, Assistant Resident Engineer. Mr. Svoboda said between June of 2016 and June of 2021, there were just two documented vehicle crashes identified by VDOT within 150 feet of Jefferson Lake Drive, a single car running off the road and one coming out of the cemetery entrance. Mr. Svoboda said they also wanted to verify the number of trips per day and whether VDOT saw homestays increasing any traffic from a single-family residence; VDOT had responded that it was not expected to generate more traffic than a normal residential use, which is generally about 10 trips per day.

Mr. Svoboda presented a slide that covered the special exception criteria, including one for a maximum of five rooms. He said that based on the nonresidential uses of the adjacent parcels in proximity to this, staff did not find the number of rooms to be a detriment to those properties. He said that with the setbacks, there are no single-family dwellings within 125 feet of the property line, let alone the structure itself. He said staff did not find any impacts to the adjacent properties, although they do have some requirements in the conditions for screening.

Mr. Svoboda said the last criterion was to waive owner occupancy to allow a resident manager. He said the owner must reside and be present on a subject parcel; in this particular case, the parcel is owned by an artificial entity, and an artificial entity cannot occupy the building. He noted that due to the commercial nature in the area, staff did not find that the artificial entity in this particular case would cause a change to the surrounding character of the neighborhood. Mr. Svoboda said that when they analyze a special exception, as with a special use permit, it pertains to the particular use proposed on a particular parcel and the character of a particular area.

Mr. Svoboda presented the next slide with some of the conditions in Resolution F. He said limiting vehicles was one of the questions to make sure there would not be recreational vehicles or buses there. He said staff looked at the County code and mirrored what was in the residential neighborhoods about parking of vehicles as in condition number four, as well as addressing the screening.

Ms. Price said the only question she had was regarding the conditions, as this was an artificial entity. She asked if it would be appropriate to add a fifth condition regarding a resident manager or whether that was not required.

Mr. Svoboda replied that the resident manager would be required by ordinance.

Ms. Mallek asked if all four rooms in addition to the resident manager room would be rented to one group of people or if they would be rented to four different people; they each would then have a car, so instead of 10 trips a day, it was more like 40.

Mr. Svoboda said the ability is to rent the four rooms to four different people or guests.

Ms. Mallek stated that she wanted to clarify that they should not assume they were talking about 10 trips a day as with a normal residential property. She commented that she appreciated they may have gotten an entrance permit for the driveway in 1948, but she expected the rules were a lot stricter now. She added that she would leave it alone because VDOT had signed off on it.

Ms. LaPisto-Kirtley referred to the slide and noted there were four guestrooms above and then one below for the resident manager. She asked if there was a guestroom below also.

Mr. Svoboda responded that there was also a guestroom below. He demonstrated the area on the slide for the fifth guestroom, as well as the area for the resident manager. He confirmed there were four rooms for rent on top and one below along with the resident manager's space.

Ms. LaPisto-Kirtley asked if the other small cottage was separate.

Mr. Svoboda replied that the other house located on the property is separate and was not part of this application. He said it would be a long-term rental, not a homestay.

Ms. LaPisto-Kirtley said she was still having a problem with the fact they each have separate entrances and exits, so it is still like a small motel. She asked if the entity that owns this is a separate LLC.

Mr. Svoboda explained that he believed it was incorporated—but for discussion purposes, it is what is called an artificial entity or business entity; it is not owned by an individual.

Ms. LaPisto-Kirtley said if she had an LLC for insurance reasons but owned the property, lived there, and rented it out, that would be one thing. She asked if she was hearing Mr. Svoboda say that it was a separate company not affiliated with this—an artificial entity—that was now renting out these rooms with a resident manager because that was being required.

Ms. LaPisto-Kirtley explained that it was one thing if someone lived there and owned it but had it under an LLC for insurance purposes, as opposed to an artificial business entity that owned it. She asked if instead of someone renting out their house to make some extra money on a property they own, it was a separate business that owned this.

Mr. Svoboda explained that the artificial entity in this case is a sole proprietor and was essentially as she described where the owner lived there and had the artificial entity to protect the property. He said that in this case, it was still that same particular setup as an individual, but they do not live on the property. He said they cannot differentiate between the LLCs. He said that for staff to delve into corporate papers and ownership and a future transfer and condition would be difficult at best; tracking it would be even more difficult to see how things would change hands in that particular case. He said the way the ordinance is written now, either one can or cannot; there is no degree of separation for the LLCs.

Ms. LaPisto-Kirtley asked whether a simple family LLC would be less cumbersome for staff.

Mr. Svoboda responded that it would not, and the way staff would look at it would still be the same—it is still an LLC.

Ms. LaPisto-Kirtley said she was still having some concerns. She said it still seemed to her that since each room can be rented out separately with a separate entrance, etc., it seemed to be more of a motel-like setting.

Ms. Palmer expressed confusion about the first slide. She said she knew County code said that two guest rooms are allowed, and it said five instead of three rather than five instead of two. She asked Mr. Svoboda to explain why he had said three there.

Mr. Svoboda responded that it was a typo, and Ms. Palmer was correct that the request was from two to five. He said it should be three additional rooms up to five.

Ms. Palmer asked if the majority of all five guestrooms had separate entrances.

Mr. Svoboda replied that in this particular proposal, all the rooms have an outside access. He said there is an ability to connect within the building with a hallway, and he pointed out where the old hallways were. He said they essentially all have their own exterior entrance. He said for form, they are all outside; for function, the ordinance does not differentiate inside access or outside access—just access. He said whether they were to put a hallway that connected all the doors inside or went to them all outside, the function is the same, the form is different.

Ms. Palmer stated that when this ordinance was first put in place, she remembered Ms. McCulley talking about the reason for the ordinance as being to allow a homeowner to make some extra money on the side; it was an accessory use to go through this process. She said she had certainly supported the resident manager on larger properties. She provided an example of a situation with a family home on 50 or 100 acres in the rural areas; the parents died, and the family members lived out of state and wanted to try to keep the property in the family. She said this would allow them to make some extra money to pay for the upkeep of the house, and those were the kinds of discussions on the nature of the homestay process. She asked Mr. Svoboda if he had any comments about trying to marry this particular application with that intent of the homestay process. She noted that staff was looking at the surrounding commercial area, but there had been a long discussion about the intent of the ordinance.



Mr. Svoboda stated that the larger voice during public outreach in the rural areas was about the family farm, but it was mixed. He said that also within a commercial-type area, downtown Crozet as an example, there was discussion about tourism and supporting that as one of the Comprehensive Plan goals. He noted that they kind of have their foot on both sides of the fence when it comes to this regulation. He said the bigger concern during the talks, as Ms. Palmer had stated, was that they were more worried about the family farm than the tourism component, but this ordinance and the amendment really were an attempt to address both.

Mr. Kamptner added that the special exception that allows a resident manager was simply to build some flexibility into the regulations so that the Board could evaluate these types of situations on a case-by-case basis—rather than prohibiting them altogether.

Ms. McKeel said they were struggling with the word “homestay” when this really seemed to be more of a small motel. She told Mr. Svoboda that she had seen staff recommendation number four that had been added and had to admit ignorance. She asked what the “registered gross weight of 16,000 pounds or more” actually meant as to what was being limited in practical terms. She asked if it was like one of the vans seen taking people around the vineyards.

Mr. Svoboda responded that it would depend on the size, but he would say no for the term “van” and that it would pertain more to a tour bus. He explained that the language is from their new carefully crafted parking regulation that addresses urban areas and tries to keep larger vehicles to a minimum—if at all—in those areas. He said rather than coming up with an arbitrary number or size or vehicle description, staff had looked at the parking regulation and mirrored that weight.

Ms. McKeel said all of the buses lined up at Michie Tavern would not be able to go down this driveway.

Mr. Svoboda agreed.

Mr. Gallaway said he was not in attendance at the first meeting for this special exception request. He asked Mr. Svoboda to tell him what exists now or would exist if this were denied. He asked about the current state of the property and the long-term tenant.

Mr. Svoboda replied that the current state of the property is that there are two houses, and one house is currently under renovation. He said the proposed resident manager was in the house being renovated, and they are now in the other house. He said they are a long-term tenant and have been on the property for a number of years, perhaps even more than 10 years. He said they are in the long-term rental, which is the second house. He said the house in the photographs where the homestay is proposed has a building permit and is under renovation. He said they are upgrading the electrical work, there is a new roof, they are resolving the water infiltrating the basement, etc. He said it was built in 1942, so there are some upgrades that the owner wants to do; others may be out of necessity for the structure. He noted that basically the outside would be staying the same and trying to maintain its historic character.

Mr. Gallaway confirmed that there was a long-term tenant living there now, and that long-term tenant would be the resident manager if it went forward and would stay a long-term tenant. He asked if they were doing homestays out of the property currently.

Mr. Svoboda replied that there has not been a homestay there before. He said denying the special exception removes the extra bedrooms and some of the other requests, but if it was owner-occupied, they could do two rooms by right.

Mr. Gallaway said he wanted to track his understanding of their own ordinance, asking whether when they allow the resident manager occupancy instead of the owner occupancy, that meant the resident manager could be equated to owner occupancy.

Mr. Svoboda replied that in simple terms, yes.

Ms. Price stated that this property is located within her district, and she had some concerns when this came up before but was satisfied that they had been resolved. She said she appreciated Mr. Kamptner pointing out that the ordinance was designed to provide some flexibility in a case-by-case analysis, rather than a one-size-fits-all decision. She said it was important to note that this property is essentially surrounded by nonresidential; across the street on 53 was Michie Tavern; facing from 53 looking at the property, left, and behind it is a cemetery; to the right and behind it is property owned by the Monticello Foundation. She said it is the only residential property within any significant distance, and the house was in substantial disrepair.

Ms. Price said back to real estate and location, this is what makes this particular application different than applications the Board might receive from a residence in a residential neighborhood. She said there would be no impact on any of the surrounding properties by this utilization. She said it was also important to point out that while there have been major improvements, there has been no change to the footprint of the building itself, and that is substantially different than another application

that they had at a previous time. She said the structural integrity of the building and its exterior have been maintained.

Ms. Price stated that while traffic regulations may have changed, it was important to note that in 1942 when this road was approved, it was for six different residences. She said that a permanent long-term tenant in the separate building, which is not part of this application, the resident manager and up to five rooms being rented, do not comprise a substantial difference from what was approved by VDOT. She said she recently had experienced a family subdivision with an increase of residences being built along the private road where she lives, and she is familiar with what VDOT goes through to ensure there are satisfactory minimum sight distances.

Ms. Price said they could discuss whether it looks more like a mini-hotel or a homestay, but according to Mr. Svoboda and Mr. Kamptner, it does meet the ordinance definition of a homestay. She said when the Board finished with the discussion, she would move that the Board adopt Attachment F with the exceptions contained therein.

Ms. Price said it was not a requirement for her but would be helpful if signs could be placed along 53 both going uphill and downhill, something to the effect of a blind or hidden driveway, to ensure that vehicles are observing the posted speed limit. She said it is somewhat of a harried egress point. She said she did go back to the property and spoke with the applicant again, and though the applicant had wanted and had engineering support to modify that entrance, neither the cemetery nor the Monticello Foundation were willing to grant the approval for him to be able to make those adjustments. She said if there were something that could be done to try and improve the sight safety, she would recommend that, but it was not a requirement.

Ms. Mallek said she was glad they would be discussing the LLC question at a future date because rural area homeowners who live in their house are denied even the ability to apply for a homestay because of the LLC ownership they might have on their farm. She said that was something they could discuss at a future date and thought it was important they do so.

Ms. LaPisto-Kirtley agreed with Ms. Mallek and said it would be very useful in the future to discuss the LLC provision. She asked for confirmation from Mr. Svoboda that the resident manager is currently living in the smaller cottage and after everything is refurbished would be living there.

Mr. Svoboda said that was their understanding from the owner.

Ms. LaPisto-Kirtley said the smaller cottage would be for a long-term rental.

Mr. Svoboda said that was correct.

Ms. LaPisto-Kirtley said she still thought this was more of a commercial project but appreciated Ms. Price's understanding that it is surrounded by commercial and has no residential impact.

Ms. McKeel stated that her questions had been answered, and she appreciated the re-look by VDOT and the additional recommendation. She said she agreed with Ms. Price that it would be great if VDOT would be willing to put up a sign.

Ms. Price **moved** that the Board adopt the attached resolution (Attachment F) with the conditions contained therein for this application SE202100018. Ms. Mallek **seconded** the motion.

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

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

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#### **RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR SE2021-00018 BEAUCHAMPS HOMESTAY**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE202100018 Beauchamps Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the requested special exceptions would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

\* \* \*

#### **SE2021-00018 BEAUCHAMPS HOMESTAY CONDITIONS**

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the Parking and House Location Exhibit, dated May 10, 2021.
2. Homestay use is limited to a total of five (5) guest rooms, all of which must be within the existing dwelling, as depicted on the Parking and House Location Exhibit dated May 10, 2021.

3. The existing buffer and screening located along the northern and eastern property lines, as depicted on the Parking and House Location Exhibit dated May 10, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

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**Non-Agenda Item: Recess.** The Board recessed its meeting at 2:47 p.m. and reconvened at 3:01 p.m.

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Agenda Item No. 11. **Work Session:** CPA2021-01 Crozet Master Plan—Draft Plan Review.

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted a Resolution of Intent to update the Crozet Master Plan on September 4, 2019. The Planning process included four phases:

- Phase 1: Community Visioning (September – December 2019)
- Phase 2: Focus Areas & Design Strategies (January – August 2020)
- Phase 3: Recommendations (September 2020 – March 2021)
- Phase 4: Plan Draft, Review, & Adoption (April – Q3 2021)

The Master Plan update is currently in the fourth and final phase of work: Plan Draft, Review and Adoption. The Planning Commission (PC) reviewed the first full draft of the Master Plan and provided input to staff at its meeting on June 22, 2021 (Attachment A, B, C).

At the June 22 Planning Commission work session, staff presented the Implementation Chapter of the draft 2021 Crozet Master Plan to the Commission and asked for Commission feedback on the proposed Implementation Projects. The Commission recommended some changes to the list of Catalyst and Future projects. The Commission's recommended changes to the Implementation Projects are summarized in Attachment D.

Staff also asked the Commission to weigh in on the full draft of the 2021 Crozet Master Plan and provide a recommendation on whether the Plan is consistent with the County's Comprehensive Plan and asked if they had any additional feedback or suggested changes to the draft Plan. Commissioners unanimously agreed that the draft Plan is consistent with the County's Comprehensive Plan. Several Commissioners suggested minor edits to the draft Master Plan.

Since the June Planning Commission Work Session staff has completed additional revisions to the draft Master Plan based on Commission feedback and continued internal work. A summary of the changes to the draft Plan is provided in Attachment E. The updated draft Master Plan dated 7/14/2021 is provided in Attachment F.

Staff recommends that the Board provide feedback to staff on the 7/14/2021 Draft 2021 Crozet Master Plan (Attachment F) and provide direction on whether the Master Plan is ready to proceed to public hearings and adoption.

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Rachel Falkenstein, Planning Manager in Community Development, said she was joined by her colleagues Victoria (Tori) Kanellopoulos and Michaela Accardi. She said they would be presenting the full draft of the Crozet Master Plan for the Board's review and feedback.

Ms. Falkenstein said the purpose of this item was to receive the Board's feedback on the full draft of the master plan, and staff would like to receive the Board's direction on whether the plan was ready to proceed to public hearing for adoption. She said staff had two questions for the Board's discussion that afternoon. She said the first question was just asking for any general feedback or suggested revisions and a focus on implementation projects based on some Planning Commission feedback they had received. She said they would share that information for the Board to deliberate and discuss. Ms. Falkenstein said secondly, staff was looking for consensus from the Board on whether the Crozet Master Plan was ready to proceed to public hearing.

Ms. Falkenstein stated that the agenda for the work session was a two-part presentation. She said they would give an overview of the draft master plan and would share some information about the process, content, and some recommendations from the Commission. She said the second part would focus on implementation, and staff would share the categorization of the projects and some of the Planning Commission's recommendations for them. She noted that at the end, staff would pause for discussion and feedback.

Ms. Falkenstein began with a little bit of overview of the planning process to develop the draft master plan. She said they had organized their planning process into four phases. She said Phase 1 began in September of 2019 with a series of in-person public workshops, and discussions were focused on the vision for Crozet, community hopes, and concerns. She said at the completion of that phase, staff drafted some updated guiding principles for the master plan document.

Ms. Falkenstein said Phase 2 began discussions of focus areas where staff had received input on goals and draft strategies to address identified guiding principles. She said Phase 2 was also

where in-person gatherings were shifted to virtual meetings due to COVID-19. She said at this point, they began hosting their master plan meetings during the virtual monthly Crozet Citizens Advisory Committee (CAC) meetings. She said they also relied heavily on online engagement through publicinput.com, and the outcome of Phase 2 included conceptual recommendations and implementation projects based on the input they had heard.

Ms. Falkenstein said in Phase 3, they began to refine the goals from Phase 2 and develop draft maps and plans for each chapter, such as a future trails map, a future land use plan, and future streets network. She said they also drafted some written recommendations to support the guiding principles and goals developed in the previous phases.

Ms. Falkenstein said they are currently in Phase 4 in the planning process, and this phase has involved developing draft chapters based on previous input. She said they also had a focus on implementation projects and identifying plan priorities. She said the rollout of vaccines during this phase allowed staff to do a little bit of in-person engagement with some pop-ups using the County's mobile engagement van.

Ms. Falkenstein said the final step of Phase 4 will be public hearings before the Planning Commission and Board of Supervisors for final plan adoption.

Ms. Falkenstein reported that staff had received some feedback that their communication about how community input to the master plan has been used has not been clear and has led to some misunderstanding and frustration, especially from members of the public who have participated in the planning process but did not feel their opinions were fully represented in the draft. She said in an effort to respond to that feedback, staff is trying to provide more clarity around the decision-making and plan-drafting process. She said the community feedback is an important element of the County's Comprehensive Plan process, and staff has made every effort to provide opportunities for interested members of the community to share their vision and weigh in on draft content as it is being developed and shared with the public.

Ms. Falkenstein stated that the Crozet Master Plan update has also included developing new ways of engaging during the COVID-19 pandemic. She said the best way she can describe the community input and how it is used is through a feedback loop. She said their process is iterative rather than linear and involves working with community members, stakeholders, community partners, and elected and appointed officials. She said revisions to plan and draft content are made continually as they make their way through the engagement with various plan stakeholders. She said that often means there are several drafts of the content, and different iterations of maps and recommendations are developed before the plan is final.

Ms. Falkenstein said they developed the graphic shown at the beginning of their planning process to try to communicate this concept of a feedback loop. She said they start with a draft concept and bring it out to the community, listen to their input, try to aggregate the feedback as best they can, and then revise the recommendations. She said the loop continues as they move through the content and engage with the various stakeholders, including the Planning Commission and Board. She said ultimately, the final decision-making and plan adoption lie in the hands of the Board of Supervisors with recommendations from staff and the Planning Commission. She said staff has done their best to represent the input they have heard throughout the process, including that from the community, the CAC, the Commission, and the Board. She said the resulting plan has some elements representing feedback from each of these groups.

Ms. Falkenstein said at the left-hand side of the screen was a list of Planning Commission and Board meetings in which they had reviewed and discussed the master plan content and the draft chapters as they have been developed. She said that was in addition to the list of public engagement activities posted through the two-year planning process. She said a complete list of engagement opportunities is found in Attachment A1 of the materials. She said they have tried to summarize the feedback in the appendix of the draft master plan, and that can be seen in the appendix pages 9-17. She noted that Ms. Kanellopoulos would give an overview of the draft master plan content.

Ms. Kanellopoulos reported that she would be covering an overview of the content of the draft master plan document. She said each of these five chapters begins with an overview and the background for that topic, including the main challenges and opportunities that will be addressed. She said each chapter includes more detailed narrative, recommendations, maps, and plans to support the recommended projects and policies. She added each chapter concludes with the guiding principle for that topic and the goals and supporting recommendations.

Ms. Kanellopoulos stated that she would go through each of those chapters in more detail. She said the introduction chapter starts with a brief summary about community engagement and drafting of the plan, and there is more detailed information found in the appendix of this plan and also as Attachment A1. She said the intro chapter includes guiding principles for each of the subsequent chapters and includes the history of people, development, industries, and schools. She said there are also data and demographics, including more data on recent growth, and the key challenges and opportunities highlight some of the primary themes that will be included in the subsequent chapters.

Ms. Kanellopoulos said the transportation chapter includes the future bike and pedestrian network, which shows future connections for neighborhood centers and districts, a future street network that includes planned future connections such as Eastern Avenue, and potential smaller connections where local streets that almost connect may be able to intersect in the future. She said the street typologies provide recommendations for the design of streets to accommodate the capacity of pedestrians, cyclists, and drivers. She said there are recommended intersection improvements focused on downtown and Route 250, based on the transportation analysis completed by the consulting firm EPR. She said there are opportunities for future transit improvements and recommendations from the downtown parking study that was completed by the consulting firm Kimley-Horn.

Ms. Kanellopoulos stated that the land use chapter includes the future land use plan, which covers centers and districts and also land use categories. She said these categories include the recommended uses, densities, building form and massing, and they prioritize design principles for each category. She said there is more detailed guidance for the middle density residential category in the appendix. She said there is also guidance on centers and districts with more detail for each of those, with particular focus on the downtown center since it is the only town center and is an area of significant importance for community members. She said there is information on housing choice in Crozet, with options for more creative designs that are also compatible with existing scale and are smaller and tend to be more affordable unit types. She said there are other areas of Crozet that are not in centers and districts but are important based on community feedback, including rural edges.

Ms. Kanellopoulos mentioned an update to the block that is bounded by Crozet Avenue, Dunvegan Lane, Tabor Street, and High Street—an area updated from the 2010 designation of neighborhood density residential to middle density. She said this update was made based on Board feedback from the April land use work session to provide more housing choice and affordability, as well as on previous CAC and community feedback to provide more density around downtown and other walkable areas.

Ms. Kanellopoulos said that the other areas section of the land use chapter includes supporting recommendations for this area, such as preservation of historic homes and the mature tree canopy. She noted that these recommendations would only apply if a rezoning request was made for any of these properties, and they would not apply for any by-right development done under the existing R2 zoning. She said there were also some supporting recommendations in the transportation chapter, especially for improving walkability in this area. She said this request was supported by some CAC members who shared comments on this topic during their May meeting; staff has also heard from two property owners in this block who do not support the change.

Ms. Kanellopoulos reported that the conservation chapter includes the parks and green systems plan, which shows connections between recreational areas, schools, neighborhoods, and centers, and also areas with sensitive environmental features to preserve. She said it includes the major parks and trails and supporting recommendations, as well as recommendations for other County-owned properties that are not major parks or schools, such as the stormwater wetlands on Crozet Avenue. She said the section on biodiversity, natural resources, and green systems includes water quality, stormwater management, steep slopes, and tree canopy. She said the cultural and scenic resources section includes opportunities for connections to the nearby rural area and national park and other regional natural areas.

Ms. Kanellopoulos said the implementation chapter starts with an overview of the types of projects, how they are categorized and prioritized, and options for funding. She said the next section of the presentation would cover more of this chapter with more detail.

Ms. Kanellopoulos reported that staff had made updates to the content of these chapters since the June Planning Commission work session, based on the Commission's feedback. She said staff heard that the plan is consistent with the County's Comprehensive Plan, and there is overall support for the draft content and document design. She said there were also some minor edits suggested; these are also included in the Board's attachments in more detail with Attachments C, D, and E. She said some of those changes include clarified language about the engagement process as included in the introduction and appendix sections, clarifying expectations for Crozet as a satellite community within the context of the County and its development areas, more data and context about recent growth in Crozet, and more information about funding sources, cost estimates, and specific projects in the implementation chapter.

Ms. Accardi stated that they would transition to provide an overview about the implementation chapter and how projects are prioritized within it. She said the implementation chapter includes all of the recommended projects from each of the previous chapters, transportation, land use, and conservation, and consolidates them into one chapter. She said more detail is provided on each project, including a cost estimate that is symbolized with dollar signs that reflect a cost range. She said a realization timeline was also provided for each project, referring to the amount of time it will take for a project to be completed from start to finish when everything is in place, including funding sources and land acquisition if applicable.

Ms. Accardi noted that several graphic tools are used in this chapter to categorize projects and make them easy to understand and group. She said three different types of projects are included in this chapter, planning projects are noted with a triangle, policy with a hexagon, and capital with a circle, and the colors from the chapters are used to indicate where each project comes from in the broader master plan document.

Ms. Accardi said these projects are prioritized into catalyst, future, and ongoing categories. She said these reflect priorities from community engagement efforts that staff conducted: community pop-ups, a virtual information session about the recommended projects, a publicinput.com questionnaire, and a Crozet CAC meeting presentation. She said detailed information about the community engagement efforts can be found in Attachment A1 of the staff report, as well as on page 17 of the appendix in the draft master plan.

Ms. Accardi explained that catalyst projects are those that reflect the community's priorities within the master plan and are expected to be completed or have substantial progress completed within the next 10 years. She said some of these projects are phased, and half of the projects that are categorized as catalyst are transportation-related projects reflecting community members' ongoing concerns related to vehicular, bike, and pedestrian connectivity. She said the projects are ordered to reflect community priorities, though not necessarily the order in which they are to be completed. She said this was due to varying project timelines and different upfront needs for the projects to move forward.

Ms. Accardi said the catalyst projects are listed on page seven of the implementation chapter, with a map showing their locations on pages eight and nine. She said examples of these projects include construction of Eastern Avenue, priority sidewalk connections, downtown High Street improvements, and policy projects like updates to the Downtown Crozet zoning district.

Ms. Accardi said the future projects are anticipated to be completed within 10 to 20 years; this longer timeline is anticipated because of their cost, upfront needs, and/or they were not identified by community members as a high priority. She said these projects may happen faster if funding and resource opportunities arise such as grants, redevelopment projects, and/or community partnerships. She said some of these projects are subsequent phases of catalyst projects. Ms. Accardi said the list of future projects is on pages 18 and 19 of the implementation chapter, with a map on pages 20 and 21 showing their locations. She said examples of future projects include downtown wayfinding signage, upgrading Jarmans Gap Road, Railroad Avenue, and Mint Springs Road to rural shared roads, and Route 250 West design guidelines.

Ms. Accardi said the final group is ongoing projects. She said this includes all the remaining recommendations from the chapters that did not have a specific policy or capital project associated with them. She said these are recommendations that incorporate perspectives or data as part of ongoing reviews, such as rezonings or special use permits, or involve collaborations with partner agencies. She said an example of an ongoing project is recommendation 5D from the transportation chapter to work with VDOT to coordinate shoulder widening, pavement markings, and signage on identified rural shared routes during routine paving and maintenance work. She said the list of these projects is on page 36 of the implementation chapter.

Ms. Accardi explained that she would circle back on earlier information that Ms. Kanellopoulos introduced about the Planning Commission feedback on this chapter. She said the Commission recommended that policy projects listed in the catalyst projects group anticipated in the first 10 years be moved to future projects since they are less of a community priority than the bicycle and pedestrian projects they had previously heard about. She said the Commission also recommended moving the Naturally Occurring Affordable Housing Survey and Downtown Neighborhoods Architectural and Cultural Resources Study to the list of catalyst projects, due to anticipated development pressure within the first 10 years of this plan's implementation.

Ms. Accardi presented a slide of the projects that the Planning Commission recommended moving to the catalyst list for higher priority projects: the sidewalk connections, the Naturally Affordable Housing Survey and Recommendations, and the Downtown Neighborhoods Architectural and Cultural Resources Study. Ms. Accardi presented a slide showing the five projects that are currently in the catalyst projects moving to future projects to be completed in 10 to 20 years. She said this was the Planning Commission's recommendation, and these are summarized in Attachment B of the staff report for reference.

Ms. Accardi noted that some of the catalyst projects are listed because they already have funding in place and/or are part of countywide initiatives that are expected to be completed within the timeframe of zero to 10 years, but they do not necessarily reflect the community members' top priorities. Ms. Accardi said this is reflected in the existing draft, and during this work session, staff is seeking more direction on implementation projects that should be included in this zero-to- 10-year category of catalyst projects.

Ms. Falkenstein said she wanted to wrap up by noting the next steps in this project. She said the County's master plans are part of the County's Comprehensive Plan, and so to revise the Comprehensive Plan requires public hearings before both the Planning Commission and the Board of

Supervisors. She said they are tentatively planning to move forward with public hearings for plan adoption in September with the Planning Commission and October with the Board, pending the Board's direction at this meeting. She said they are also continuing to vet the final draft plan that was shared with the Board and partner agencies such as VDOT and RWSA, to ensure consistency with their plans and regulations.

Ms. Falkenstein said she would bring up the points for discussion to remind the Board what direction staff was seeking. She said the first question was whether the Board had any general revisions to the draft master plan and the content presented on the Planning Commission's recommended changes to the implementation projects. Ms. Falkenstein said the second primary question was whether the master plan was ready to proceed to public hearing.

Ms. Price thanked staff for their presentation and noted that substantial work had gone into this from community members, staff, the Planning Commission, and the Board. She noted the complexities and difficulties of trying to achieve a wide-ranging number of objectives, recognizing again the location factor that applies to real estate, as things that might work in one area of the County may not work in another. She commented that Crozet is a very special place, and it has some transportation advantages that the Village of Rivanna, which is also a very special place, does not have as it does not have some of those transportation support mechanisms. She emphasized that there could not be one size fits all.

Ms. Price said she also wanted to acknowledge and recognize the difference between having a master plan for an area as opposed to a plan for a particular proposal development. She said they were not developing a master Crozet but were trying to design a plan that would then allow development within Crozet to achieve the goals that are being set up.

Ms. Price commented that one thing that she struggles with goes back to the middle density housing. She said she wanted to differentiate between this plan and, for example, a planned development in the Norfolk, Virginia area called East Beach. She said East Beach was a planned development, and they were able to intermix throughout the development different types of housing so that there would not be pockets of separated or segregated housing types. She said there might be single-family next to multi-family duplexes. She said she recognized that was more difficult here where there are different parcels of property that can be developed by different applicants over the years. She said it does raise one concern that it appears that the middle density housing is largely set aside into small pockets within Crozet, rather than being more blended into the overall development.

She said that was probably the most significant question that she had and did not know that there was a good answer for it. She said otherwise, she believed probably the answer would be yes to both of the questions.

Ms. Mallek thanked Ms. Price for that lead-in on the most important issue that she wanted to put before the Board. She said she had spoken with staff about this, and Mr. Walker said the Board would have to make this change rather than staff. Ms. Mallek commended everybody who had worked on this plan. She said it had been a long 22 months, and everybody had mostly been cheerful and worked very hard to find middle ground and things that the Board could support. She said they were there in May; they had a draft they had worked with over and over again on various elements, and each element had been discussed in detail. She said while they never would achieve everyone being in agreement, they had a document that could really be supported by the grand majority of people. She said her goal was to be able to come to the Planning Commission with a large number of residents to say they supported this.

Ms. Mallek noted the challenges of having initial staff leave the area, though very able people jumped in to take over in the middle, and then having to shift to virtual. She said there was a very last-minute addition that she asked the Board to consider removing from the draft, and that was the Tabor block middle density on page 25 in the land use chapter. She said it was not even included until June of 2021, and there was no discussion in the community about it. She said that her fear is it will really undermine confidence in master planning all over the County. She said she has had calls from people in other master planned districts asking what was going on here; they read about it and asked if it was going to happen in their neighborhood. Ms. Mallek said she had answered that she did not know but they were working on it.

Ms. Mallek stated that it did not live up to the promises made with the community and the County as a whole in the introduction chapter when it discusses input and the community's vision for its future. She said those were really important elements of 40 years' worth of master planning and Comprehensive Planning in Albemarle County that she wanted to hold onto.

Ms. Mallek said she first got involved in the 1980s when the rural area chapter was beginning to be done. She said that process with a capital "p" is really important in every magisterial district, and she asked the Supervisors to all consider how their residents would feel with this abrupt change. She said in the original overlay district, large historic houses would be encouraged to be able to transition seamlessly to multiple units in a large house, protecting the historic structures and historic trees around them, to now having townhouses and apartments. She said this would require cutting down every one of those trees in that block and tearing down the sixth of seven historic houses there.

Ms. Mallek said this may be ready to be discussed in five or 10 years' time, but in that five years, they will know how many hundreds of units are on J.B. Barnes; they will have the completion of 300 more units at Old Trail, 254 units at Pleasant Green, 120 units at Dominion, and 116 units at White Gables. She said these are all elements which are in the pipeline now that they may not be aware of because they are not shown in this document. She said logically, this is a 20-year future document, but she hoped they would all be aware of the transition that is fast underway.

Ms. Mallek said the demographics and population changes were really important. She said there was a graph that showed the 12% increase in units between 2013 and 2019. She said what was left out was that between 2004 and 2007, 4,000 dwelling units were zoned into Crozet, and this other 12% increase comes after that. She said she hoped the Board would understand the impact on the community when the size of the community is tripled in eight years and how they are working very hard to welcome all of their new neighbors, and the new neighbors are equally frustrated with the traffic jams and everything else.

Ms. Mallek asked the Supervisors to support the good planning efforts that have gone on and take that one column out of the draft.

Mr. Gallaway said this was not on the list of questions for the Board to answer as presented.

Ms. Mallek said it was the general question of general suggestions of changes to the draft; that is number one on her mind.

Mr. Gallaway said he was thinking of procedure with the two questions they have to answer, and Ms. Mallek's was a third question they would need to dive into.

Ms. Mallek said that others could think about it and respond as they go through with their other turns.

Mr. Gallaway asked if Ms. Mallek was asking the Board to remove it and not consider it or if she was asking for a different process if it were to stay.

Ms. Mallek explained that she was asking for what was added in June of 2021 to be removed. She said if that one column comes out, everything else is ready to proceed and go to public hearing, and there would likely be great support for it. She said because the process did not happen and could not happen because of the time involved, she did not think it met the standard of the development of all the rest of the program. She emphasized that she thought this request certainly fell within what their questions were supposed to be focusing on, noting that the number one question was for any suggestions about content in the plan.

Ms. McKeel said she was confused about the process. She said she thought Ms. Price had a question, and she was expecting staff to answer. She said she was used to staff coming in and responding.

Mr. Gallaway suggested going through the round to allow Supervisors to ask questions based on what was presented. He said they would make sure to address Ms. Mallek's concern after the round as well.

Ms. Price asked if there were a way to expand middle density housing more broadly throughout the master plan and the community, rather than have it in separate pockets as it appeared to her, which was part of her concern. She said that in a few weeks, the Board and community would view a presentation on the impacts of land use. She said previously, this had been mostly a racially discriminating sort of situation, whereas today it may be more economic. She said it has lasting impacts on community members that affect the accumulation of generational wealth, and this is a broader and perhaps more political question than the specific land use.

Mr. Gallaway said it certainly seemed connected to the specific area that Ms. Mallek had brought up.

Ms. Falkenstein said it was a little bit connected to the comments that Ms. Mallek had made. She said staff had heard their feedback when they had the work session on land use with the Board in April, and some of the comments were along the lines of wanting to allow more affordability in different areas in Crozet. She said that staff went back to the map and identified the block that Ms. Mallek was talking about currently and expanded the middle density to include that area. She said it was previously neighborhood density residential, and they had changed the land use to neighborhood density. She said certainly there were other areas they could add middle density, but the community feedback has really not supported more growth and additional density. She said they had tried to strike a balance with this last addition to the plan to respond to the Board's feedback but also be sensitive to the community feedback they had heard.

Ms. Price said she appreciated the way that Ms. Falkenstein had articulated a desire to balance various input received and the desires of different constituencies.



Ms. Mallek said the 2005 and 2010 master plans did seek very much to have distributed all different sizes of houses. She said in the data, it talks about how the majority of houses, around 65%, are single family, but they are all different sizes throughout the community. She said one element that was especially popular in the overlay district that was proposed and then withdrawn was that it would encourage larger homes of any size to be able to be divided within, to keep their structures there but have multiple units. She said some of the houses on this particular Tabor block would in 20-50 years, or now, be perfect for that situation because of their locations.

Ms. Mallek said people are having a hard time with the total conflict between different elements of the plan, which is built in—there cannot be 100 units instead of two houses without cutting everything down. She said everybody was in favor and still is in favor of having all different sizes of units. She said they are continually distressed that of those 4,000 units which were zoned into Crozet before 2008, 300 of them were to be affordable, and less than 50 have actually been delivered to people in the income bracket where they were supposed to go. She said they needed to find a different mechanism to get housing done that is permanently affordable.

Ms. Mallek said people are very concerned that just putting in more units is going to be more units like at the Vue, which was supposed to be PHA (Piedmont Housing Alliance) houses for teachers and firemen but is now 126 market-rate units on four acres. She said that the community tremendously supports having all the different sizes of houses all mixed in together, and that is certainly what happens in Old Trai, even in the same block, there are accessory units built in the same way that they are in Belvedere. She said there are some scattered lots along St. George, where there certainly have been cottages built in the backs of some of these houses where the lots were big enough that are already starting to show new units moving in.

Ms. McKeel said she appreciated Ms. Price's question because it is critical to their work.

Mr. Gallaway noted that Ms. LaPisto-Kirtley had some technical difficulties but was back in the meeting.

Ms. LaPisto-Kirtley rejoined the meeting at 3:18 p.m.

Ms. LaPisto-Kirtley said she understood Ms. Price's question about wanting different types of middle density housing throughout, instead of in pockets. She asked Ms. Mallek if the community was for or against middle density housing throughout.

Ms. Mallek said the way it has been discussed in the past was on a parcel-by-parcel basis rather than a giant project. She said in a way, that was what she was hearing from Ms. Price, speaking to having it sprinkled throughout neighborhoods if one or two properties made a change rather than 25 or 30. She said people have been talking about organic growth, smaller units within bigger houses, as the ideal because it kept the familiarity of what the town looked like with its original structures standing.

Ms. LaPisto-Kirtley asked Ms. Mallek to explain what she meant by "multiple units inside one house." She said she had seen large Victorian houses that had been turned into a fourplex and asked if that was what she was talking about.

Ms. Mallek said yes and that garages have been turned into a unit on the same lot. She said several of the houses in the pictures in the draft are candidates for that very purpose, and that was discussed in photographs during the public meetings. She said there was a lot of support for that as a way to increase the availability of different sizes of units for different people's needs.

Ms. LaPisto-Kirtley asked if Ms. Mallek was talking about turning a garage into an affordable housing unit.

Ms. Mallek said that or subdividing a standing house into multiple units inside.

Ms. LaPisto-Kirtley said in other areas, she had seen where garages were turned into living units, and the result was not the best for those who were living there. She said it could be "acceptable," but she was not sure they would want to turn a garage into a living unit because of various standards where people might try to get by with the bare minimum. She said she could see turning a large house into a duplex or fourplex and thought that addressed Ms. Mallek's issue.

Ms. LaPisto-Kirtley said she was still not quite sure regarding the middle density everywhere. She said she did agree with Ms. Price about spreading the middle density throughout the area.

Ms. Palmer asked to see the two staff questions. She said she did have one revision, and she would like to see that done before it goes to public hearing. She said her concern is definitely the Tabor block of middle density. She said she was concerned about the process as the main issue going forward but was also concerned about heat islands.

Ms. Palmer said she was in Athens, Georgia in the historic district this past week. She said she was really impressed with all the old Victorian houses, some still privately owned, others divided

up into duplexes and fourplexes, etc., and the diversity of living situations in that area. She said she was impressed by the affordability of those apartments, and years ago she had bought a Victorian house that was a multiplex she turned back into a single-family residence. She noted that this flexibility provides for some nice abilities to keep historic properties current.

Ms. Palmer pointed out that she did not think her opinion on what should be done with that property was the question. She said affordability can be brought in without taking away the historic nature, and the community needs more time to talk about that and decide what they want for themselves. She said she agreed with Ms. Mallek and supported her request to just remove that middle density going forward, and then have more discussions with the community on the next master plan update.

Ms. Palmer said she gets a lot of requests from Crozet residents to have a recycling center there. She suggested this as a future project as this development goes forward with consideration or discussion in the community about a place for the recycling center and the best place for one.

Ms. Palmer said if the Tabor block is postponed to a future master plan process, she would be saying yes, it is ready to go to public hearing. She said she was impressed by the job as a whole.

Ms. McKeel said she agreed in general, and the plan shows a lot of work. She said she was hearing Ms. Mallek and Ms. Palmer both having concerns around the process and that something was just presented to the community out of the blue. She asked staff for comments.

Ms. Falkenstein said their process is iterative; there is a lot of ongoing drafting, revising, getting feedback, and making changes to draft content throughout. She said their rationale for that change later in the process was based on the Board's feedback. She said the Board's first work session on the land use content was in April, so that was the first time the Board was able to review and weigh in on the land use plan. She said staff heard the Board's feedback, and in an attempt to respond to that, made a change to the land use plan in May. She said they brought that out to the CAC, presented it, and wanted to hear their feedback and discussion. She said it has moved forward and has been part of the draft since that time; the Planning Commission has also seen it, and now the Board is seeing it for the first time.

Ms. McKeel said she knew how these processes can get misinterpreted sometimes, and she appreciated the community's involvement and staff's attempts to reconcile what multiple groups are saying. She stated that she agreed that she would like to see the middle density spread out more, and having pockets can create other problems.

Ms. McKeel stated that staff had done a great job, especially with the introduction. She said she enjoyed the demographics and the introduction that explained where Crozet is, what it looks like, the land use patterns, and the housing. She noted that the demographics demonstrate a need to bring some more economic diversity in as well as diversity of housing opportunities.

Ms. McKeel asked for help with the lack of interconnectivity. She said cul-de-sacs were mentioned and recalled that VDOT had stopped supporting cul-de-sacs years ago because of lack of connectivity. She said it looked like there were a lot of cul-de-sacs in the new developments; she looks at all of the developments for interconnectivity, which helps to reduce traffic issues. She said she was looking at page 18 and found the Planning Commission discussion very interesting, adding that she agreed with a lot of their comments and suggestions. She asked Ms. Falkenstein to address cul-de-sacs and lack of connectivity and parallel roads, noting that there are certainly lots of concerns by the Crozet residents about traffic.

Ms. Falkenstein said there are a couple of factors that are contributing to the number of cul-de-sacs in Crozet. She said one is the topography and the streams in Crozet, referring to the maps in the parks and green systems chapter. She said VDOT does have recommendations that cul-de-sacs not be built and that interconnectivity be provided, but there are exceptions: if there are critical slopes in the way, if there are streams in the way, or if there is floodplain. She said a lot of the cul-de-sacs are for that reason; some of them are in older neighborhoods that predated those requirements from VDOT.

Ms. Falkenstein stated that moving forward, they have tried to identify areas in the plan where connections can be made if redevelopment occurs, especially in an older neighborhood or parcel that might develop in the future where there could be a connection to that property. She said there were several areas identified in the future street network plan where small connections between cul-de-sacs in close proximity to each other could provide a connection in the future.

Ms. McKeel said that was really helpful for her in the big picture. She said while the Scottsville District and Crozet are very special, the Jack Jouett district is also very special. She said they have old cul-de-sacs that create problems, and she would love to sometimes break out of that model. She said in the areas that they have been able to connect, while sometimes people at first do not appreciate it, they learn how helpful it is to have those connections and use other routes so they do not have to go out onto main roads.

Ms. McKeel commented that she appreciated the suggestion of the change of wording when talking about Crozet being independent. She said she liked the discussion that Mr. Randolph had about the use of “independent” because it is one County; what is done in one area affects another area, and it is important to recognize that all the development areas and rural areas are in this together.

Ms. McKeel said she had a concern about economic development; there are a lot of references in the text around economic development. She said one problem is that there are not enough businesses in Crozet; everybody is having to get on the road and drive to Charlottesville and further into Albemarle County for jobs. She said trying to get businesses to locate in Crozet is critical. She said a few years ago, a hotel chain wanted to build a hotel desperately in Crozet; the problem was that they knew they could fill it Thursday through Sunday with the tourists, but they needed business Monday, Tuesday, and Wednesday, which meant they needed businesses.

Ms. McKeel said the area around Starr Hill Brewery and Acme Visible is a great logical place for business relocation, but it has the wrong zoning. She said if they really are serious about getting jobs in Crozet, she would really hope that they can fast track a zoning update for that area and not have to wait 10 or 15 years; that would be something that would really allow that area to become commercial and move more jobs and businesses into Crozet and would be a win/win. She said the Comprehensive Plan has the wrong zoning and is reducing their ability to put businesses there, and she would love to see the light industrial zoning update brought to the Board pretty quickly.

Ms. Mallek said Ms. McKeel would be thrilled to know that the light industrial flex, the old purple from 2010, always included Starr Hill, and it includes J.B. Barnes, which is now being built, and the 30 acres of Acme. She said that whole area on both sides of Three Notched Road and 240 is called the employment district, which is incredibly important and incredibly supported and has been for 20 years. She said the people who live in Crozet have been very concerned about the employment versus resident number; there is a formula that is not right because there are not enough jobs.

Ms. Mallek said they are absolutely all in agreement with Ms. McKeel, but she thought the zoning was fine. She said Ms. Falkenstein could make sure that she was right, but it is either purple, red, or employment—not heavy industry anymore but light industrial—all the way through there. She said Acme luckily can have no residential because of its superfund situation, so that area is protected absolutely from having any rezoning for residence, which makes her very happy. She said it also has a great railroad access right there. She said that Roger Johnson and J.T. Newberry have that in mind because it is within a year or so of finishing its remediation, and it will be spectacular to get jobs in there.

Ms. McKeel said when she had read this and had seen economic development, she had a nice chat with Roger Johnson, and he had said that staff had reached out to him and asked him to look over this document. Ms. McKeel noted that Mr. Johnson had said that the zoning needed to be dealt with in that area because it was not working for them. She said because jobs are needed in Crozet, and if Mr. Johnson feels like there is a concern, then she would like that double-checked.

Ms. Falkenstein said they had gotten the feedback from question one, and the second question was whether the master plan was ready to proceed to public hearing.

Ms. McKeel said she would agree for the most part, although she still had a couple of concerns about the density and where it was located; in general, she would say yes. She said she wanted to see what the other Supervisors had to say.

Mr. Gallaway asked about the piece in the presentation which Ms. Kanellopoulos had said some CAC members supported, and two property owners did not. He asked if that was speaking to the specific block issue that Ms. Mallek had brought up; he had missed the reference or the context of that.

Ms. Kanellopoulos said that was in reference to the change to the Tabor block for middle density residential. She said they heard from two out of three total property owners that were not in favor of the change. She said not all CAC members spoke directly on this topic during the CAC meeting, but staff did hear support from some of the members regarding that change.

Mr. Gallaway said he could not find the rationale in the Planning Commission’s minutes for the affordable workforce housing priority review process moving from catalyst to future, and he asked for the rationale behind that vote.

Ms. Falkenstein responded that the rationale was that the Commissioners felt there was development pressure in the neighborhoods surrounding the downtown area, especially as that area redevelops. She said they were afraid there would be teardowns of some existing naturally affordable housing, if it were not studied now with strategies to protect it.

Mr. Gallaway asked if that was why the priority review process was moved from catalyst to future.

Ms. Falkenstein said she had misunderstood the question. She said no, they were thinking those were countywide initiatives and were not priorities for the Crozet community, so they moved those to future priorities.

Mr. Gallaway asked if that was general for all five.

Ms. Falkenstein said correct.

Mr. Gallaway said he could follow the logic of the items in blue being moved to catalyst and could follow perhaps the logic for four of the five below being moved to future, but he did not follow the logic for the affordable workforce housing priority review process. He said he did not see any Planning Commission discussion specific to that and thought the document was coming from the Commission's implementation recommendations. He asked if they had just picked all five or whether they had a conversation about that particular one.

Ms. Falkenstein stated that it was kind of lumped all together. She said the Planning Commission did not talk about that particular one in detail; it was more that these were countywide initiatives that could be moved to lower priorities.

Mr. Gallaway said he could relate his concern with that particular one to the middle density conversation. He said one of his concerns in April was to not have the middle density be capped, and the method to getting in there and not capping it out matters. He said he understood the downsides or the negatives of blocking it into one area, but if it were not put into the plan to allow for some of that density to go, in practice it could get boxed out. He said if the density were not achieved, it would have impact on the growth areas throughout the rest of the County.

Mr. Gallaway said if the Tabor area was a sticking point for the locality and some Supervisors agreed, then he would not necessarily object to understanding the weight of that, but the idea is that areas need to be identified where up to 18 units can be put in to accomplish the affordable housing goal. He said if instead they say they are going to mix it around the community, then those elements of the plan may never come to fruition. He said if the priority review process specifically for affordable units was not part of the plan for a catalyst project, as the incentive to help make that happen, then in practice the theory might never come to be.

Ms. Falkenstein responded that the majority of Crozet is neighborhood density residential, and staff had looked at the middle density category and tried to find places to apply it where it could possibly be used. She said that while some missing middle housing types could theoretically be built in the neighborhood density residential areas with an accessory unit here or there, it would be piecemeal, and they would not get new large-scale housing built.

Ms. Falkenstein asked for more clarity from the Board members who had said they would like to see the middle density mixed around a little bit more. She asked if that meant for it to be applied to more places or integrated more with the other categories or something different.

Mr. Gallaway said at the end of the day, unless it is a problem with the work plan or staffing or resources in Community Development, the affordable workforce housing priority review process should remain a catalyst project and not get moved to a future project.

Mr. Gallaway said he is happy that the change was made for the affordable housing component for the middle density to get up to 18; that was a big piece of this for him back in April. He said he was fine with moving it to the public hearing and was in favor of that. He said he would not be objecting to removing anything if the Board consensus was to move something; there was still a public process that can play out. He said they do have to identify some areas though where these things can exist, but there was ample time to speak to those issues as the process plays out. He said staff should have answers based on the two questions posed, and now they would address the middle density clarification.

Ms. Price agreed with Mr. Gallaway's comments that if they do not designate certain areas for middle density housing, then the greater risk is that there will be none. She said she was supportive of the designated areas for middle density housing as they exist in the proposal; she would not like to see that reduced.

Ms. Price said her broader comment was that it would be wonderful when developers come through and want to do a development if they actually did have a broader variety of housing options that were being offered. She said she did know that the Board had on occasion limited that. She provided an example of one right across from the County Office Building that the Board had approved a number of months ago, but where there was an option to have more than one type of housing, the consensus of the Board was to limit it to one type of housing.

Ms. Price said that they as Supervisors have a responsibility to be supportive when a variety of housing options is being proposed in a development; that would expand this middle density or other types of housing more broadly throughout the community, which is better than having these pockets that are created.

Ms. Mallek referred to the Norfolk planned development that Ms. Price had mentioned and said that Old Trail block 19 was a perfect example, with 19 units per acre. She said even though it may not be called middle density, it would certainly result in that, and it is right across the street from 196 apartments that are just beginning to be occupied. She said the other two places in development now but that do not show up yet are White Gate Farm and Dominion, which are on Three Notched/240 just to the east of the Acme property and are both over 100 units. She said there are different sizes, but they are certainly in that middle density range as far as their color on the map is concerned.

Ms. Mallek said she understood people's concern about one or two here or there, but if they were also keeping the existing ones, they are actually improving the situation. She noted that her great fear is that blocks of currently affordable housing would be demolished and where those people would go when what turns out to be market-rate units end up getting put in there.

Ms. Mallek stated that she would dearly love it if they could have requirements not about these incentive options but about the different sizes of units and permanent affordability. She said maybe they would get there someday, and she absolutely agreed with keeping the priority review process in catalyst because it is essential.

Ms. Mallek commented that she agreed with putting the NOAH study back into catalyst. She said she had thought that was already underway and was floored when she got the draft and saw it was put in the 10-year category. She said they needed to know where the current affordable units were, and there are hundreds in Crozet now that people have not counted because they have been there for 50 years and just have not been part of anything new. She said the yellow things on the map were all places where these units would be spread around.

Ms. Mallek said that the cul-de-sac question was a good one, and Ms. Falkenstein had nailed it completely as far as the older neighborhoods and the steep slopes, etc. She stated that one of the reasons Eastern Avenue Bridge is so important is because that stream is huge; its floodplain is wide, and it needs to connect north and south for the thousand residences that have all been built since 1995 when the bridge went on the construction list. She said all those neighborhoods are beautifully connected and described them between 240 on the north and Lickinghole Creek on the south, Park Ridge, Westhall, Westlake, with many hundreds of houses of all different sizes. She said they do have signs at the end of every cul-de-sac right now saying "future street connection to..." so that residents know that when they move in ahead of time, and that has really helped the whole process to go forward.

Ms. Mallek said that even though she had definitely raised a very strong concern in one place, she wanted to reiterate that the document is understandable, beautifully drawn, and a great improvement over the 40 years beforehand. She said she appreciated staff's work getting there; this was something they could all be proud of, and she would continue to work her hardest on it.

Ms. LaPisto-Kirtley asked if staff would be ready to go forward with the rest of the Crozet Master Plan if they took out the portion Ms. Mallek was concerned about to redo or revamp it or have community input.

Ms. Falkenstein said she thought Ms. Mallek was asking staff to change the land use designation on that block back to neighborhood density residential as it was previously—and that was a change that staff could make, if the Board desired, before coming back to public hearing.

Ms. LaPisto-Kirtley said she thought Ms. Mallek had wanted that one portion that had been brought in June to go back and be worked on by the community.

Mr. Gallaway said Ms. Mallek had meant it for a future date at the next master plan process and not as part of this plan update.

Ms. LaPisto-Kirtley questioned if Ms. Mallek had meant it to be added in as soon as possible after community input and not at the next master plan process.

Mr. Gallaway said the idea was for that piece to be removed and the public hearing held without any piece of that particular property being designated as middle density, other than at a future Crozet Master Plan update perhaps 10 years down the road.

Ms. Mallek explained that if a project came forward, it could do a CMA and a rezoning either sequentially or together, so there would be no absolute that it would have to wait. She said many, many projects over the years have done their map amendment first and then the rezoning; if the world changed and things changed, it would not have to wait that long. She confirmed that she did prefer to go straight to Planning Commission and Board with what is complete and has been done all in the same process and leave this one section out.

Ms. Palmer stated that she agreed with all the comments about spreading out the middle density, and she still had a real problem with this particular place. She said she lives 10 minutes from Crozet and is there all the time. She said she is concerned about heat islands and where the green

spaces are, and that would create some problems with the community. She commented that it would really benefit from waiting and having a full discussion. She said she felt it would be better for everyone if it went back to neighborhood density in this one particular block; other than that, she mostly agreed with what everybody else was saying.

Ms. McKeel said she appreciated what Mr. Gallaway had said because her fear would be ending up with nothing. She said her support was for leaving it in where it is and going to public hearing.

Mr. Gallaway said he thought there was enough public process to allow the Board to get the feedback before deciding whether it would remain. He said there were some that served on the committee who were supportive and some in the community who were not; the public hearing process is supposed to be about determining where they would ultimately be on that. He said he had not had time to consider and make the decision and did not want to remove it and not get the feedback. He said this would obviously be a topic that would be brought up for conversation with the Commission and the next time it is in front of the Board.

Mr. Gallaway asked Ms. Falkenstein if there had been a clear consensus or if they were split.

Ms. Falkenstein said the Board was split on the property on Tabor and whether or not to leave that as middle density. She said generally overall, other than that topic, she was hearing that everyone had said it was ready to move forward.

Mr. Gallaway said that Ms. Price, Ms. McKeel, and he were okay with it staying; Ms. Palmer and Ms. Mallek were clearly for it not staying. He asked Ms. LaPisto-Kirtley if she had definitively said one way or the other.

Ms. LaPisto-Kirtley said she understood the public hearing process, and she thought that would be good. She said she had no problem with it staying.

Mr. Gallaway said four were saying to keep it in. He said this would obviously be a discussion for staff going through the public process. He said if this came back to the Board after going through the process and was a topic that was not well discussed at the Planning Commission level, with staff giving it some consideration, then that would be a miss.

Ms. Falkenstein said that gave her clarity on how to move forward.

Ms. Mallek said one fallback position would be that staff leave it in as something they had started to develop and thought should be officially considered at the next review. She said they have done that in many other master plans over the last 30 years. She said that allows for other things to happen in the next few years, including the huge numbers of units which are already in the pipeline to be constructed, and there may be a different world.

Ms. Mallek stated that putting it in the master plan as a mention for future consideration but postponed for adoption would make it easier for someone to come in between reviews to be able to have the rezoning. She said they have used that argument many, many times: this was something that was in the Comprehensive Plan master plan, but they had not gotten around to it, so it was something that was being considered already. She asked the Board to consider that and said she thought they would have a much more productive public hearing process if that were done.

Ms. Price said four Supervisors said to leave it in and bring it up at the public hearing. She said consensus was pretty clear on the process.

Ms. McKeel agreed that they had consensus.

Mr. Gallaway said all options could be considered by the Board as it comes back to them. He asked Ms. Falkenstein if there were any other things that the Supervisors needed to answer.

Ms. Falkenstein said she had what she needed.

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Agenda Item No. 12. Closed Meeting.

Ms. Price **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider:
  1. The appointment of a Director of Human Resources; and
  2. The appointments to six County advisory committees; and
  3. An appointment to the JAUNT Board of Directors; and
  4. The annual performance of the Clerk; and
- Under Subsection (5), to discuss the expansion of three existing businesses where no previous

announcements have been made of their interest in expanding their facilities at new locations in the County; and

- Under Subsection (6), to discuss and consider the investment of public funds in the Scottsville Magisterial District related to the expansion of an existing business where bargaining is involved and where, if made public initially, the financial interest of the County would be adversely affected; and
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation in two cases regarding breaches of the terms of agreements.

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

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

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Agenda Item No. 13. Certify Closed Meeting.

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

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

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

Mr. Gallaway had left during the closed meeting and returned at 6:05 p.m.

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Ms. Price **moved** that the Board adopt a resolution appointing Ti-Kimena-Mia Coltrane as the Director of Resources.

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

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

**RESOLUTION  
APPOINTING TI-KIMENA-MIA COLTRANE AS THE DIRECTOR  
OF HUMAN RESOURCES**

**BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that, upon the recommendation of the County Executive, Ti-Kimena-Mia Coltrane ("Coltrane") is hereby appointed the Director of Human Resources for the County of Albemarle, Virginia pursuant to Virginia Code § 15.2-512; and

**BE IT FURTHER RESOLVED** that this appointment shall be effective on and after September 20, 2021; and

**BE IT FURTHER RESOLVED** that Coltrane will serve as Director of Human Resources at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

**BE IT FURTHER RESOLVED** that Coltrane will serve as the head of the County's Department of Human Resources; and

**BE IT FURTHER RESOLVED** that Coltrane will act under the supervision of the County Executive.

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Ms. Price **moved** that the Board authorize the County Executive to sign a letter of support pertaining to Project Leppard's expansion. Ms. Mallek **seconded** the motion.

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

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

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Agenda Item No. 14. **Boards and Commissions.**

#### 14.1 Vacancies and Appointments

Ms. Price **moved** that the Board appoint the following individuals to their respective committees:

- **Reappoint** Mr. Roger W. Ray and Mr. Richard D. Keeling to the Acquisition of Conservation Easements (ACE) Committee with said terms to expire August 1, 2024.
- **Reappoint** Ms. Nancy Takahashi and Mr. Craig Jacobs to the Historic Preservation Committee with said terms to expire June 4, 2024.
- **Appoint** Mr. Michael Callahan to the Natural Heritage Committee with said term to expire September 30, 2025.

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

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

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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.

Mr. Gary Grant (Rio District) asked the Board members what they were afraid of from Albemarle County residents, voters, and taxpayers. He asked why the Board was afraid of them and when their fear began. He asked if the Board felt it began in 2014 when Scottsville district Democrat Supervisor and Board Chair Jane Dittmar ordered a uniformed, gun-toting cop into Lane Auditorium at taxpayer expense to guard the Board. He asked if they knew why their Democrat comrade Ms. Dittmar was afraid of Albemarle residents, voters, and taxpayers. He asked if the Board felt like the real fear of them began just a bit later when two and sometimes three uniformed, gun-toting cops began guarding the Board. He asked the Board if they knew what it was that frightened Supervisors at that time or why it was decided to bring in double or even triple armed protection.

Mr. Grant asked, thinking back, if it felt like the Board felt pretty safe in the police-protected downtown County office building through former County Executive Foley's reign that ended in 2016. He asked what happened then to the Board's fear level of Albemarle residents, voters, and taxpayers after they brought in their new Executive, Mr. Jeff Richardson, in late 2017. He asked if the Board had any idea what he has been afraid of about them. He asked the Board if they knew that in the three and a half years that Mr. Richardson has been doing their bidding, he has overseen the addition of plainclothes private security, building fortifications, and public access restrictions (unrelated to COVID). He said the six Democrat Supervisors must have agreed to these changes or the Executive would not have made these changes and made taxpayers pay for them.

Mr. Grant said next up would be their unanimous vote on the local gun control ordinance on August 18 and then the taxpayers' bill from the Executive for more guards, more barriers, and more checkpoints as well. He asked the Board if they felt their increasing fear and greater fortressing of County government might be due to what Ms. McKeel in the September 2017 Daily Progress story called "the challenges of Albemarle's urbanizing locality," or Mr. Richardson's comment in the same story saying that he was joining a "complicated community." Mr. Grant asked if he could get some help with these questions from the six Democrat Supervisors. He asked when their fear began, why they were afraid, and what exactly they were afraid of from Albemarle residents, voters, and taxpayers.

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Ms. Lydia Brunk (Samuel Miller District) said she was in attendance again to speak on the need for eviction prevention in Albemarle County. She said she has been persistent in this issue only because she sees it as so vitally important to the health and wellbeing of the community and its members. She said as part of DSA's (the Democratic Socialists of America's) efforts, and as someone with a major role in organizing their tenant work, she has been running herself ragged trying to recruit and train community members so that they will be able to keep up with the increased evictions whenever they do come. She said they saw increases this month and think they will see more increases when the now-extended moratorium expires again. She said it breaks her heart when she hears one of their court supporters say that they saw two tenants get summarily evicted at their preliminary hearing because they did not have enough people outside the courthouse to reach them and tell them that they could invoke the eviction moratorium.

Ms. Brunk said in her work, they are not lawyers. She said they just give tenants basic information about their rights, and they are doing this as volunteers on top of their other responsibilities. She said the vast majority have other jobs. She said every time she sees what a difference it makes to have even a little knowledge about one's basic rights, it impresses on her just how unfriendly the court system can be to those unfamiliar with it, but yet every time they fail to reach a tenant in time or are out of their depth, it impresses upon her how far they are from what is truly needed.

Ms. Brunk said the day prior, a letter was published with the signature of Charlottesville DSA, in conjunction with the signatures of PACEM (People and Congregations Engaged in Ministry), The Haven, Virginia Organizing, Sin Barreras, CLIHC (Charlottesville Low-Income Housing Coalition), UVA Equity Center, and IMPACT (Interfaith Movement Promoting Action by Congregations Together), calling on the



County to provide legal representation for tenants facing eviction. She said she absolutely stood in agreement with the letter and also asked that the County commit to providing funding for such a program.

Ms. Brunk said she had heard that there is a sentiment among some Board members that rent relief alone should be sufficient to help Albemarle's tenants and that it should be a priority above right to counsel. She said it is her firm belief that programs which provide rent relief can do a world of good, and she absolutely supports them, but there are plenty of tenants who will not be able to access those funds in time to avoid going to court or tenants who are in more complicated situations. She said both rent relief and legal representation are necessary and vital parts of a comprehensive effort to keep people housed.

Ms. Brunk said she knew that when she originally brought up the issue of right to counsel (or eviction prevention, as the funding they are asking for would not be enough to cover all eligible tenants) back in April, the Board of Supervisors talked about getting more information about the Charlottesville program, which has now officially had funds allocated, and the potential costs for a similar program to the County or of the County joining that program. She said she hoped the Board would continue to seek more information and, as feasible, share their findings in the public eye.

Ms. Brunk said the eviction moratorium cannot last forever. She said decisive action is needed.

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Ms. Judy Schlusel (Rio District) said she was a member of the Rio-29 Citizens Advisory Committee (CAC). She said she was in attendance to put a few items on the radar of the Board. She said they all have busy lives but asked that they take a moment and close their eyes, and if she mentioned the words "entrance corridor," what type of image comes to mind. She asked if it could possibly be an image of greenery along a nature trail, peacefully sitting and listening to a babbling brook, sounds of nature, etc. She asked them to open their eyes.

Ms. Schlusel said the Albemarle County website states the guidelines for the entrance corridor designs, and she would quote a pertinent section: "It is to promote orderly and attractive development within these corridors." She said several roads within Albemarle County have a designation of entrance corridor. She said she would like to bring a few of those sections to the Board's attention. She said a business known as Discount Tire came before the site review committee in July and is a proposal to redevelop the Wendy's property on Route 29 across from Fashion Square Mall. She said while she is not against new businesses to help the economy of Albemarle County, what concerns her is whether they really need another automotive-focused business on Route 29.

Ms. Schlusel asked the Board to take a moment or two, longer depending on when they are driving during that time of the day, and if the traffic lights are synchronized, and count the number of automobile businesses that are already in place or in the pipeline from Greene County to the city of Charlottesville. She said theoretically, one could purchase a new car, have the oil changed, have a damaged car repaired, purchase new tires, and purchase automobile accessories, etc. She said the point was that all types of automobile-focused businesses are on this one stretch of the entrance corridor. She asked if this was truly the image they wanted as someone first encounters driving south on 29.

Ms. Schlusel said at countless Board of Supervisors' meetings, there always seemed to be some reference to adding more public transportation. She asked the Supervisors to think outside the box to the future. She asked if more public transportation became a reality whether all these automobile places would really be able to survive.

Ms. Schlusel said the entrance corridor section near John Warner Parkway and Rio Road currently does not have the urban image of an entrance corridor. She said the developer of 999 Rio Road has indicated that the demolition of the existing house has several permits needed to proceed with the project; however, at the present time, the existing house has debris in the front yard. She asked if it was possible for the developer to have someone haul away the trash until all necessary permits are obtained, giving the parcel less of an abandoned image.

Ms. Schlusel said another section of concern is at the corner of the Dunlora Park development at the intersection of Dunlora Drive and Rio Road. She said Phase 1 is just about completed. She said for well over a year, culverts and a fire hydrant had been on the site waiting to be used for Phase 2 while grass continues to grow around the construction material. She asked if there was a timeframe for which construction material should be removed from sites if it is not going to be used immediately.

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Kent Schlusel (Rio District) said that in a few weeks, the Board would probably receive a request to rezone the property on the corner of Rio Road East and John Warner Parkway, commonly known as the Wetzel property. He said the rezoning was deferred by the developer several months ago. He said he attended the Rio Road CAC meeting the past week where the new developer presented his plan. He said first this new developer did not address any of the concerns of the citizens of this area nor even the concerns of several members of the Board. He said the new developer, in his opinion, has significantly changed the entrances and exits of this development that will only make traffic worse. He said the County Attorney at the time said that if it had significant changes, it needed to go through the Planning Commission process.

Mr. Schlusel said he was somewhat confused as to why the Board would even consider this rezoning after it was deferred at this time. He said much of the deferral was based on the need for the Rio Road corridor study that is supposed to examine how the many intersections would work together

along East Rio Road, what type of development should occur, transportation needs, and traffic flows. He said until the study is completed, the Board should not even consider this rezoning request. He said at least two members of the Board stated such previously.

Mr. Schluskel said two other items are of concern to him. He said first is the definition of affordable housing. He said as a person who lived in what was then known as low-income housing for the first 14 years of his life, he has some knowledge of what is needed and what it is. He said he has asked many people to tell him what affordable housing is; everyone seems to have a different definition. He said he had, in fact, asked a member of IMPACT to explain to him what affordable housing was, and she told him that it would take at least one hour to explain. Mr. Schluskel said a concise and accurate meaning of this term was needed so that people can understand it. He said he would also suggest, since much of the affordable housing will have incentives to build, that anyone who occupies affordable housing be required to take a personal financial management course.

Mr. Schluskel said the second item that concerned him was how developers define green space. He said for the Wetzel property, the developer states that he has lots of green space; he includes the floodplain and critical slopes. Mr. Schluskel said these areas are not buildable. He asked why they were included in the green space for the new community when, in reality, it is not green space that the community will be able to enjoy.

Mr. Schluskel said the bottom line for his comments was three points: Do not take any action on rezoning for the Wetzel property until the Rio Road corridor study is completed, reviewed, and public comments received; develop a concise and precise and understandable definition of affordable housing; change how green space for any development is calculated.

Mr. Gallaway closed Matters From the Public.

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Agenda Item No. 16. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said he did not have a full presentation but would have one at the next scheduled Board meeting. He said he would like to just briefly thank the Albemarle County Police Department and all of the public safety officials that were present the evening before at Fashion Square Mall. He said they had an outstanding National Night Out celebration led by the Albemarle County Police Department, with public agencies and several hundred County residents in attendance. He said the evening weather was absolutely perfect to be outside. He said the temperatures were cool; there was a beautiful breeze, and the patrons who attended had a lot of small children. He said their bike team gave away 40 bike helmets to children who attended the event. Mr. Richardson said there were lots of presentations and lots of booths. He said staff that were there had an opportunity to visit with parents and community members, and it was just a wonderful evening.

Trevor Henry reported that he was teeing up an event that would occur on August 29 at Walnut Creek Park in southern Albemarle County. He said that "Seas the Day" is a welcoming event to bring in veterans in the region and active-duty military and their families. He said it is an event that has occurred in various locations over the past several years but was gapped in 2020 with COVID. He said it has been sponsored by several entities—the West Point Society, Seas the Day, Mission BBQ, and Albemarle County. Mr. Henry said he would share more information with the Board about this event by email and would have a little more information at the next meeting. He said it was from 12:00 to 4:00 p.m. that Sunday and would be a really great event.

Ms. Price said she was making an entry on her calendar and unfortunately had been unable to make it to National Night Out but did hear wonderful reports. She said it sounded like an absolute success, and she was looking forward to "Seas the Day."

Ms. Mallek said she was fortunate to be able to attend the night before, and every single table had three or four people there conversing. She said staff had said there was a steady trickle all night long and it was just such a great event, and she was grateful that they did it. She said she was glad it was not 95 degrees, which is what the temperature has been for the last four or five of them.

Ms. LaPisto-Kirtley said unfortunately she was not able to attend the night before but was glad it was a successful event.

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Agenda Item No. 17. **Public Hearing: Fiscal Year 2022 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 Fiscal Year 2022 appropriations itemized below is \$5,548,901.29. 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 2022 Budget Amendment totals \$5,548,901.29. The estimated expenses and revenues included in the proposed amendment are shown below:

**PROPOSED FY 2021-22 BUDGET AMENDMENT**

<u>ESTIMATED REVENUES</u>		
State Revenues	\$	20,000.00
Federal Revenues	\$	393,544.00
General Fund Balance	\$	3,022,880.00
Other Fund Balances	\$	2,112,477.29
TOTAL ESTIMATED REVENUES	\$	5,548,901.29
<u>ESTIMATED EXPENDITURES</u>		
General Fund	\$	3,304,424.00
Special Revenue Funds	\$	1,020,877.29
School Fund	\$	1,007,445.00
Emergency Communications Center	\$	176,555.00
Capital Projects	\$	39,600.00
TOTAL ESTIMATED EXPENDITURES	\$	5,548,901.29

The budget amendment is comprised of a total of eight (8) separate appropriations 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 #2022004**

<b>Sources:</b>	General Fund fund balance	\$3,022,880.00
	Special Revenue and Other Funds fund balance	67,710.13
<b>Uses:</b>	Business Process Optimization Reserve	3,022,880.00
	Housing Choice Voucher Program	67,710.13
<b>Net Increase to Appropriated Budget:</b>		\$3,090,590.13

**Description:**

This request is to re-appropriate the following:

- This request is to re-appropriate \$3,022,880.00 remaining in the Business Process Optimization Reserve at the end of FY 21. This will be used to support 1) planning and scoping of the Core Systems Modernization project, 2) implementation of organizational initiatives and strategic planning efforts, 3) departmental assessments and process improvement support, and 4) emerging future organizational initiatives and improvements and department-identified projects.
- This request is to re-appropriate \$67,710.13 remaining in Housing and Urban Development (HUD) Coronavirus Aid, Relief and Economic Security (CARES) funding. HUD granted an extension of time for use of these funds until December 31, 2021. These funds will provide for items such as owner incentive payments for renting to Housing Choice Voucher (HCV) participants, IT infrastructure to allow participants to safely attend virtual briefings and submit digitized documents, and overtime and temporary wages.

**Appropriation #2022005**

<b>Sources:</b>	Reserve for Contingencies	\$134,776.00
<b>Uses:</b>	Commonwealth's Attorney	134,776.00
<b>Net Increase to Appropriated Budget:</b>		\$0.00

**Description:**

This request is to appropriate \$134,776.00 from the Reserve for Contingencies to the Commonwealth Attorney's Office for 1.5 full-time equivalent Assistant Attorney positions and related operating and one-time costs. This amount reflects a partial year of funding based on anticipated hiring dates. The additional positions are requested to handle the Commonwealth's Attorney's increased workload associated with viewing all footage from the body worn cameras being used by the Police Department. The Commonwealth of Virginia requires that any locality that employs the use of body worn cameras for its law enforcement officers establish and fund one full-time equivalent entry-level Assistant

Commonwealth’s Attorney for up to 75 body worn cameras employed for use by local law enforcement officers. Localities may use a different ratio formula to accommodate the Commonwealth’s Attorney’s additional workload with the consent of its Commonwealth’s Attorney’s office. Since the decision to provide their law enforcement officers with body worn cameras is a local decision, the Compensation Board does not provide funding support to these positions.

After approval, the FY 22 General Fund Reserve for Contingencies balance will be \$892,504.00. Of that amount, \$549,979.00 is for unanticipated expenses that may require ongoing funding and \$342,525.00 is for expenses that may require one-time funding.

**Appropriation #2022006**

<b>Sources:</b>	Federal Revenue	\$31,544.00
<b>Uses:</b>	Social Services	31,544.00
<b>Net Increase to Appropriated Budget:</b>		\$31,544.00

**Description:**

This request is to appropriate \$31,544 in additional Federal revenue to the Department of Social Services to assist youth and young adults served by Foster Care and assist adults being served by Adult Protective Services.

**Appropriation #2022007**

<b>Sources:</b>	State Revenue – University of Virginia Grant	\$10,000.00
<b>Uses:</b>	Special Revenue and Other Funds - Office of Equity and Inclusion	10,000.00
<b>Net Increase to Appropriated Budget:</b>		\$10,000.00

**Description:**

This request is to appropriate \$10,000.00 to the Office of Equity and Inclusion for funding from the University of Virginia Equity Atlas Team for the project “Mapping Monacan Land in Albemarle County and Building a Framework for Tribal Consultation in Future Planning.”

**Appropriation #2022008**

<b>Sources:</b>	State Revenue	\$10,000.00
	Emergency Communications Center (ECC) Fund fund balance	176,555.00
	Albemarle Broadband Authority (ABBA) Fund fund balance	933,167.16
<b>Uses:</b>	Charlottesville Albemarle Convention & Visitors Bureau (CACVB)	10,000.00
	Emergency Communications Center (ECC)	176,555.00
	Albemarle Broadband Authority (ABBA)	933,167.16
<b>Net Increase to Appropriated Budget:</b>		\$1,119,722.16

**Description:**

This request is to appropriate the following for entities where the County serves as fiscal agent:

- This request is to appropriate \$10,000.00 for a state grant from the Virginia Tourism Corporation to the Charlottesville Albemarle Convention & Visitors Bureau (CACVB). This grant will support DRIVE 2.0, which is a strategic blueprint for promotion and tourism development to make communities more competitive in today’s tourism economy.
- Pursuant to ECC Management Board approval, this request is to appropriate \$176,555.00 in ECC Fund fund balance to the ECC for information technology infrastructure updates, information technology workstation upgrades and replacement furniture.

- This request is to re-appropriate \$933,167.16.00 in ABBA Fund fund balance from FY 21 to FY 22. ABBA works to extend affordable broadband internet access to every customer in Albemarle County.

**Appropriation #2022009**

<b>Sources:</b>	Federal Revenue	\$362,000.00
	Capital Fund fund balance	(72,400.00)
<b>Uses:</b>	Neighborhood Improvements Funding Initiative (NIFI) – Albemarle Jouett Greer Capital Project	289,600.00
<b>Net Increase to Appropriated Budget:</b>		\$289,600.00

**Description:**

This request is to appropriate \$362,000.00 in Transportation Alternatives Set-Aside Grant Funds for the NIFI - Albemarle Jouett Greer Pedestrian Improvements. This funding was approved by the Virginia Department of Transportation (VDOT) to be transferred from the Tabor-Hilltop Transportation Alternatives (TA) grant project. This additional funding reduces the County’s match required for this project by \$72,400.00 in Capital Fund fund balance.

**Appropriation #2022010**

<b>Sources:</b>	School Fund fund balance	\$1,007,445.00
<b>Uses:</b>	Mountain View Learning Space	1,007,445.00
<b>Net Increase to Appropriated Budget:</b>		\$1,007,445.00

**Description:**

This request is to appropriate \$1,007,445.00 in School Fund fund balance for learning cottages at Mountain View Elementary School. Enrollment is expected to exceed capacity at Mountain View. To accommodate the entire student population on campus, an 8 classroom unit learning cottage will be added to the site. This appropriation will utilize anticipated available fund balance to fund the infrastructure and placement of the learning cottage that also includes bathroom facilities.

**Appropriation #2021011**

<b>Sources:</b>	County Office Building (COB) Windows Replacement Capital Project	\$250,000.00
<b>Uses:</b>	Clerk of the Circuit Court	250,000.00
<b>Net Increase to Appropriated Budget:</b>		\$0.00

**Description:**

This request is to appropriate \$250,000.00 from the COB Windows Replacement Capital Project savings to the Clerk of the Circuit Court’s budget. This request will support the Clerk of the Circuit Court to digitize land and older civil and criminal records prior to the courthouse renovations.

Mr. Andy Bowman said he was there for a public hearing and an action item to amend the FY22 budget. He said that under Virginia code, a public hearing is required for an amended budget when the total change in appropriations was greater than 1%. He said that was the case that evening, as they had an approximately \$5.5M increase.

Mr. Bowman said the largest portion of the \$5.5M was to reappropriate funding from FY21 to FY22, and the Board had approved these appropriations in prior years. He noted that at a summary level, there was \$3M for the business process optimization reserve. He said this is the funding led by the project management office to implement process improvements throughout the organization, and also includes funding for efforts such as the strategic planning process that will move forward in the future.

Mr. Bowman stated that there are also reappropriations of approximately \$0.9M for the Albemarle Broadband Authority; this is just reappropriating the fund balance from one year to the next. He said there is also an appropriation of about \$0.1M in federal housing funding from CARES that was provided to the County through the Federal Department of Housing and Urban Development.

Mr. Bowman said beyond those reappropriations, there is a request of \$1M in the school fund balance to provide for learning cottages and related infrastructure and costs at Mountain View Elementary School to deal with current capacity challenges. He said there is also \$0.3M in federal revenue to support the Albemarle-Jouett-Greer pedestrian improvement project.

Mr. Bowman said there is also support for constitutional officers that is coming from existing appropriated sources; these items are increases to their department budgets but do not increase the total County budget. He said there is \$250,000 to the Clerk of the Circuit Court for the support of the digitization of records prior to courthouse renovations that will be taking place over the next few years as part of a greater Courts capital project.

Mr. Bowman noted that there is also \$135,000 to the Commonwealth Attorney to support their staffing needs related to the County's body-worn camera program, and the staffing requirements that will be created as their workload increases with additional footage for them to review.

Mr. Bowman said that was not everything in Attachment A, but those were the most notable items in terms of dollars or other significance. Mr. Bowman said after the public hearing, staff recommends the Board adopt the resolution, Attachment B.

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

Ms. Price **moved** that the Board adopt the resolution to approve additional FY2022 appropriations as reflected in Attachment B.

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

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

**RESOLUTION TO APPROVE ADDITIONAL FY 2022 APPROPRIATIONS**

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

- 1) That the FY 22 Budget is amended to increase it by \$5,548,901.29;
- 2) That Appropriations #2022004; #2022005; #2022006; #2022007; #2022008; #2022009; #2022010; and #2022011 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, 2022.

APP#	Account String	Description	Amount
2022004	4-1000-94000-499000-999956-9999	SA2022004 Re-appropriate balance from FY21	\$3,022,880.00
2022004	3-1000-99000-352000-510100-9999	SA2022004 Re-appropriate BPO Reserve	\$3,022,880.00
2022004	4-5120-51400-481000-120000-1550	SA2022004 Re-appropriate HUD CARES funds from FY21	\$10,000.00
2022004	4-5120-51400-481000-130000-1550	SA2022004 Re-appropriate HUD CARES funds from FY21	\$17,000.00
2022004	4-5120-51400-481000-210000-1550	SA2022004 Re-appropriate HUD CARES funds from FY21	\$2,065.50
2022004	4-5120-51400-481000-312380-1550	SA2022004 Re-appropriate HUD CARES funds from FY21	\$8,384.63
2022004	4-5120-51400-481000-800380-1550	SA2022004 Re-appropriate HUD CARES funds from FY21	\$10,660.00
2022004	4-5120-51400-481000-591300-1550	SA2022004 Re-appropriate HUD CARES funds from FY21	\$19,600.00
2022004	3-5120-99000-352000-510100-9999	SA2022004 Re-appropriate HUD CARES funds from FY21	\$67,710.13
2022005	4-1000-24100-422000-110000-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$92,377.00
2022005	4-1000-24100-422000-210000-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$7,067.00
2022005	4-1000-24100-422000-221000-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$8,843.00
2022005	4-1000-24100-422000-221500-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$462.00
2022005	4-1000-24100-422000-231000-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$10,700.00
2022005	4-1000-24100-422000-232000-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$270.00
2022005	4-1000-24100-422000-241000-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$1,077.00
2022005	4-1000-24100-422000-551100-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$400.00
2022005	4-1000-24100-422000-551200-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$400.00

2022005	4-1000-24100-422000-601200-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$400.00
2022005	4-1000-24100-422000-800806-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$3,600.00
2022005	4-1000-24100-422000-580100-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$650.00
2022005	4-1000-24100-422000-600100-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$150.00
2022005	4-1000-24100-422000-520300-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$1,340.00
2022005	4-1000-24100-422000-610200-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$2,500.00
2022005	4-1000-24100-422000-610700-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$4,080.00
2022005	4-1000-24100-422000-800710-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	\$460.00
2022005	4-1000-99900-499000-999990-9999	SA2022005: Comm Atty Addtl Asst Attys - related to Body Worn Cameras	-\$134,776.00
2022006	3-1000-51001-333000-330021-9999	SA2022006: Addtl Services Revenue Foster Care & APS - COVID related	\$31,544.00
2022006	4-1000-51200-453000-570650-9999	SA2022006: Addtl Services Revenue Foster Care - Chafee IL - COVID related	\$9,000.00
2022006	4-1000-51200-453000-570655-9999	SA2022006: Addtl Services Revenue Foster Care - Chafee ETV - COVID related	\$4,105.00
2022006	4-1000-51200-453000-571108-9999	SA2022006: Addtl Services Revenue APS - COVID related	\$18,439.00
2022007	3-5460-12500-325000-250900-9999	SA2022007: UVA grant - Monacan Land Mapping	\$10,000.00
2022007	4-5460-12500-472000-130000-9999	SA2022007: UVA grant - Monacan Land Mapping	\$450.00
2022007	4-5460-12500-472000-210000-9999	SA2022007: UVA grant - Monacan Land Mapping	\$50.00
2022007	4-5460-12500-472000-312105-9999	SA2022007: UVA grant - Monacan Land Mapping	\$4,000.00
2022007	4-5460-12500-472000-440010-9999	SA2022007: UVA grant - Monacan Land Mapping	\$500.00
2022007	4-5460-12500-472000-600000-9999	SA2022007: UVA grant - Monacan Land Mapping	\$2,000.00
2022007	4-5460-12500-472000-610700-9999	SA2022007: UVA grant - Monacan Land Mapping	\$3,000.00
2022008	4-4300-91097-491097-950030-9999	SA2022008 Re-appropriate ABBA Fund	\$933,167.16
2022008	3-4300-91097-352000-510100-9999	SA2022008 Re-appropriate ABBA Fund	\$933,167.16
2022008	4-4100-32110-435600-800700-9999	SA2022008 IT infrastructure and Client Workstation Upgrade/Repl	\$162,000.00
2022008	4-4100-32110-435600-800201-9999	SA2022008 Conference/Training Room Furniture	\$14,555.00
2022008	3-4100-32100-352000-510100-9999	SA2022008 ECC FB IT Infrstructure, workstations, furniture	\$176,555.00
2022008	3-4605-73000-324000-240500-9999	SA2022008 Virginia Tourism Corporation Grant	\$10,000.00
2022008	4-4605-73000-481000-379300-9999	SA2022008 Support for DRIVE 2.0	\$10,000.00
2022009	4-9010-81009-494600-800605-9350	SA2022009 NIFI Alb Joe Greer Additional State	\$289,600.00
2022009	3-9010-81009-333000-330603-9350	SA2022009 NIFI Alb Joe Greer Additional State	\$362,000.00
2022009	3-9010-99000-352000-510100-9350	SA2022009 Reduce Use of FB to NIFI Alb Joe Greer	-\$72,400.00
2022010	3-2000-62000-351000-510100-6599	SA2022010 Use of Fund Balance	\$1,007,445.00
2022010	4-2000-62433-462420-510300-6505	SA2022010 Water & Sewer Services	\$70,000.00
2022010	4-2000-62433-462420-510121-6505	SA2022010 Electrical Services	\$80,000.00
2022010	4-2000-62433-462420-800200-6505	SA2022010 Furniture & Fixturess	\$200,000.00
2022010	4-2000-62433-462420-800550-6505	SA2022010 Mobile Classroom	\$315,378.00
2022010	4-2000-62433-462420-800600-6505	SA2022010 Construction	\$282,067.00
2022010	4-2000-62433-462420-800700-6505	SA2022010 Technology	\$60,000.00
2022011	4-9010-41009-443100-331211-9322	SA2022011 Transfer Funding From COB Windows to Court Scanning	-\$250,000.00
2022011	3-9010-99000-352000-510100-9322	SA2022011 Transfer Funding From COB Windows to Court Scanning	-\$250,000.00
2022011	3-1000-99000-351000-512031-9999	SA2022011 Transfer into GF from Cap	\$250,000.00
2022011	4-1000-22100-421700-345700-9327	SA2022011 Operational Scanning Expenditure	\$250,000.00
2022011	4-9010-99000-493000-930009-9322	SA2022011 Transfer out of Cap to Gen Fund	\$250,000.00
2022011	3-9010-99000-352000-510100-9322	SA2022011 Transfer Funding From COB Windows to Court Scanning	\$250,000.00

Agenda Item No. 18. **Public Hearing: Community Development Block Grant COVID Response (CDBG-CV)**.To solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for potential projects in the locality. Information on the amount of funding available, the requirements on benefits to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to comment on the County's past use of CDBG funds. All interested citizens are urged to attend.

The Executive Summary forwarded to the Board states that the Virginia Community Development

Block Grant (CDBG) program is a Federally funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). DHCD is making a portion of their current allocation of CDBG available to address COVID-19 related needs, including issues surrounding access to fresh and healthy foods. The CDBG application process requires two local public hearings be conducted. At the first public hearing with the Board on June 2, 2021, information was provided on eligible activities that may be funded by the CDBG program, the amount of funding estimated to be available, past activities undertaken with CDBG funds, and the process for applying for funding. No public comments were received during this hearing. The purpose of this public hearing is to provide information on the proposed project application and to accept public comment on this application.

On July 15, 2020 the Board approved submission of a CDBG-CV application to provide rental and mortgage assistance to the County's low- and moderate-income households suffering loss or reduction or income during the COVID-19 pandemic. However, before that application was approved, DHCD launched the Virginia Rent and Mortgage Relief Program, making the County's application a low priority request. Subsequent conversations with DHCD highlighted a couple of other COVID-related needs that could be addressed with future CDBG-CV funding, with food security projects being a priority for DHCD.

Following the first public hearing held on June 2nd, staff worked with the Blue Ridge Health District and several local nonprofit organizations to develop a project to connect low/moderate-income households and Migrant farmworkers with sources of fresh, and culturally appropriate food options; and to provide prepared meals to any county residents who may need to quarantine due to a COVID-19 exposure or positive test. As outlined in the Letter of Interest (Attachment A), the application requests a total \$314,000 with \$284,000 applied to direct service delivery, and the remaining \$30,000 for administrative costs.

Project components include: 1. \$110,000 to provide grocery gift cards to 120 low-income households and 100 Migrant workers; 2. \$144,000 to cover the cost of Fresh Farmacy food boxes for 100 households, including 10 families enrolled the ACPS Families in Crisis or Migrant Education Programs. 3. \$30,000 to provide prepared meals for up to 150 county residents needing to quarantine due to a positive COVID test or exposure to the coronavirus.

The full application is included as Attachment B to the staff report.

There is no budgetary impact unless and until an application is made and a grant is awarded, at which time the Board will be asked to appropriate funding. Community Development staff will work in partnership with Finance & Budget to administer the grant. CDBG projects include various levels of funding to offset administrative costs by awarding such funds based on performance. The budget submitted with the application will include a performance-based budget for administration.

Staff recommends that the Board adopt the attached Resolution (Attachment C). This action approves the County's submission of a Letter of Interest for CDBG-CV funding at the recommended amount and authorizes the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.

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Dr. Stacy Pethia said this was the second public hearing for the proposed Virginia Community Development Block Grant (CDBG) COVID application. She said the Virginia CDBG Program is administered by the Virginia Department of Housing and Community Development (DHCD), which makes funding available to local governments for the planning and implementation of community development projects in non-entitlement localities. She said these are localities not receiving CDBG assistance directly from the federal government, and those are cities and counties with populations less than 200,000 persons like Albemarle County.

Dr. Pethia said to be considered for funding, a proposed project or activity must meet at least one of the program's national objectives, which are activities benefiting low- and moderate-income persons, activities that aid in the prevention or elimination of slums or blight, or activities that meet an urgent community need. She said program regulations require the government to hold two public hearings prior to applying for CDBG funding. She said the County had held an initial public hearing on June 2, during which staff announced the availability of CDBG funding and the amount of funding the County may be eligible to apply for, as well as inviting interested agencies to submit proposals for a potential project.

Dr. Pethia said that evening's public hearing was related to a potential application for CDBG COVID funding. She said this funding was set in March of this year; DHCD announced a total of \$7M of CDBG funds that have been set aside to be made available for projects or programs addressing COVID-related issues. She said these are programs that will address that third national objective of addressing an urgent community need.

Dr. Pethia said DHCD is giving priority to activities or projects that can be implemented and deliver the community benefits as quickly as possible. She said the application process requires the County to submit a letter of interest and a completed application to DHCD, and these can be submitted simultaneously. She said Albemarle County is able to apply for up to approximately \$1M in CDBG program funding.

Dr. Pethia said the prior year, the Board approved submission of a CDBG COVID application to provide rent and mortgage assistance to low- and moderate-income residents experiencing loss of



income during the pandemic. She said unfortunately, shortly after staff submitted the application to DHCD, the Virginia rent and mortgage relief program was implemented, which meant the application was moved to the bottom of DHCD's priority list, and they were not awarded that funding.

Dr. Pethia said in follow-up discussions with DHCD, DHCD staff indicated that they were very interested in funding projects that addressed food insecurity among local low- and moderate-income households. She said staff worked with the Office of Equity and Inclusion and several nonprofit organizations to identify ongoing food access issues, and the result of this work is the CDBG application presented for the Board's consideration.

Dr. Pethia said the proposed project could serve a total of 470 individuals and households through three distinct programs. She said up to 320 residents or households would be served through a grocery gift card program that would be provided to up to 120 low-income households and 100 migrant workers to give them access to fresh and culturally appropriate grocery items.

Dr. Pethia said Fresh Pharmacy food box deliveries would serve 10 households participating in the Albemarle County Public Schools Families in Crisis or Migrant Education Programs and 90 low-income households throughout the County.

Dr. Pethia said in recognition of the continued needs of individuals or households to quarantine due to a potential positive COVID test or exposure to the Coronavirus, a final component of the program would provide prepared meals for up to 150 individuals during the quarantine period.

Dr. Pethia said the total cost of the proposed program is \$314,000; \$284,000 would go directly to program costs with the gift cards and the food box delivery and the fresh food deliveries, and \$30,000 would be used for program and grant administration. She said staff worked with several local nonprofits to develop the proposed project. She presented a slide of the agencies and said all of these agencies would be directly involved in delivery of the services through this project.

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

Ms. McKeel **moved** that the Board adopt the attached resolution (Attachment C) to approve the County's submission of a letter of interest for CDBG funding at the recommended amount and authorizes the County Executive to execute the application package as well as any supporting or related contracts or documents required to obtain or accept this grant and to take further action required for the application.

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

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

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## RESOLUTION

WHEREAS, the County of Albemarle is committed to providing high quality service that achieves community priorities; and

WHEREAS, the closures of local businesses and the resulting job losses in response to the COVID-19 pandemic have left many of the County's low- and moderate-income families struggling financially; and

WHEREAS, many low- and moderate-income and Migrant farmworker households continue to struggle to access fresh, healthy, and culturally appropriate food choices; and

WHEREAS, Albemarle County is able to apply to the Virginia Department of Housing and Community (DHCD) for \$314,000 in Virginia Community Development Block Grant (VCDBG) funding to address COVID-19 related issues experienced by low- and moderate-income households; and

WHEREAS, Albemarle County has received a funding request from a group of local nonprofit organizations to support programs addressing the food security issues of low/moderate-income and Migrant farmworkers;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County of Board of Supervisors hereby approves the County's submission of a Letter of Interest for CDBG-COVID funding, and authorizing the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.

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Agenda Item No. 19. **Public Hearing: MonU Park.**

SP202000002 MonU Park

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 04600-00-00-018C0

LOCATION: Southeast corner of US 29 and Polo Grounds Road (Route 643).

PROPOSED: Request to amend special use permit for an athletic club with 4 soccer fields and 96

parking spaces, to increase the number of fields to 7; to extend the hours of operation; to remove the condition prohibiting games during July and August; to remove the existing condition prohibiting irrigation; and to remove the condition prohibiting games and practice sessions occurring on the same day as specified major event at the existing SOCA facility also located on Polo Grounds Road.

ZONING CATEGORY/GENERAL USAGE: RA - Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); FH Flood Hazard - Overlay to provide safety and protection from flooding; EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access

SECTIONS: 10.2.2.4 Swim, golf, tennis or similar athletic facilities (reference 5.1.16)

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)

ENTRANCE CORRIDOR: Yes.

The Executive Summary forwarded to the Board states that the Albemarle County Planning Commission, at its meeting on April 20, 2021, recommended approval of SP202000002 by a vote of 6:0 with the conditions recommended in the staff report, and with the following additions to the recommended conditions:

- a. Requiring the use of eco-friendly pesticides and insecticides with assistance of a professional (language to be refined by staff before the Board of Supervisors hearing);
- b. Requiring applicants to provide a handicapped-accessible portable toilet on the site; and
- c. Modifying recommended condition #7 to limit irrigation to time periods within one week of grass-seed applications.

New and revised conditions drafted in response to the Planning Commission's action are included in the attached Resolution:

New condition #13 has been added to require use of a management plan, and the use of materials determined to be organic by the Organic Materials Review Institute (OMRI) or by another organization found by the Director of Planning to be equivalent. Staff research indicated that the OMRI was the most active and relevant organization for evaluating organic substances for pest and weed control.

New condition #12 has been added to require provision of a handicapped-accessible portable toilet.

Existing condition #7 has been modified to include a 28-day time limit after grass-seed applications for field irrigation. The Planning Commission originally recommended a 7-day limit. However, staff research showed that a 7-day period was too short to ensure full germination and establishment of new bermudagrass seeds. Therefore, staff recommends a 28-day limit, which is sufficient for that purpose.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202000002.

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Mr. Clark reported that this was a special use permit amendment request for an existing permit for the MonU soccer organization on Polo Grounds Road. He presented an aerial view of the property and surroundings and said the proposal is to amend the existing special use permit. He said the club currently has four soccer fields and 96 parking spaces, and the proposal would increase the number of total fields to seven, although only four would be used for play at any one time. He said this was to enable them to move fields around, rest fields, and repair fields.

Mr. Clark said the proposal would extend the hours of operation, remove the condition prohibiting games during July and August, remove an existing condition prohibiting irrigation, and remove the condition prohibiting games and practice sessions occurring on the same day as specified major events at the SOCA facility located to the east on Polo Grounds Road.

Mr. Clark presented a slide of the property at the intersection of Route 29 and Polo Grounds Road in the floodplain of the South Fork Rivanna River. He said the entire property is in the floodplain, and the surrounding areas are in quite a few critical slopes. He referenced a slide of the layout allowing four fields, for which the original special use permit was approved. He said the applicant's intention at that time was the number of fields that they would use at a time, and they perhaps hoped they would have more fields they could shift between, but it was approved rather literally with four fields total.

Mr. Clark said the proposal now is to allow up to seven fields in the open area on the property; again, four fields would be used for play at any one time, but this gives them the ability to switch between fields, do grass seed planting, and do repairs and maintenance. He said it would give more flexibility without increasing the actual level of use on the site. He presented a slide of the layout plan, which showed where it was close to the river, with field five about 125 feet from the river and field three where the property is wider about 250 feet from the river.

Mr. Clark said that in the details of the proposal, he had one change to add that had come up recently: the proposal would be increasing from four to seven fields but holding at four for the actual games. He said second would be changing the hours of operation, which were quite limited before

(Monday-Friday 11:00 a.m. to 4:00 p.m. and Saturday-Sunday 11:00 a.m. to 6:00 p.m.). He said that leaves out a lot of usable time that the club could be having practices, games, maintenance, etc. He said the proposal as it went to the Planning Commission was for the hours to be 8:00 a.m. to sunset; recently, the applicants have requested that the Board approve 8:00 a.m. to one-half hour after sunset so that, especially in the fall season, they have some more time to use the fields, finish their operations, and close out the day.

Mr. Clark said the proposal was also for removal of the seasonal limits on operation and removal of the condition prohibiting uses on the same days as specific SOCA uses. He said this condition already had a section stating that it would not apply if the planning director found it was no longer necessary due to road improvements, and those road improvements have happened. He said there was previously a condition prohibiting irrigation of the facility, and the applicants have requested the ability to do some irrigation of newly planted field areas using pumps from the river.

Mr. Clark stated that the applicants have not requested to change prohibitions on lighting or outdoor amplified sound. He said no detriment to the adjacent parcels is expected from this proposal; lighting and sound would still be prohibited, so the visual and noise impacts would remain the same. He said as far as the character of the area, this would still be an open grass field in this section in the rural areas between two development areas. He said that while there would be a slightly increased time of use each day and a longer season, the overall level of usage would not change because the number of fields available for games and the number of parking spaces would not change.

Mr. Clark said that in terms of harmony with the purposes of the district, because this use involves only a gravel parking area and chalk lines on the grass, this property could easily return to agricultural use in the future with very low impact on the site. He said the property is located downstream of any public water supplies, creates no demand for public services other than occasional EMS calls, and there are no built facilities other than the gravel parking lot that would impact the entrance corridor on Route 29.

Mr. Clark explained that as far as public health and safety issues, back in 2010 when this permit was originally approved, concerns were raised about traffic impacts on Polo Grounds Road, which at the time was a two-lane road. He noted that since that approval, the Polo Grounds and Route 29 intersection has been changed and upgraded significantly—with signalization, turn lanes, closure of the westbound straight lane to Rio Mills Road on the far side of 29, and Rio Mills itself being right-in/right-out. He said there is a lot more road capacity, and a lot of the difficult or dangerous movements have been eliminated because there is signalization. He said transportation planning staff did review this proposed amendment against the upgraded transportation facilities and found that there would not be a significant impact to the road capacity from this proposal.

Mr. Clark said the applicants did request to remove the prohibition on field irrigation. He said they have laid out a plan to do so in accordance with DEQ guidelines. He said the site is located half a mile downstream of the South Fork Dam, and the RWSA has recommended posting of dam-breach hazard signage; staff has recommended a condition of approval to achieve that.

Mr. Clark stated that as far as consistency with the Comprehensive Plan, the rural area goals generally support agriculture, forestry, and resource protection and do not specifically say anything about recreational organizations. He said this is a very low-impact use that does not prohibit or prevent any future agricultural uses of this floodplain area, so there are no negative impacts in terms of Comprehensive Plan policies.

Mr. Clark said favorable factors include the upgrades to Polo Grounds Road and US 29 intersection that have addressed the previous concerns about traffic capacity for this use; the maximum of four games at a time would apply, meaning the level of use would not significantly increase; and it would remain the same low-impact character of use that it has now.

Mr. Clark said the one concern staff saw was that there is an increase in operational hours and longer seasons; however, the use at any one time would not really change, and that is what is of concern for the transportation impacts.

Mr. Clark said at their hearing on April 20, the Planning Commission recommended approval of this permit amendment; however, they asked for three changes to the conditions, which are reflected in the conditions in the Board's packet. He said first they wanted to require use of ecofriendly pesticides and insecticides with the assistance of a professional given the property's location in the floodplain of an important waterway. He said staff had added condition 13 that requires the use of a chemical management plan and use of organic materials.

Mr. Clark said secondly, the Planning Commission asked for the applicants to be required to provide a handicapped-accessible portable toilet on the site; new Condition 12 would set that requirement.

Mr. Clark stated that the Commission, rather than simply approving the permission for over the bank hose irrigation in the fields from the river, asked that the irrigation time after grass planting be limited to one week. He said staff research on watering and germination of Bermuda grass, which is the grass that is used for these kinds of fields, indicates that it really needs 28 days for that watering to fully support the establishment of the new grass. He said rather than adding the seven-day or one-week limit to Condition 7, staff had added a recommended 28-day limit to watering in Condition 7.

Mr. Clark said staff would recommend the Board approve the permit amendment with these conditions, noting that Condition 4 has this addition of one half-hour after the time of sunset rather than simply the time of sunset.

Ms. Price said there is a restriction on four games at a time, but she read also that practices may be taking place. She asked whether it could be potentially all seven fields in use at one time (four for games and three for practice) or only four fields at a time could be in use.

Mr. Clark said that Condition 2 ends by saying the total number of playing fields used for games at any one time must not exceed four, so yes, the other fields could be used for practices, maintenance, recreation of younger children on the site at the time; the limitation is four for games as that seems to be the main traffic generator.

Ms. Mallek said she had missed something in the irrigation suggestion. She asked Mr. Clark to repeat what he had said about the response to limiting irrigation days.

Mr. Clark said previously irrigation was not permitted; originally, there was actually more of a concern about noise from pumps than it was about water. He said at the Planning Commission hearing, the Commission's recommended action said that watering of the fields from the river should be limited to seven days; they did not want to have year-round watering going on. Mr. Clark said in staff's research, they found that seven days was insufficient to establish the grass and at least 28 days was needed, so they put the 28-day recommended limit in there instead.

Ms. LaPisto-Kirtley said she was very supportive of the whole project but hoped it would be clear that there were not any other activities on the extra fields; for example, everybody now bringing their younger children all running around and playing while there are games going on, i.e., it is another park-type venue. She asked Mr. Clark to clarify that for her.

Mr. Clark said they had only proposed a limit on the number of fields that are actually being used for scheduled games and had not tried to define what the activities are in those other three fields. He said the site is pretty much self-limiting because of the size of the parking. He said he did not think the organization would permit this anyway, but they would not be able to have the families and children there for the four games and also pack in a bunch of people who were just there to use the fields for recreation; they would not all fit.

Ms. Palmer said the picture had shown the current fields with the distance from the river 125 feet to 250 feet. She asked if any of the new fields were going to be any closer to the river than the 125 feet.

Mr. Clark said the fields now or with this proposed change would always remain in the existing open area, so there is no proposal to move into the tree buffer along the river at all.

Ms. Palmer said they had gotten an email from RCA (Rivanna Conservation Alliance) talking about a backflow device on the pump. She asked if they would automatically need a backflow device on that so that it would not accidentally go back into the river if there was concern with mixing chemicals with the river water when spraying the fields.

Mr. Clark said he had not seen that letter from RCA, but staff has had no indication that the irrigation and the fertilizer or pesticide use would be connected. He said the fertilizer or pesticide use would be minimal anyway, and the irrigation is simply for grass seed establishment. He said he did not believe there would be any introduction of chemicals into the irrigation water.

Ms. Palmer said that would be great. She said it might be a good thing to check to see if any of those chemicals were spray-on chemicals because the backflow device might be important if they were going to use that. She asked Mr. Clark for confirmation that they were already going to have some nutrient management plan.

Mr. Clark said the additional condition from the Commission's action is currently phrased to address herbicides and pesticides and is not really about fertilizers. He said he would suspect Mr. Reilly, as one of the applicants who has a lot more experience with grass management in this situation, could explain what they currently do and what they plan to do.

Mr. Gallaway asked staff whether the rationale behind the condition of sunset or 30 minutes after sunset was a condition just for activity after hours and trying to limit noise.

Mr. Clark said there is no lighting on the site so there is a safety issue with having night activities. He said he did not think the applicants themselves had any desire for nighttime activities. He said they were just trying to make sure the site is shut down and out of use during the hours of darkness.

Mr. Maynard Sipe said he was a land use and zoning attorney in Charlottesville-Albemarle. He said he was representing Monticello United Soccer. He said with him also in attendance were two of the cofounders, Mr. Pat Reilly and Mr. Dan Ivory.

Mr. Sipe said the gist of this request was simply to amend the existing special use permit that was approved in September 2012 to better enable the organization to serve the youth who participate and their families. He said some of the restrictions from 2012, particularly hours and times of the year, have

proven too restrictive. He said the application is not a request for any type of expansion or any increase in the use or its intensity. He said there is no increase in the number of participants; they have had a very steady enrollment over the past decade. He said there would not be an increase in the number of games.

Mr. Sipe said the package of materials the Board had covered a lot of this. He said Mr. Reilly had sent a letter in April to the Planning Commission bulleting some of these questions that had come up. He said it went to the Board back in May, and he was hoping the Board had seen that.

Mr. Sipes said the flexibility for hours and then the number of fields keep coming up for clarity. He said they are looking to continue to use four fields in active use; the other three fields would be at rest. He said they are not going to be actively used for games or practices; they want to be able to prepare those fields and then rotate.

Mr. Sipes said they were perfectly fine with all the conditions that staff had proposed, but then they saw that staff had referenced a very specific time, which is the NOAA (National Oceanic and Atmospheric Administration) standard, in Condition 4. He said staff had picked a time that actually occurs a little bit earlier than daylight ends. Mr. Sipes said they reacted by asking for that one-half-hour after that time because there are generally at least 20 to 30 minutes of good daylight after that technical designation of sunset. He said the Planning Commission discussed this at some length and had some responses; there were a couple of changes as a result of their discussion, but they did end up voting to recommend approval at 6-0. He said staff has recommended approval, and they would like to ask for the Board's approval with Condition 4 amended as presented that night by staff.

Mr. Ivory said they had started playing games in 2003 using County fields and local school fields. He said the previous special use permit came up in 2012; since then, they have totally taken themselves out of the County trying to find fields for them. He said these fields are extremely safe and high quality. He said he is also the register of the DOC and is also the person that stays on the fields a lot as he takes care of them. He said there are eight teams; these are travel teams, and they travel anywhere from Virginia Beach; sometimes into Frederick, Maryland; and West Virginia. He said a key point is that though they have eight teams, there are periods where they do not even have anybody playing in Charlottesville for that particular weekend. He said games are only played on the weekends. He said practices are only on the weekdays, and they do not practice on Mondays or Fridays; sometimes they practice on Wednesday.

Mr. Ivory said they do not use pesticides and herbicides; they really are not needed. He said he sees some anthills, but Bermuda grass is a very aggressive and tight-growing grass and seems to force the ants and crabgrass out on its own. He said there has never been a need to use pesticides for the last three years. He said by federal standards, they have been classified organic. He said they do have a schedule and use Landscape Supply, and they are experts; the current one also worked on English Premier League teams in England, Tottenham Hotspur, and he has worked on all the golf courses in the area and had studied Bermuda grass in Georgia. Mr. Ivory said this expert also has a certificate for applying pesticides if they ever needed it, though he did not see that we would need it in this park.

Mr. Ivory said they no longer seed but do what is called plugging, which is when the water is needed. He said, for instance, they would not need to water until next spring, even though it has been a quite dry season, and that would just be periodic when coming out of the winter and re-plugging dead spots. He said there is no chemical spraying or anything like that. He said any watering they would do would be one field at a time; they do not have the money and the resources to do a big sprinkling operation. He said he can actually pick up the pump in his hand and walk with it. He said they water one field at a time because at that gallonage rate, that is all they can do in one day.

Ms. Mallek said she was very glad they were not using pesticides or herbicides; it is much safer for the players that way.

Mr. Ivory agreed and said it was safer for the river right next to it. He said he had also heard complaints about erosion, but there is no erosion; the park actually slopes away from the river. He said that water from Polo Grounds Road and water from the park, if there is overflow or flooding, goes into a manmade ditch. He said to get to the park, one has to go over a culvert; that runs into a creek on their property, and then that runs into the river, so there is absolutely no erosion whatsoever.

Mr. Gallaway confirmed there was no one signed up to speak and closed the public hearing portion.

Ms. LaPisto-Kirtley **moved** that the Board adopt the attached Resolution (Attachment D) to approve SP20200002 along with Condition 4. Ms. Mallek **seconded** the motion.

Mr. Kamptner clarified it was Condition 4 as presented by staff.

Ms. Price said she understood it was Attachment D with the conditions attached thereto, with Condition 4 as presented by staff. Ms. LaPisto-Kirtley confirmed that what Ms. Price had stated was what she meant.

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

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

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**RESOLUTION TO APPROVE SP202000002 MONU PARK**

**WHEREAS**, upon consideration of the staff report prepared for SP 202000002 MonU Park and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(4) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the provisions of § 18-5.1.16, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202000002 MonU Park, subject to the conditions attached hereto.

\* \* \*

**SP202000002 MonU Park Special Use Permit Conditions**

1. Development of the use must be in general accord with the conceptual plan entitled "Concept Plan for Special Use Permit Application for MonU Park" prepared by Meridian Planning Group LLC and dated 04-25-12. To be in general accord with the plan, development must reflect the following central features essential to the design of the development:

- a) Number and location of parking spaces
- b) Absence of structures

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The area used for playing fields must be in general accord with the layout shown on the plan titled "Field Layout Plan", dated January 22, 2020. The total number of playing fields must not exceed seven, and the total number of playing fields used for games at any one time must not exceed four.
3. Before establishing a fifth playing field on the site, the applicant must install flood-safety signage to the satisfaction of the Rivanna Water & Sewer Authority.
4. Hours of operation must be no earlier than 8:00 a.m. and no later than the time of sunset as calculated by the National Oceanic & Atmospheric Administration.
5. Overnight parking is not permitted on the site. The entrance to the property must be closed by a locked gate when the playing fields are not in use.
6. Outdoor lighting is not permitted for this use.
7. Any irrigation must comply with all of the following requirements:
  - a) Any withdrawals from the Rivanna River must use a temporary over-the-bank hose.
  - b) Permanent changes to the riverbank must not be made.
  - c) Existing trees along the riverbank must not be removed.
  - d) Irrigation may occur only during the 28-day period following any application of grass seed on the site.
8. The use of amplified sound system(s) is not permitted for this use.
9. Fill must not be placed within the portion of the property within the Flood Hazard Overlay District.
10. The driveway and parking area must be a pervious surface unless otherwise required by the County Engineer pursuant to § 4.12.15(a) of the Zoning Ordinance. Upon termination of the playing field use, the surfacing of the driveway and parking area must be removed and the previously-disturbed land surface must be returned to vegetated cover or an unpaved accessway.
11. A Phase I archaeological survey must be completed for areas to be graded for this use, followed by appropriate mitigation measures as approved by the Planning Director, prior to issuance of a grading permit.

12. At least one handicapped-accessible portable toilet, anchored to the ground, must be available on site at all times when the site is in use for games, practices, or other club activities (not including site maintenance).
13. Any herbicides or pesticides applied for this use must (a) be applied according to a management plan prepared for the site by a professional applicator, and (b) be listed as appropriate for use on organic sites by the Organic Materials Review Institute (OMRI) or by another organization found by the Director of Planning to be equivalent.

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Agenda Item No. 20. **Public Hearing: SP201900014 & SP201900015 Blue Ridge Swim Club Amendment.**

PROJECT: Blue Ridge Swim Club Amendment

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 05800-00-00-075A1 and 05800-00-00-075A2

LOCATION: 1275 Owensville Road

PROPOSAL: SP201900014 and SP201900015 are requests to amend SP201500028 Blue Ridge Swim Club (Day Camp, Boarding Camp) and SP201500029 Blue Ridge Swim Club to construct additional facilities, including a pavilion with bathrooms and a kitchen as well as a garage/storage structure, and to expand the months of operation from April 1 through November 15 each year.

PETITION: SP201900014: 10.2.2.4 Swim, golf, tennis or similar athletic facilities (reference 5.1.16) SP201900015: 10.2.2.20 Day camp, boarding camp (reference 5.1.05);

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

ENTRANCE CORRIDOR: No

COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that the Albemarle County Planning Commission, at its meeting on May 4, 2021, recommended approval by a vote of 6:0 of SP2019000014 Blue Ridge Swim Club Amendment with the conditions outlined in the staff report, with an amendment to proposed condition #3 to change the permitted opening time from 12 noon to 11:00 a.m. This change in operating hours was not originally requested by the applicant.

The Commission also voted 5:2 to recommend approval of SP201900015 with the conditions outlined in the staff report.

Proposed condition #3 for SP201900014 in the attached Resolution includes the change of opening time recommended by the Planning Commission.

Staff recommends that the Board adopt the attached Resolutions (Attachments D and E) to approve SP201900014 and SP201900015 with the conditions contained therein.

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Mr. Clark reported that these proposals are requests for amendments of existing special use permits: one is for the swim club and the other is for the camp at the club. Mr. Clark said as many remember, this site has been operating as a swimming club since 1905. He said in 2011, two special use permits were approved—including one for a day camp and one for the swim club itself. He said in 2019, each of the permits was amended to allow the creation of a separate residential lot, shown as an aerial view of parcel 75A2, which would eventually be used as a residential lot for there to be someone onsite at this historic pool site.

Mr. Clark moved to the next slide and said it was an aerial view of the property to give an idea of the character. He pointed out an entrance drive and a parking area and pointed out where the pool can almost be seen behind the tree cover. He showed the historic pool area and said that in 2019, this was the conceptual plan approved to allow the creation of this lot. He said that added quite a bit of screening between any structure that would be on the lot and the historic pool area.

Mr. Clark said the current proposal would add the existing facility, a pavilion with bathrooms and a kitchen, and it would be located by the existing parking area to allow more ease of use for the site and better safety on stormy days so that kids attending the camp could be close to the parking area. He continued by saying the proposal would also add a garage and storage structure for equipment, and finally, expanding the camp season from April 1 through November 15 of each year to permit the camp and environmental education programs.

Mr. Clark said the next slide was a sketched conceptual plan for this amendment. He said it would still be held to the requirements of the 2019 plan, and he pointed out a number of sections of the facility and parking area. Mr. Clark noted that there was some concern about the visibility of the structures from residents to the south, so the sketch plan now includes screening requirements for both buildings. He presented the property from an aerial view and again pointed out the various components and where they would go. He referenced an image of the site where the pavilion would be located, then a ground-level view of where the storage building is.

Mr. Clark stated that in reference to the analysis of the special use permit approval, under substantial detriment, there is none expected from adding the pavilion or the storage facility. He said there is no increase in the intensity of use, and the physical impacts would be screened. He said the

extension of the camp operating season would mean more months of the year it would be in use, but the level of use would not be changed.

Mr. Clark said under character of the area, the use itself is not changing the character of the area. He commented that it is just adding a couple of minor structures and extending the season of an already-in-place use.

Mr. Clark stated that this is a listed historic site on the National Register. He said the proposed new facilities would not impact that, as they are located at a higher altitude by the existing parking area, away from the historic resource. He said the VDOT reviewers felt that there were no changes needed to the site to comply with the health and safety standards. He noted that his team asked them to confirm that proposed extension of the season was not a concern, and they agreed it was not.

Mr. Clark said it was felt that allowing these additional uses as far as the season goes would help to provide income for the protection of a historical resource, and the addition of the structures would not significantly change the character of the use on the site—with both speaking to consistency with the Comprehensive Plan.

Mr. Clark stated that factors favorable include no need for transportation and safety improvements, and that the proposed changes would add viability to a historic resource. He said the unfavorable factor was that the new structures could be visible from dwellings from the south, the adjacent subdivision. However, he said, the applicant has added screening vegetation to mitigate that impact.

Mr. Clark said he would go over the two permits separately. He said first, for the swim club amendment, the Planning Commission voted 7-0 to recommend approval, and their only change to the original conditions was that they recommend the starting time for the swim club be changed from noon to 11 a.m. He said the Planning Commission felt that was more appropriate for the use, though that was not actually a request from the applicant.

Mr. Clark said second is the camp amendment. He said the Planning Commission voted 5-2 to recommend approval of this permit with the structures and the change in the season, which is represented in Condition 2. He said this would extend the hours from April 1 through November 15. He said there are motions prepared, but he is happy to answer any questions along with the applicant, who is also present.

Mr. Gallaway thanked Mr. Clark and asked if there were any questions.

Ms. Price said she had no questions for Mr. Clark.

Ms. Mallek said she had no questions.

Ms. Palmer said she has spent a huge amount of time rereading this request, and then she went over to the site. She said she feels relatively comfortable that the applicant has mitigated everything, but her biggest concern is the parking lot up on the ridge and the houses that can see that. She said Mr. Clark listed in the materials there would be six-foot evergreens that would provide the screening.

Mr. Clark said that by being on the south side of both the parking area and the new storage structure, it would screen both of those areas. He said there will be separate screening for the new pavilion. He said there is also a request for a six-foot height of the plantings, to be sure that the screening is effective from the beginning.

Ms. Palmer asked how it can be guaranteed that the trees live. She said she does not remember how that is worked through when there are dry periods and the new trees planted die. She asked if the applicant would be required in the next season of spring to replant any failed trees.

Mr. Clark said he may need Mr. Rapp or someone to jump in, as he does not have much experience with the landscaping plans for site plans, which would be where that topic would be managed. He said he did not have an answer to what the planting requirement is for plants that don't survive.

Ms. Palmer said she would like to make sure that there is a plan for that, as this is quite visible from some of the properties, and she would greatly appreciate an answer to that.

Mr. Kamptner said generally, if the plantings are shown on the site plan and they do die, they do need to be replaced. He said he is reviewing the conditions right now to see if there is any additional language in the conditions.

Ms. Palmer asked for that to be included if it is not, unless it is part of County policy. She said there would be no events on the weekends, and the only amplified sound is the Friday games—which she believes addresses the concerns from residents who have spoken up about this. She said she does understand the two Planning Commissioners who wanted to shorten the timeline of open hours, so it corresponds more with the leaves on the trees, but she said she does understand the issue with schools closing down and needing to stay open for the schools.

Ms. Palmer said she is ready to make a motion as long as there is agreement for language to be added, if not already there, for replanting if things die.



Ms. McKeel said that she did not have any questions.

Mr. Gallaway said that he did not have any questions for staff at this point and opened the floor to Mr. Barnett, the applicant.

Mr. Barnett said he is not going to take the 10 minutes allotted, stating that he would like to thank the Board and is happy to answer any questions they may have.

Ms. Palmer said she just wants to hear from Mr. Kamptner about the replanting requirement.

Mr. Kamptner said he has rapidly been reviewing about 30 pages and asked Mr. Clark if there would be a site plan amendment.

Mr. Clark said there would be a site plan amendment, and the planting and vegetation onsite would need to be included.

Mr. Kamptner said that should cover the concern. He said if the vegetation dies that is shown on the site plan as required screening, the applicant will need to be in compliance, which would require replanting.

Mr. Barnett said that is what he would do. He said he will put the trees there and they will live; if they die, he will definitely replant them.

Ms. Palmer said she remembers an instance a few years ago where everything died and it wasn't getting replanted, and she wants to make sure they don't run into that situation again.

Mr. Kamptner said the one thing that can be done is to amend the third bullet in condition one in SP2019-15 to add a clause to say, "all screening trees shall be maintained and/or replaced if they die."

Ms. Palmer said if that is acceptable to the rest of the Board, that is her only concern. She said the residents are very concerned about their viewshed and she understands. She said it is a well-developed neighborhood area. She said if that is okay with the rest of the Board, she will add that to SP2019-15.

Mr. Kamptner said there is a similar condition in the same location in 2019-14, so that similar language should go there as well to avoid ambiguity.

Ms. Mallek asked if there has been a harvesting of trees around this 105-year-old parking lot, and the last time she was there, it was completely surrounded by forest. She said she appreciates the support of length of time that is needed, because having taught at the Museum of Natural History and at Camp Albemarle and accommodating all the fourth and sixth graders everywhere, it is hard to fit everyone in for their watershed experiences.

Mr. Clark said there really has been no change to the vegetation. He said if anything, as the trees mature, the screening will be higher, so these new screening trees will add eye-level section of screening.

Ms. Palmer said this is a new parking lot, with new spaces being added with the building. She said that is what the concern is.

Mr. Clark said there was no new parking proposed, it is the same area.

Mr. Barnett said there are two parking lots: one lower and one higher on the ridge. He said the lower parking lot was designated as handicapped parking since it was lower down and easier access and tried to push the cars more towards the top. He said they are not proposing anything new. He said initially parking was a concern for him, but in 10 years, it has never been an issue.

Ms. Palmer said she apologized as she thought there were parking spaces being added to the upper lot, but it is just the building.

Mr. Barnett said that the building would hide the busses, which he believes are what the neighbors don't like to see. He said he didn't realize it was a problem for those to be seen, and if he can put up a building to help that and a screen wall of trees to shield that, nothing will be seen except green space.

Mr. Gallaway opened the public hearing.

There were no members of the public wishing to speak.

Mr. Gallaway closed the public hearing.

Ms. Palmer **moved** to adopt the resolution approving SP2019000014 Blue Ridge Swim Club Amendment with the conditions contained therein and the condition that the trees planted for screening be maintained and replaced if they die. Ms. Price **seconded** the motion.

In further discussion, Ms. Mallek said she remembers Mark Graham talking about the tree planting along Brickmore, and the rules are for two years for plantings to be replaced if they die. She asked if this is in perpetuity, or if there is a valid effort for a fixed number of years, but in perpetuity seems unfair.

Ms. Palmer asked Mr. Kamptner for his guidance.

Mr. Kamptner said he is not a horticulturist, but if there is sufficient period of time for the trees to be established, the condition would be imposed for as long as the special use is existing.

Ms. Palmer said she would add a three-year stipulation on the condition because the trees would be established by then.

Mr. Gallaway asked for a new motion to be made.

Ms. Palmer **moved** to adopt the resolution approving SP2019000014 Blue Ridge Swim Club Amendment with the conditions contained therein and the added condition that the screen trees identified in the site plan will be maintained for a minimum of three years. Ms. Mallek **seconded** the motion.

In further discussion, Mr. Kamptner asked Mr. Clark if these screening trees were also shown on the conceptual plan.

The applicant confirmed that they were marked as such.

Mr. Kamptner said this was good because the conceptual plan is considered part of the conditions of approval.

Ms. Palmer **moved** to adopt the resolution approving SP2019000014 Blue Ridge Swim Club Amendment with the conditions contained therein and the added condition that the screen trees identified in the conceptual plan will be maintained for a minimum of three years. Ms. Mallek **seconded** the motion.

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

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

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#### **RESOLUTION TO APPROVE SP201900014 BLUE RIDGE SWIM CLUB AMENDMENT**

**WHEREAS**, upon consideration of the staff report prepared for SP 201900014 Blue Ridge Swim Club Amendment and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(4) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the provisions of § 18-5.1.16, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 201900014 Blue Ridge Swim Club Amendment, subject to the conditions attached hereto.

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#### **SP201900014 Blue Ridge Swim Club Amendment Special Use Permit Conditions**

1. Development of the swim club use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "SUP Concept Plan For: Blue Ridge Swim Club," prepared by Shimp Engineering, and dated 6/21/2019, and the plan titled "Re-submittal Plan for SP201900014 and SP201900015 Blue Ridge Field Camp," dated 9/20/2020 (collectively hereinafter "Conceptual Plans"). To be in accord with the Conceptual Plans, development must reflect the following major elements within the development essential to the design of the development:

- Limits of disturbance
- Location and size of the existing pavilion building
- Location, size, and vegetative screening of the new pavilion and storage building, as shown on the 2020 Conceptual Plan. New screening trees are limited to native evergreen species at least six feet in above-ground height at time of planting.
- Location of parking areas
- Land clearing is permitted only as necessary to establish the well, septic line and drainfields, parking, and structures shown on the Conceptual Plans.

Minor modifications to the plan that do not conflict with the elements above may be made to ensure

compliance with the Zoning Ordinance.

2. The Blue Ridge Swim Club (SP201900014) may operate only between Memorial Day weekend and Labor Day weekend, inclusive.
3. The hours of operation for the Blue Ridge Swim Club (SP201900014) must not begin earlier than 11:00 AM and must end not later than 8:00 P.M.
4. All outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot-candles must be submitted to the Zoning Administrator or their designee for approval.
5. Approval of the Health Department for the well, septic and food concession will be required prior to approval of a site plan.
6. Approval by the Virginia Department of Transportation for the entrance will be required prior to approval of site plan.
7. Prior approval by the Fire Department will be required prior to all outdoor cooking and /or campfires.
8. No amplification of sound will be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound must comply with the applicable noise regulations.
9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp will not be permitted.
10. No more than 200 people will be permitted on the property for any purpose at any time.

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Ms. Palmer **moved** to approve adopt the attached Resolution (Attachments E) to approve SP201900015 with the conditions contained therein and the condition that the screening trees identified in the conceptual plan will be maintained for a minimum of three years. Ms. Mallek **seconded** the motion.

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

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

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#### **RESOLUTION TO APPROVE SP201900015 BLUE RIDGE SWIM CLUB AND FIELD CAMP AMENDMENT**

WHEREAS, upon consideration of the staff report prepared for SP 201900015 Blue Ridge Swim Club and Field Camp Amendment and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(20) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the provisions of § 18-5.1.05, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 201900015 Blue Ridge Swim Club and Field Camp Amendment, subject to the conditions attached hereto.

\* \* \*

#### **SP201900015 Blue Ridge Swim Club and Field Camp Amendment Special Use Permit Conditions**

1. Development of the camp use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "SUP Concept Plan For: Blue Ridge Swim Club," prepared by Shimp Engineering, and dated 6/21/2019, and the plan titled "Re-submittal Plan for SP201900014 and SP201900015 Blue Ridge Field Camp," dated 9/20/2020 (collectively hereinafter "Conceptual Plans"). To be in accord with the Conceptual Plans, development must reflect the following major elements within the development essential to the design of the development:
  - Limits of disturbance
  - Location and size of the existing pavilion building
  - Location, size, and vegetative screening of the new pavilion and storage building, as shown on the 2020 Conceptual Plan. New screening trees are limited to native evergreen species at least six feet in above-ground height at time of planting.
  - Location of parking areas
  - Land clearing is permitted only as necessary to establish the well, septic line and drainfields, parking, and structures shown on the Conceptual Plans.Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The Blue Ridge Swim Club Day Camp, Boarding Camp (SP201900015) may operate only five days per week between April 1 and November 15, inclusive. The Camp may not operate at any other time of year

3. The hours of operation for the Blue Ridge Swim Club Day Camp, Boarding Camp (SP201900015) must not begin earlier than 8:30 AM any day and must not end later than 5:00 PM on Mondays, Tuesdays, Wednesdays, and Fridays. On Thursdays, overnight stays are permitted.
4. A maximum sound level of 55 decibels is in effect between the hours of 9:30 PM and 8:30 AM.
5. All outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot-candles must be submitted to the Zoning Administrator or their designee for approval.
6. Approval of the Health Department for the well, septic and food concession will be required prior to approval of a site plan.
7. Approval by the Virginia Department of Transportation for the entrance will be required prior to approval of site plan.
8. Prior approval by the Fire Department will be required prior to all outdoor cooking and /or campfires.
9. No amplification of sound will be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound must comply with the applicable noise regulations.
10. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp will not be permitted.
11. No more than 200 people will be permitted on the property for any purpose at any time.
12. No more than 100 overnight campers will be permitted at any one time.

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Agenda Item No. 21. **Public Hearing: Ordinance to Amend County Code Chapter 15, Taxation.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation, by adding Article 14, County Vehicle Licenses (Sections 15-1400, Vehicle license tax imposed; 15-1401, Exempted vehicles; 15-1402, New vehicles required to obtain a license; 15-1403, Amount of license tax; 15-1404, When license tax is due; 15-1405, Prorating; 15-1406, Refunds; 15-1407, Disposition; 15-1408, License not to be issued until all personal property taxes are paid; and 15-1409, Penalty), to relocate the vehicle license provisions from County Code Chapter 9, Motor Vehicles and Traffic.

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 9 of the County Code regulates the operation, parking, and licensing/permitting of motor vehicles, bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds. The current version of Chapter 9 includes an article pertaining to vehicle licenses.

As part of the reorganization of County Code Chapter 9, Motor Vehicles, which is also being considered by the Board on August 4, 2021, the article regarding vehicle licenses is being proposed for relocation to County Code Chapter 15, Taxes, because it involves the County's levying and collection of the annual vehicle license tax imposed on all motor vehicles in the County.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified County Code. The attached proposed ordinance adds a new Article 14, which includes the vehicle license provisions that are being recommended for removal from County Code Chapter 9, Motor Vehicles. In addition, staff has included stylistic revisions and eliminated archaic or redundant language to make the article easier to read.

There is no expected budget impact.

Staff recommends that, after the public hearing, the Board adopt the attached proposed ordinance (Attachment A).

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Mr. Gallaway said that Agenda Items 21 and 22 will be presented together as one public hearing and have two separate motions.

Mr. Kamptner said this is another chapter of the county code that his office and various staff have been working on regarding the chapters and slowly working their way through the entire county code. He said the chapters highlighted in red on his slide have already come to the Board comprehensively. He said Health and Safety has come forward, but on the Board's consent agenda today, there was an amendment to the noise provisions of that chapter. He said there were also other noise-related provisions that will be coming to the Board later.

Mr. Kamptner said that Parks and Recreation and Fire Protection have some litigation related to both of those chapters, so those have been left alone for right now. He said Solid Waste in Chapter 13, Water Protection, the Stream Health Initiative, and Zoning are chapters that are being worked on. He said the Zoning, Chapter 18, is coming soon. He said tonight's chapters are looking at Motor Vehicles and Traffic, and Taxation.

Mr. Kamptner reported that this process began in 2016 because the County Code was last recodified in 1998. He said his office has taken a number of steps to update the ordinance and modernize the language—simplifying, clarifying, and removing provisions that are unnecessary or obsolete. He said staff is reorganizing, which is also why the Board is receiving Chapters 9 and 15 tonight. He said they are reviewing state law to make sure everything is up to date. He noted that the

other thing that has delayed the work on this project was the transition to an online-based code, which has been working quite well. He said when everything is completed, all of these chapters will come to the Board for an actual recodification or readoption.

Mr. Kamptner said that as his team worked through the chapters, they pull out provisions in the code that are unnecessary, where the state law itself is self-executing and there is no need for provisions to be in the county code. He said they've tried to identify responsible officers or departments for some of the chapters that are less routinely enforced. He said the third thing that has been observed is that this is just a very time-consuming process, which does explain why this is five years into the project and they still have a way to go.

Mr. Kamptner said with Chapter 9, when looking at the history of each section in this chapter, a number of sections had not been amended since the 1998 recodification. He said there have been some scattered amendments over time if there were any changes to state law, and there were three recent substantial additions. He said the on-street parking regulations were added March 18, 2020, which was the week of the lock-down during the pandemic; in 2019, the motorized scooters were showing up all over the communities, and because of a deadline in state law, these two articles were added in late 2019 to get some regulations in place.

Mr. Kamptner said of the proposed content, the articles have been revised and updated with a new numbering system that moved away from Roman numerals in all of the chapters. He said the proposed Chapter 9 now has seven articles, and three articles in the current version of Chapter 9 are proposed to be deleted. He said the current Article 2 deals with parking regulations at other entities that have their own rules in place, and because of that there is no need to have separate regulations.

Mr. Kamptner said of the current Article 4, the vehicle tax regulations, more appropriately belongs in Chapter 15 where all of the other tax rules are. He said that current Article 7 deals with the traffic light signal monitoring system that used to exist at the Route 29 intersection. He said when that intersection was redesigned and reconstructed, that monitoring system was removed and there are no monitoring systems right now. He said current regulations are now outdated, as state law has been amended since those were last updated.

Mr. Kamptner said those are proposed for deletions. He said any time a traffic light signal monitoring system is reinstituted, new rules can be put in place that are current with state law at that time. He added that there are some limited substantive changes and were identified in the executive summary.

Mr. Kamptner said there are additional requirements in the County rules about vehicles stopped on highways and that they have to create a traffic hazard. He said that is not a requirement for current state law, so that has been removed. He said fines for certain undefined violations have been updated in the state code, so he is recommending the amendment to County Code 9-117 to match the potential maximum fine that is enabled by state law. He said his team also removed provisions that are governed by state law and are self-executing. He said the example he has displayed in the presentation of County Code 9-502(A)-(C) in the current regulations speaks to a procedure that is addressed by state law and has no need to be in Chapter 9.

Mr. Kamptner said there was one correction that he wanted to make. He said his team concluded after this draft was completed, that there is a reference in Section 9-100 to title this particular part of Title 16.1 of the Virginia Code, specifically Article 5, there is another reference to Article 9. He said the reference to Article 9 remains, but Article 5 should be removed because they have concluded that is not an additional source of enabling authority.

Mr. Kamptner moved to the recommended motions and said he is happy to answer any questions.

Ms. Price complimented the County Attorney and his office. She said that revising ordinances is some of the most complex work that can be done, particularly where there are cross-references and/or sections moving from one area to another to ensure they make sense. She said she wanted to express her appreciation for the work they are doing on this and acknowledge that it is a very time-consuming process.

Mr. Kamptner thanked Ms. Price for that recognition and said that Anthony Bessette and Amanda Farley in his office worked with him on these chapters.

Mr. Mallek said she has no questions, but said she appreciates that these are much more readable legalese than the previous versions.

Ms. Palmer said she has no questions but agrees with the previously stated comments that this is very much appreciated.

Ms. McKeel said she has no questions and appreciated the efforts.

Mr. Gallaway said he did not have questions either and opened the meeting for public comment.

There were no members of the public wishing to come forward, and the matter was placed before the Board.

Ms. Palmer **moved** that the Board adopt the attached proposed ordinance (Attachment A). Ms. McKeel **seconded** the motion.

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

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

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**ORDINANCE NO. 21-15(2)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, is hereby reordained and amended as follows:

**By Adding, Amending, and Renumbering (from County Code Chapter 9):**

15-1400	Vehicle license tax imposed.
15-1401	Exempted vehicles.
15-1402	New vehicles required to obtain a license.
15-1403	Amount of license tax.
15-1404	When license tax is due.
15-1405	Prorating.
15-1406	Refunds.
15-1407	Disposition.
15-1408	License not to be issued until all personal property taxes are paid.
15-1409	Penalty.

**Chapter 15. Taxation**

**Article 14. County Vehicle Licenses**

**Sec. 15-1400 Vehicle license tax imposed.**

There is hereby levied a license tax upon every person owning a motor vehicle, trailer, or semitrailer normally garaged, stored, or parked in the County and operated or intended to be operated upon its highways, except as otherwise provided in this article.

(Code 1967, § 12-90; Ord. of 2-14-90; Code 1988, § 12-21; § 9-400, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; § 15-1400, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code § 46.2-752.

**Sec. 15-1401 Exempted vehicles.**

- A. This article does not apply to any vehicle exempted by Virginia Code §§ 46.2-663 through 46.2-683 or 46.2-755, and does not apply to any vehicle licensed under Virginia Code §§ 46.2-750 through 46.2-751.
- B. This article does not apply to any carrier operating under a certificate of public convenience and necessity issued by the State Corporation Commission for buses operated in special or chartered party service or to any carrier operating under a certificate of public convenience and necessity issued by the State Corporation Commission or the Interstate Commerce Commission or under a local franchise granted by any city or town pursuant to Virginia Code § 46.2-696.

(Code 1967, § 12-91; Ord. of 2-14-90; Code 1988, § 12-22; § 9-402, Ord. 98-A(1), 8-5-98; § 15-1401, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code §§ 46.2-663 through 46.2-683, 46.2-696, 46.2-750, 46.2-751, 46.2-755.

**Sec. 15-1402 New vehicles required to obtain a license.**

The purchaser of a new motor vehicle or a new resident of the County must obtain a vehicle license within 30 days of the purchase date or the date that the owner moved into the County.

(Code 1967, § 12-92; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-24; § 9-403, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06 Ord. 08-9(1), 12-3-08; § 15-1402, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code § 46.2-752(l).

**Sec. 15-1403 Amount of license tax.**

- A. *Motor vehicles.* The annual license tax on motor vehicles not classified in subsections (B), (C), or (D) is based on gross vehicle weight. The license tax is \$40.75 for vehicles with gross vehicle weights of 4,000 pounds or less and \$45.75 for those with gross vehicle weights over 4,000 pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.
- B. *Motorcycles.* The annual license tax on motorcycles is \$28.75.
- C. *Trailers and semitrailers.* The annual license tax on trailers or semitrailers not designed and used for transportation of passengers is as follows:

Gross Weight	Annual Tax
0 - 1,500 lbs.	\$18.00
1,501 lbs. and above	\$28.50

For a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of the combination is taxed as a separate vehicle.

- D. *When well-drilling machinery or other specialized mobile equipment attached.* The annual license tax on motor vehicles, trailers, or semitrailers upon which well-drilling machinery or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B) is attached is \$16.50.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; § 9-404, Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08; Ord. 16-9(1), 7-6-16; § 15-1403, Ord. 21-15(2), 8-4-21)

**State law reference**--Va. Code §§ 46.2-694(A), 46.2-694.1, 46.2-752.

**Sec. 15-1404 When license tax is due.**

Except as provided in County Code § 8-802, the license tax is due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; § 9-404, Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08; Ord. 16-9(1), 7-6-16; § 15-1404, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code § 46.2-752(A).

**Sec. 15-1405 Tax year and proration.**

- A. *License tax year.* The license tax year under this article begins on January 1 and ends on December 31.
- B. *Proration.* The license tax prescribed by this article shall be prorated monthly, commencing with the month in which the license tax first becomes due.

(Code 1967, § 12-94; , § 12-98; 4-21-76; 6-7-89; Ords. (2) of 2-14-90; Ord. of 3-20-91; Code 1988, § 12-26; , § 12-30; § 9-405, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16; § 15-1405, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code § 46.2-752(A).

**Sec. 15-1406 Refunds.**

A person who pays a license tax under this article, then disposes of the motor vehicle, trailer, or semitrailer for which the tax was paid and does not purchase another vehicle, trailer, or semitrailer may request a prorated refund of the license tax paid. The Director of Finance shall refund 1/12 of the annual license tax for each full month remaining in the license year.

(Code 1967, § 12-95; 4-21-76; 6-7-89; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-27; § 9-406, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16; § 15-1406, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code § 46.2-752(A).

**Sec. 15-1407 Disposition.**

All license taxes collected under this article shall be deposited by the Director of Finance in the general fund of the County.

(Code 1967; § 12-96; 4-21-76; Ord. of 2-14-90; Code 1988, § 12-28; § 9-407, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; § 15-1407, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code § 46.2-752(B).

**Sec. 15-1408 License not to be issued until all personal property taxes are paid.**

No motor vehicle, trailer, or semitrailer taxable under this Article shall receive a vehicle license until the applicant provides satisfactory evidence that all personal property taxes assessable against the motor vehicle, trailer, or semitrailer have been paid, and that all other personal property taxes assessable against the applicant for manufactured homes, motor vehicles, trailers, or semitrailers have been paid.

(Code 1967, 12-97; 4-9-80; Ord. of 8-8-90; Code 1988, § 12-29; § 9-408, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; § 15-1408, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code § 46.2-752(C).

**Sec. 15-1409 Penalty.**

- A. *Penalty for failure to obtain license.* It is a class 4 misdemeanor to fail to obtain a license required by this article. The Chief of Police may issue a summons or warrant for such violations.
- B. *Penalty for failure to register.* In addition to any other authorized penalty, a penalty of \$250.00 is imposed upon a resident owner of a motor vehicle who, following that owner's first 30 days of residency in the Commonwealth, fails to register the motor vehicle in the State when it is required to be registered. This penalty shall be imposed annually for as long as the motor vehicle remains unregistered. The Director of Finance shall assess and collect this penalty.

(Ord. of 8-8-90; Ord. of 6-9-93; Code 1988, § 12-21.1; § 9-401, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16; § 15-1409, Ord. 21-15(2), 8-4-21)

**State law reference** – Va. Code §§ 46.2-662(B), 46.2-752(G).

Agenda Item No. 22. **Public Hearing: Ordinance to Amend County Code Chapter 9, Motor Vehicles and Traffic.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 9, Motor Vehicles and Traffic, by reorganizing and rewriting the chapter, removing a requirement that a vehicle must have created a traffic hazard before police may order the vehicle removed, removing parking regulations for the University of Virginia, the Piedmont Virginia Community College, and the Charlottesville-Albemarle Airport (current Article II), removing the vehicle license provisions (current Article IV, which are relocated to County Code Chapter 15, Taxation), and removing regulations pertaining to traffic light signal monitoring systems (current Article VII). The subject matter of proposed Chapter 9 is composed of: Article 1, State Laws Incorporated by Reference, Parking , Abandoned and Unattended Vehicles, Penalties; Article 2, Snow Routes; Article 3, Inoperable Vehicles; Article 4, Speed Limits; Article 5 Video-Monitoring System; Article 6, Bicycles, Electric Power-Assisted Bicycles, Motorized Skateboards Or Scooters, And Mopeds; and Article 7, Permit Program For Dockless Mobility Devices For Hire.

Ms. Palmer **moved** that the Board the proposed ordinance amending Chapter 9 of the County Code, which is Attachment A to the executive summary for that ordinance, with the recommended correction in Section 9-100.

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

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

**ORDINANCE NO. 21-9(1)**

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, is hereby reordained and amended as follows:

**By Amending, Renaming, and Renumbering:**

ARTICLE 11. IN GENERAL STATE LAWS INCORPORATED BY REFERENCE, PARKING, ABANDONED AND UNATTENDED VEHICLES, PENALTIES

- 9-100 Adoption of state law.
- 9-101 Applicability of chapter to roadways not part of state highway system.
- 9-102 General prohibitions.
- 9-103 Restricted parking on county-owned property.
- 9-104 Stopping or parking; generally.
- 9-105 Restricted areas—~~1~~ handicapped parking.
- 9-106 Stop signs; yield right-of-way signs.



9-107	Parking on private property.
9-108	Parking or standing in fire lanes.
9-109	Regulated parking areas; parking meters.
9-110	Vehicles; generally.
9-111	Permits for parades and processions.
9-112	Vehicle requirements.
<del>9-114</del> 113	Removal and disposition of abandoned or unattended vehicles.
<del>9-116</del> 114	Presumption in prosecution for parking violations.
<del>9-117</del> 115	Removal or immobilization of vehicles with outstanding parking violations.
<del>9-118</del> 116	Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.
<del>9-119</del> 117	Compliance with chapter; penalty for violation of chapter.

#### ARTICLE III2. SNOW ROUTES

<del>9-300</del> 200	Snow routes designated; posting.
<del>9-301</del> 201	Obstruction of highway due to lack of snow tires or chains.
<del>9-302</del> 202	Abandonment of vehicles so as to block highways prohibited.
<del>9-303</del> 203	Removal of stuck, abandoned, etc., vehicles.
<del>9-304</del> 204	Penalty.

#### ARTICLE V3. INOPERABLE VEHICLES

<del>9-500</del>	Keeping of inoperable vehicles; removal.
Renumbered and reorganized as:	
Sec. 9-300	Definitions.
Sec. 9-301	Unscreened or unshielded inoperable vehicles are prohibited.
Sec. 9-302	Removal and disposition of inoperable vehicles.
Sec. 9-303	Administration.

#### ARTICLE VI4. SPEED LIMITS

<del>9-600</del> 400	Authority to establish on certain subdivision roads.
<del>9-601</del> 401	Private roads designated highways.
<del>9-602</del> 402	Violations.

#### ARTICLE VII5. VIDEO-MONITORING SYSTEM

<del>9-800</del> 500	Definitions.
<del>9-801</del> 501	<del>Authorization</del> <u>School division authorized to install and operate video-monitoring systems.</u>
<del>9-802</del> 502	<del>Passing stopped school buses violations; c</del> <u>Civil penalty.</u>

#### ARTICLE IX6. BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES, MOTORIZED SKATEBOARDS OR SCOOTERS, AND MOPEDS

<del>9-900</del> 600	<del>Riders subject to traffic laws, etc and other laws pertaining to vehicle operation.</del>
<del>9-904</del> 601	Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.
<del>9-906</del> 602	Riding on handlebars.
<del>9-907</del> 603	Riding with more than one person on a motorized skateboard or scooter.
<del>9-908</del> 604	Report of certain vehicle accidents.
<del>9-909</del> 605	Disposition of unclaimed bicycles, mopeds, <del>etc.</del> <u>and other vehicles.</u>

#### ARTICLE X7. PERMIT PROGRAM FOR DOCKLESS MOBILITY DEVICES FOR HIRE

<del>9-1000</del> 700	Purpose and persons covered.
<del>9-1001</del> 701	Definitions.
<del>9-1002</del> 702	Permit requirement.
<del>9-1003</del> 703	County Executive authorized to promulgate regulations.
<del>9-1004</del> 704	Maximum fleet size.
<del>9-1005</del> 705	Review of permit applications.
<del>9-1006</del> 706	Suspension or revocation of permits.
<del>9-1007</del> 707	Appeals.

#### BY REPEALING:

9-113	Putting glass, etc., on highway prohibited.
9-115	Authority of fire department officials to direct traffic, etc.
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## **ARTICLE 1. STATE LAWS INCORPORATED BY REFERENCE, PARKING, ABANDONED AND UNATTENDED VEHICLES, PENALTIES**

### **Sec. 9-100 Adoption of state law.**

The provisions of Virginia Code Title 46.2, Title 16.1, Chapter 11, Article 9 (Virginia Code § 16.1-278 *et seq.*), and Title 18.2, Chapter 7, Article 2 (Virginia Code § 18.2-266 *et seq.*), except those provisions the violation of which constitute a felony, and except those provisions that, by their nature, cannot apply to or within the County, are hereby incorporated into this chapter by reference and made applicable within the County, mutatis mutandis. References in those provisions to “highways of the state,” “highways of the Commonwealth,” or “highways of Virginia” will be deemed to refer to the highways of the County. It is a violation of this chapter to violate or to fail to comply with the provisions adopted by this section. The penalty for a violation of this section is the same as that imposed for a similar offense under state law.

(10-19-72, § 3; 10-9-74; 4-13-88; Ord. of 3-14-90; Ord. of 6-5-91; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-1; § 9-100, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code § 46.2-1313.

### **Sec. 9-101 Applicability of chapter to roadways not part of state highway system.**

This chapter applies to all highways within residential subdivisions that are open to the public, whether or not those highways are in public ownership or have been accepted into the state highway system.

(10-9-74; Code 1988, § 12-2; § 9-101, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code § 46.2-1305.

### **Sec. 9-102 General prohibitions.**

A. *Parking or stopping a vehicle in various locations prohibited.* It is unlawful for any person to park or stop a vehicle, except when necessary to avoid traffic or with the directions of a police officer or traffic-control device, in any of the following locations:

1. On any sidewalk;
2. In or in front of a driveway so as to block the use of that driveway;
3. Within 15 feet of any fire hydrant or any mailbox;
4. Any closer to a corner than is indicated by signs or marks upon the road or curb or within 20 feet of an intersection;
5. Within any bus zone, as indicated by signs or marks upon the road or curb;
6. Within a marked crosswalk;
7. Abreast of another vehicle parallel to a curb (double parking);
8. Within any loading zone, as indicated by signs or marks upon the road or curb;
9. Within any zone indicated by signs or marks upon the road or curb as a no parking zone;
10. At any location for a longer time than is permitted by signs or marks upon the road or curb (overtime parking);
11. In any fire lane marked or indicated as such;
12. On any grass, unless such parking is permitted by signs or marks upon the road;

13. Within 50 feet of the nearest rail of a railroad grade crossing;
  14. Within 15 feet of a fire hydrant, or obstructing a fire hydrant;
  15. Upon any bridge or other elevated structure on a highway or within a tunnel; or
  16. At any place where official signs prohibit parking.
- B. *Parking commercial vehicles, placing portable or mobile storage containers and dumpsters on designated secondary highways prohibited.* It is unlawful for any person to park any commercial or recreational vehicle, or place any portable or mobile storage container, or dumpster on the state secondary highways in areas zoned for residential use. For the purposes of this subsection:
1. "Commercial or recreational vehicle" means:
    - a. Any vehicle that has a registered gross weight of 16,000 pounds or more, is more than 25 feet long, is more than eight feet high including accessories and appurtenances, has more than two axles, or is more than 102 inches wide;
    - b. Any waste collection vehicle, tractor trailer, dump truck, concrete mixer truck, or tow truck;
    - c. Any vehicle, trailer, or semitrailer in which food or beverages are stored or sold;
    - d. Any trailer or semitrailer used for transporting landscaping, lawn-care, or construction equipment or supplies;
    - e. Any vehicle used to transport passengers or property for compensation. However, per each residential address, one motor vehicle used to transport passengers for compensation that has a seating capacity of not more than seven passengers, excluding the driver, and that is not otherwise a commercial or recreational vehicle under this article, may be parked on a state secondary highway in an area zoned for residential use and at a location directly adjacent to the registered owner's address;
    - f. Any watercraft;
    - g. Any motor home or camping trailer;
    - h. Any school bus or any vehicle previously used as or commonly used as a school bus; and
    - i. Any vehicle carrying commercial freight;
  2. "Commercial or recreational vehicle" does not mean:
    - a. Any vehicle displaying handicapped accessible parking placards or license plates, not for hire, and driven by or for transporting a person with a disability;
    - b. Any rented moving truck or any for-hire moving company vehicle within 48 hours of the move;
    - c. Any vehicle when it is picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at the work or service location, including any vehicle used in construction, home repair, maintenance, landscaping, and delivery of goods; and
    - d. Any portable or mobile storage container or dumpster parked pursuant to a Virginia Department of Transportation permit.
  3. "Areas zoned for residential use" means all areas in the Residential (R-1), Residential (R-2), Residential (R-4), Residential (R-6), Residential (R-10), Residential (R-15), Village Residential (VR), and Planned Residential Development (PRD) zoning districts and the residential areas within the Neighborhood Model (NMD) and Planned Unit Development (PUD) zoning districts (a "residential zoning district"), including any secondary highway abutting one or more of these zoning districts as provided in County Code § 18-1.7(C)(2); provided that if a secondary highway serves as a boundary between a residential zoning district and a non-residential zoning district, only the side of the secondary highway abutting the residential zoning district is considered an area zoned for residential use.
- C. *Authority of law enforcement officers in the performance of their lawful duties.* In the performance of their lawful duties, law-enforcement officers may move or cause to be moved motor vehicles to any place they may deem expedient without regard to the provisions of this section.

(Code 1988, § 12-3; § 9-102, Ord. 98-A(1), 8-5-98; Ord. 20-9(1), 3-18-20; Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code §§ 46.2-1220, 46.2-1221.

**Sec. 9-103 Restricted parking on county-owned property.**

- A. The County Executive shall regulate parking on County-owned and County-leased property. The regulations may restrict the type of vehicles, as well as the time, place, and manner that vehicles may be parked-
- B. The County Executive shall give public notice of the regulations by establishing and posting signs or by other means adequate to inform operators of vehicles of the regulations.
- C. A violation of the regulation adopted under subsection (A) is a violation of this chapter.

(Code 1988, § 12-4; § 9-103, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**State law reference--** Va. Code § 46.2-1221.

**Sec. 9-104 Stopping or parking; generally.**

- A. No operator shall stop a vehicle in a manner that impedes or renders dangerous the use of a highway, except in the case of an emergency, an accident, or mechanical breakdown. During such an event, the operator shall turn on the vehicle's emergency flashing lights, if possible. The operator shall report the vehicle's location to the nearest police officer as soon as practical. The operator shall move the vehicle to the shoulder, and then remove it from the shoulder, without unnecessary delay. If the vehicle is not promptly removed, any police officer may order it removed at the vehicle owner's expense.
- B. The provisions of paragraph A do not apply to vehicles owned or controlled by the Virginia Department of Transportation or the County, while actually engaged in the construction, reconstruction, or maintenance of highways and roads.
- C. No truck or bus, except a school bus, shall be stopped wholly or partially on a highway outside of a town to take on or discharge cargo or passengers, unless the driver cannot leave the traveled portion of the highway safely. A school bus may be stopped on a highway when taking on or discharging school children, but these stops shall be made only at points where the bus can be clearly seen for a safe distance from both directions.

(Ord. No. 97-12(2), 7-9-97; Code 1988, § 12-5; § 9-104, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**State law reference--**Va. Code §§ 46.2-888, 46.2-891, 46.2-893.

**Sec. 9-105 Restricted areas; handicapped parking.**

- A. No person shall park a vehicle in a parking space reserved for persons with disabilities, if that vehicle does not display disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under Virginia Code § 46.2-1241, or DV disabled parking license plates issued under Virginia Code § 46.2-739(B), or for a person who is not limited or impaired in their ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.
- B. A summons may be issued under this section without the necessity of the owner of the parking area obtaining a warrant.
- C. Proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle-constitutes prima facie evidence that the registered owner of the vehicle was the person who committed the violation.
- D. A violation of this section is a class 2 misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$500.00.

(Code 1988, § 12-51; § 9-105, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**State law reference--**Va. Code § 46.2-1242.

**Sec. 9-106 Stop signs; yield right-of-way signs.**

The County Executive may designate intersections at which vehicles shall come to a full stop or yield the right-of-way except within the Town of Scottsville.

(12-19-74; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-5.2; § 9-106, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**Sec. 9-107 Parking on private property.**

No person shall stand or park a vehicle on any private lot without the consent of its owner. A sign or marking on a private lot, indicating that no vehicles are permitted to stand or park there, creates a rebuttable presumption that the owner did not consent.

(Code 1988, § 12-5.3; § 9-107, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**Sec. 9-108 Parking or standing in fire lanes.**

- A. No person shall park or stand a vehicle in a marked fire lane.
- B. Police officers, any fire and rescue officer in charge of a rescue operation, and the fire marshal have the authority to remove a vehicle found in violation of this section at the owner's risk and expense.
- C. This section does not apply to fire, rescue, or police vehicles while they are involved in emergency operations.

(Ord. No. 97-12(1), 5-21-97; Ord. No. 97-12(2), 7-9-97; Code 1988, § 12-5.4; § 9-108, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**Sec. 9-109 Regulated parking areas; parking meters.**

- A. The County Executive shall install and maintain parking meters at sites designated by the Board of Supervisors. The County Executive shall also erect signage giving notice of the prices and time limits for parking at such sites, as set by board resolution.
- B. Police officers, and any other County personnel designated by the police chief, shall enforce this section in accordance with County Code § 9-118.

(Code 1988, § 12-5.5; § 9-109, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code § 46.2-1220.

**Sec. 9-110 Vehicles; open tail gate.**

It is unlawful for the operator of any truck, trailer or other vehicle equipped with a tail gate, to lower or open the tail gate, or to permit the tail gate to be lowered or opened, except while the vehicle is being loaded or unloaded, or while the load on the vehicle requires a lowered or opened tail gate as a support for the load.

(Code 1967, § 12-6; Code 1988, § 12-6; § 9-110, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**Sec. 9-111 Permits for parades and processions.**

No athletic contest, race, demonstration, planned gathering or parade, except the military forces of the United States, the military forces of the state, the Police Department, or the Department of Fire and Rescue, shall occupy or proceed along any highway, except in accordance with a permit presented to the Chief of Police and any other applicable regulations of this chapter.

(Code 1967, § 12-8; 4-13-88; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-6.1; § 9-111, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**Sec. 9-112 Vehicle requirements.**

It is a violation of this chapter to park, keep, or permit to be parked or kept, any motor vehicle, trailer, or semitrailer on any public highway, unless:

- A. The motor vehicle displays an inspection sticker that is valid under Virginia law; and
- B. The vehicle is registered and licensed in accordance with Virginia law.

(Code 1988, § 12-6.2; § 9-112, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

**Sec. 9-113 Removal and disposition of abandoned vehicles.**

- A. As used in this section, "abandoned motor vehicle" has the same meaning as in Virginia Code § 46.2-1200.
- B. The Chief of Police may direct that an abandoned or unattended motor vehicle be taken or disposed of by any person provided in Virginia Code § 46.2-1201. The Chief of Police may also direct that motor vehicles, trailers, semitrailers, or parts thereof be removed as provided in Virginia Code §§ 46.2-1213 and 46.2-1215.
- C. The Chief of Police may only remove vehicles from private property.
- D. As soon as possible after removal of a vehicle, the Chief of Police shall notify the owner of the vehicle of the vehicle's location and the procedure to recover the vehicle.
- E. After taking or removing the vehicle, the Chief of Police may dispose of it as provided in Virginia Code § 46.2-1200, *et seq.*

(Code 1988, § 12-6.4; § 9-114, Ord. 98-A(1), 8-5-98; Ord. 05-9(1), 12-7-05; § 9-113, Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code §§ 46.2-1201, 46.2-1209, 46.2-1213, 46.2-1215.

**Sec. 9-114 Presumption in prosecution for parking violations.**

Proof that a vehicle was in violation of this article, together with proof that the defendant was the vehicle's registered owner at the time of the violation, create a rebuttable presumption that the owner committed the violation.

(Code 1988, § 12-9.2; § 9-116, Ord. 98-A(1), 8-5-98; § 9-114, Ord. 21-9(1), 8-4-21)

**Sec. 9-115 Removal or immobilization of vehicles with outstanding parking violations.**

- A. If a vehicle on a highway or public property is the subject of three or more unsettled parking violation notices, a police officer or other uniformed personnel designated by the Chief of Police may immobilize that vehicle or remove it. If the vehicle is immobilized, the officer or designee shall place on the vehicle a conspicuous notice warning that the vehicle is immobilized and that attempts to move the vehicle could damage it.
- B. As soon as possible after immobilizing or removing a vehicle, the Police Department shall notify the owner of the vehicle of its location, as well as the prior unsettled parking violation notices.
- C. If the owner fails to pay the unsettled parking violation notices and costs, or the owner is not ascertainable after a diligent search by the Police Department, the Department of Finance and Budget shall send notice to the owner's last known address and to the holder of any recorded lien on the vehicle. The vehicle may then be sold in accordance with Virginia Code § 46.2-1209.

(Code 1988, § 12-9.3; § 9-117, Ord. 98-A(1), 8-5-98; § 9-115, Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code § 46.2-1216.

**Sec. 9-116 Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.**

- A. *Posting written notice of violation.* Police officers and other uniformed personnel designated by the Chief of Police to enforce the parking provisions of this chapter must post a written notice of violation on the windshield of each vehicle found illegally parked. The notice of violation must state that the recipient of the notice may elect to waive their right to appear and be tried for the offense or offenses indicated in the notice.
- B. *Waiving right to trial; payment.* A person may waive their right to trial by voluntarily remitting to the Director of Finance and Budget the amount of the fine stipulated for that violation, as provided in subsection (E). If that remittance is neither postmarked to nor received by the Director within 48 hours of the notice of violation, or within 96 hours if a timely request for review is made under subsection (D), then the amount of the applicable fine is doubled.
- C. *How payment is made.* Regardless of who remits payment for a fine, the responsibility for receipt of the payment by the Director of Finance and Budget lies with the registered owner of the vehicle. The Director may accept payment of an amount due by any commercially acceptable means, and may add to any amount due the amount charged to the County for accepting that payment, such as for payment by a credit card. If a check is returned for insufficient funds, the registered owner remains liable for the parking violations, and will be subject to a service charge of \$25.00 for processing the returned check in addition to any other available remedies.
- D. *Contesting the charges.* To contest the charges cited in a notice, a person must appear at the office of the Director of Finance and Budget and, on forms provided by the Director, file a request for administrative review of the charges. The request for review must indicate whether a hearing in court is demanded if the request for dismissal is denied. The Director and the Chief of Police shall review and comment upon the facts of the request and recommend to the Attorney for the Commonwealth whether to approve or deny the request. The Attorney for the Commonwealth shall then decide whether to dismiss the charge. If the request for review is made within 48 hours of the notice of violation, then the recipient shall have an additional 48 hours after denial of that request to remit the fine, before the amount thereof is doubled.

- E. *Schedule of fines.* The fines or a violation of this article are as follows:

Offense	Fine	Fine if Amount Doubled Pursuant to Subsection (B)
Parking on sidewalk	\$25.00	\$50.00
Blocking driveway	\$25.00	\$50.00
Park within 15 feet of fire hydrant or mailbox	\$25.00	\$50.00

Park within bus zone	\$25.00	\$50.00
Park in crosswalk	\$25.00	\$50.00
Double parking	\$25.00	\$50.00
Parking in fire lane	\$50.00	\$100.00
Parking in loading zone	\$25.00	\$50.00
Parking in prohibited zone	\$25.00	\$50.00
Overtime parking	\$10.00	\$20.00
Parking within 50 feet of railroad crossing	\$25.00	\$50.00
Parking alongside or opposite street obstruction or excavation	\$25.00	\$50.00
Parking on bridge	\$25.00	\$50.00
Parking where prohibited	\$25.00	\$50.00
Parking in handicapped parking space when prohibited	\$100.00	\$200.00
Parking commercial and/or recreational vehicle or container/dumpster in residential zone	\$25.00	\$50.00

F. *Failure to respond; summons and arrest.* Any vehicle owner who fails to respond to a notice of violation, either by paying the stipulated fines or by filing a request for review or hearing with the Director of Finance and Budget within 10 days, is subject to summons and arrest pursuant to Virginia Code § 46.2-941.

(10-11-89; Ord. of 6-9-93; Code 1988, § 12-9.1; § 9-118, Ord. 98-A(1), 8-5-98; Ord. 08-9(1), 12-3-08; Ord. 20-9(1), 3-18-20; § 9-116, Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code §§ 46.2-1222 to 46.2-1225.

**Sec. 9-117 Compliance with chapter; penalty for violation of chapter.**

Failure to comply with this chapter, or a rule or regulation adopted under it, for which no other penalty is provided, is a traffic infraction punishable by a fine of not more than \$250.00.

(Code 1967, § 12-14; 8-11-76; 4-13-88; Code 1988, § 12-9; § 9-119, Ord. 98-A(1), 8-5-98; § 9-117, Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code § 46.2-113.

**ARTICLE 2. SNOW ROUTES**

**Sec. 9-200 Snow routes designated; posting.**

The portions of U. S. Route 29, U. S. Route 29A and U. S. Route 250 within the County, and all of Route 240 beginning at the eastward intersection with Route 250 and terminating at the westward intersection with Route 250 are snow routes. The County Executive shall post appropriate notice.

(Code 1967, § 12-85; Code 1988, § 12-14; § 9-300, Ord. 98-A(1), 8-5-98; § 9-200, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1302.

**Sec. 9-201 Obstruction of highway due to lack of snow tires or chains.**

It is a violation of this article to obstruct or impede traffic on a snow route with a vehicle that is not equipped with snow tires or chains.

(Code 1967, § 12-86; Code 1988, § 12-15; § 9-301, Ord. 98-A(1), 8-5-98; § 9-201, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1302.

**Sec. 9-202 Abandonment of vehicles so as to block highways prohibited.**

It is a violation of this article to park or abandon a vehicle on a snow route in a manner that impedes or obstructs traffic or the removal of snow, sleet, or ice.

(Code 1967, § 12-87; 4-21-76; Code 1988, § 12-16; § 9-302, Ord. 98-A(1), 8-5-98; § 9-202, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1302.

**Sec. 9-203 Removal of vehicles.**

The Chief of Police may remove and store a vehicle that is on a snow route in violation of this article.

(Code 1967, § 12-88; Code 1988, § 12-17; § 9-303, Ord. 98-A(1), 8-5-98; § 9-203, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1302.

**Sec. 9-204 Penalty.**

A violation of a provision of this article is punishable by a fine of no more than \$50.00. This penalty only applies to snow routes on which the notice required by section 9-200 was posted when the violation occurred.

(Code 1967, § 12-89; Code 1988, § 12-18; § 9-304, Ord. 98-A(1), 8-5-98; § 9-204, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1302.

### **ARTICLE 3. INOPERABLE VEHICLES**

#### **Sec. 9-300 Definitions.**

The following definitions apply to this article:

- A. *Cover* means a form-fitted default-free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view and, in the rural areas (RA) zoning district, can include a tarpaulin or other cover that completely shields the body of an inoperable vehicle from view.
- B. *Inoperable vehicle* means any motor vehicle, trailer, or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by State law to display valid license plates; (iii) it does not display an inspection decal if the vehicle is required by State law to display a valid inspection decal; or (iv) it displays an inspection decal that has been expired for more than sixty (60) days.
- C. *Parcel* means a parcel of land that is neither “public property,” a “public highway,” nor a “public roadway” as those terms are used in Albemarle County Code § 9-113.
- D. *Shielded or screened from view* means that the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the parcel on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) an opaque masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-500, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-300, Ord. 21-9(1), 8-4-21)

**State law reference**--Va. Code § 15.2-905.

#### **Sec. 9-301 Unscreened or unshielded inoperable vehicles are prohibited.**

It is unlawful for any person to keep an inoperable vehicle on any parcel used or zoned for agricultural, residential, commercial, or industrial purposes, except within a fully enclosed building or structure, subject to the following:

- A. *Parcels in the rural areas (RA) zoning district.* On any parcel in the rural areas (RA) zoning district, no more than two inoperable vehicles may be parked or stored outside of a fully enclosed building and each vehicle parked or stored outside of a fully enclosed building must be shielded or screened from view or be covered.
- B. *Parcels in any residential zoning districts.* On any parcel in a residential zoning district, including the Downtown Crozet District (DCD) and the residential sections of any planned development or form-based zoning district, no more than one inoperable vehicle may be parked or stored outside of a fully enclosed building and the vehicle parked or stored outside of a fully enclosed building must be shielded or screened from view or be covered; provided that up to two inoperable vehicles may be parked or stored outside of a fully enclosed building if the person demonstrates that they are actively restoring or repairing one of the vehicles within a consecutive 180 day period, the second vehicle is being used for the restoration or repair, and each vehicle parked or stored outside of a fully enclosed building is shielded or screened from view or is covered; the 180 day period may be extended by the zoning administrator upon the person demonstrating to the satisfaction of the zoning administrator that more than 180 days is required to actively restore or repair the vehicle.
- C. *Authorized businesses in commercial, industrial or other zoning districts.* Subsections (A)(1) and (A)(2) do not apply to any licensed business regularly engaged in business as an automobile dealer, salvage dealer, scrap processor, or public garage that is operated in compliance with this chapter, including any such business operating as a lawful nonconforming use under County Code Chapter 18; provided that on any parcel in any commercial or industrial zoning district, including the commercial and industrial sections of any planned development or form-based zoning district, and on any parcel in any other zoning district in which any such a use has been authorized by special use permit, no inoperable vehicle may be parked or stored outside of a fully enclosed building except in the location designated for that use on an approved site plan.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-501, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-301, Ord. 21-9(1), 8-4-21)



**State law reference--**Va. Code § 15.2-905.

**Sec. 9-302 Removal and disposition of inoperable vehicles.**

Inoperable vehicles may be removed and must be disposed of as follows:

- A. *Removal by the landowner.* The owners of a parcel used or zoned for residential purposes, or zoned for commercial or agricultural purposes shall, at such time or times as the zoning administrator prescribes, remove any inoperable motor vehicles that are not authorized to be parked or stored outside of a fully enclosed building or structure as provided in County Code § 9-301.
- B. *Removal and disposal by the County.* The Zoning Administrator may remove any inoperable motor vehicle whenever the owner of the parcel, after reasonable notice provided by the Zoning Administrator, has failed to remove the inoperable motor vehicle as provided in section (A). If the Zoning Administrator removes an inoperable motor vehicle, the vehicle may be disposed after giving additional notice to the owner of the vehicle.
- C. *Recovery of county cost of removal and disposal.* The cost of removing and disposing an inoperable motor vehicle by the Zoning Administrator is chargeable to the owner of the vehicle or the owner of the parcel from which the inoperable vehicle was removed and may be collected as taxes are collected. Every cost with which the owner of the parcel from which the inoperable vehicle was removed has been assessed constitutes a lien against the parcel from which the vehicle was removed. The lien shall continue until actual payment of the costs has been made to the county.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-502, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-302, Ord. 21-9(1), 8-4-21)

**State law reference--**Va. Code § 15.2-905.

**Sec. 9-303 Administration.**

The Zoning Administrator is designated as the official authorized to administer and enforce this article.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-503, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-303, Ord. 21-9(1), 8-4-21)

**State law reference--** Va. Code §§ 15.2-905.

**ARTICLE 4. SPEED LIMITS**

**Sec. 9-400 Authority to establish on certain subdivision roads.**

The County Executive is authorized to establish, increase, or decrease the speed limits on the following roads:

- A. *Speed limits on public roads not in the secondary state highway system.* Roads within subdivisions that are platted under Virginia Code Title 15.2, Chapter 22 (Virginia Code § 15.2-2200 *et seq.*) and that are dedicated to public use. This section does not apply to roads that are part of the Virginia Secondary System of Highways.
- B. *Speed limits on private roads open to the public.* Roads within subdivisions that are platted under County Code Chapter 14 or any predecessor chapter regulating the subdivision of land, provided that any such road is open to the public, has not been accepted into the secondary state highway system pursuant to Virginia Code Title 33.2, and provides a through connection between two roads in the secondary state system of highways.
- C. *Engineering and investigation; posting.* Any speed limit established, increased, or decreased under this section must be based on an engineering and traffic investigation, and the County Executive must post markers or signs giving notice of the speed limits.

(Ord. of 6-13-90; Ord. of 12-15-93; Code 1988, § 12-41; § 9-600, Ord. 98-A(1), 8-5-98; § 9-400, Ord. 21-9(1), 8-4-21)

**State law reference--** Va. Code §§ 46.2-1300 *et seq.*

**Sec. 9-401 Private roads designated highways.**

The following private roads are designated as highways for law enforcement purposes:

- A. Greenbrier Drive within the subdivision of Townwood;
- B. West Leigh Drive within the subdivision of West Leigh.

(Ord. of 12-15-93; Code 1988, § 12-41.1; § 9-601, Ord. 98-A(1), 8-5-98; Ord. 98-9(1), 8-5-98;

§ 9-401, Ord. 21-9(1), 8-4-21)

**State law reference--** Va. Code §§ 46.2-1307.

**Sec. 9-402 Violations.**

Upon the posting of the notice required under Section 9-400, violation of any such speed limit is punishable the same as under the Virginia Code.

(Ord. of 6-13-90; Code 1988, § 12-42; § 9-602, Ord. 98-A(1), 8-5-98; § 9-402, Ord. 21-9(1), 8-4-21)

**ARTICLE 5. VIDEO-MONITORING SYSTEM**

**Sec. 9-500 Definitions.**

As used in this article, "video-monitoring system" has the same meaning as in Virginia Code § 46.2-844. (§ 9-800, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-500, Ord. 21-9(1), 8-4-21)

**Sec. 9-501 School division authorized to install and operate video-monitoring systems.**

- A. *Authorization.* The school division may install and operate video-monitoring systems in or on its school buses, consistent with Virginia Code § 46.2-844.
- B. *Private entities.* The school division may enter into agreements with private entities to provide video-monitoring systems and related support services. However, only a County law enforcement officer may issue a civil summons or notice of violation under this article.
- C. *Restricted collection of information.* A video-monitoring system operated under this article shall only collect the information referred to in Virginia Code § 46.2-208(B)(30).
- D. *Enforcement.* Enforcement of a violation of this article shall be as provided in Virginia Code § 46.2-844

(§ 9-801, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-501, Ord. 21-9(1), 8-4-21)

**State law reference –** Va. Code § 46.2-844

**Sec. 9-502 Civil penalty.**

Any violation of Virginia Code § 46.2-844 is subject to a civil penalty of \$250.00, payable to the County of Albemarle.

(§ 9-802, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-502; Ord. 21-9(1), 8-4-21)

**ARTICLE 6. BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES, MOTORIZED SKATEBOARDS OR SCOOTERS, AND MOPEDS**

**Sec. 9-600 Riders subject to traffic laws and other laws pertaining to vehicle operation.**

Every person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a highway is subject to this chapter, unless the context indicates otherwise.

(§ 9-900, Ord. 19-9(2), 12-18-19; § 9-600; Ord. 21-9(1), 8-4-21)

**State law reference –** Similar provisions, Va. Code § 46.2-800

**Sec. 9-601 Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.**

- A. It is a violation of this chapter to park a bicycle, electric power-assisted bicycle, or motorized skateboard, or scooter:
  - 1. upon the street, other than upon the roadway against the curb, or in a corral marked and designated for the purpose;
  - 2. upon the sidewalk, other than in a rack to support the vehicle, or attached to a street sign or light post, or at the curb or the back edge of the sidewalk;
  - 3. where it would obstruct curb ramps, pedestrian access within bus stops, or fire access;
  - 4. upon any public right-of-way, other than a street or sidewalk, except in a location specifically designated through signage or provision of racks.
- B. Bicycles, electric power-assisted bicycles, motorized skateboards, and scooters must be parked upright, in a manner that affords the least obstruction to pedestrian and vehicular traffic.

C. Violations of this section are subject to a civil penalty of not more than \$50.00.

(§ 9-901, Ord. 19-9(2), 12-18-19; § 9-601, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code §§ 15.2-2028, 46.2-1300.

**Sec. 9-602 Riding on handlebars.**

No person riding a bicycle, electric power-assisted bicycle, motorized skateboard, scooter, or moped shall permit a person to ride on the handlebars. No person shall ride on a bicycle, electric power-assisted bicycle, motorized skateboard, scooter, or moped's handlebars.

(§ 9-902, Ord. 19-9(2), 12-18-19; § 9-602, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code §§ 15.2-2028, 46.2-1300.

**Sec. 9-603 Riding with more than one person on a motorized skateboard or scooter.**

No more than one person shall ride a motorized skateboard or scooter at a time.

(§ 9-903, Ord. 19-9(2), 12-18-19; § 9-603, Ord. 21-9(1), 8-4-21)

**State law reference** – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300.

**Sec. 9-604 Report of certain vehicle accidents.**

The rider of a bicycle, electric power-assisted bicycle, motorized skateboard, or scooter shall report any accident involving bodily injury or damage of \$50.00 or more to the Chief of Police within 48 hours. The Chief of Police shall keep records of all such accidents, which must include the location and nature of the accident.

(§ 9-904, Ord. 19-9(2), 12-18-19; § 9-604, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code §§ 15.2-2028, 46.2-1300.

**Sec. 9-605 Disposition of unclaimed bicycles, mopeds, and other vehicles.**

Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, scooter, or moped that remains unclaimed in the possession of the police department for more than 30 days, and that is not owned by a Dockless Mobility Business operating under a permit issued pursuant to article 7, may be disposed of as provided in County Code § 2-502 or as provided in Virginia Code § 15.2-1720.

(§ 9-905, Ord. 19-9(2), 12-18-19; § 9-605, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 15.2-1720.

**ARTICLE 7. PERMIT PROGRAM FOR DOCKLESS MOBILITY DEVICES FOR HIRE**

**Sec. 9-700 Purpose and persons covered.**

A. This article establishes a permit program that regulates Dockless Mobility Services. This article shall be interpreted to:

1. Ensure that Dockless Mobility Services are consistent with the health, safety, and welfare of the public, and with accessibility of public rights-of-way by bicyclists, pedestrians, and people with disabilities;
2. Reduce single-occupancy vehicle use; and
3. Improve the mobility, safety, and equity of the County's transportation network.

B. Persons who provide or apply to provide Dockless Mobility Service within the County are subject to this article.

(§ 9-1000, Ord. 19-9(2), 12-18-19; § 9-700, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

**Sec. 9-701 Definitions.**

The following definitions apply to this article:

A. *Dockless Mobility Device* means a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter, as those terms are defined in the Code of Virginia.

B. *Dockless Mobility Business* a person who offers, or applies to offer, Dockless Mobility Devices for-hire on public rights-of-way. Transportation services operated by the State or its political subdivisions are not Dockless Mobility Businesses.

C. *Dockless Mobility Service* means the service provided by a Dockless Mobility Business.

(§ 9-1001, Ord. 19-9(2), 12-18-19; § 9-701, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

**Sec. 9-702 Permit requirement.**

No person may provide Dockless Mobility Services without obtaining a permit under this article.

(§ 1002, Ord. 19-9(2), 12-18-19; § 9-702, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

**Sec. 9-703 County Executive authorized to promulgate regulations.**

The County Executive shall administer the permit program, adopt regulations setting forth the requirements applicable to Dockless Mobility Businesses, and establish reasonable fees, charges, and penalties in connection with the permit program. The regulations may include a requirement for insurance coverage, bond payment, and indemnification.

(§ 9-1003, Ord. 19-9(2), 12-18-19; § 9-703, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

**Sec. 9-704 Maximum fleet size.**

The County Executive may establish a maximum number of Dockless Mobility Devices allowed to operate under this permit program.

(§ 9-1004, Ord. 19-9(2), 12-18-19; § 9-704, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

**Sec. 9-705 Review of permit applications.**

- A. The County Executive shall evaluate each permit application and notify the applicant in writing whether the application has been approved or denied. In evaluating an application, the County Executive shall consider the aggregate demand for services and any goal articulated in the Comprehensive Plan or Strategic Plan.
- B. An applicant must state how many Dockless Mobility Devices it requests approval for. The County Executive shall consider the request but may approve whatever number deemed appropriate. The County Executive may subsequently increase or decrease a Dockless Mobility Business's number of approved devices for any reason mentioned in this section or in connection with the enforcement of any regulation adopted under this article.

(§ 9-1005, Ord. 19-9(2), 12-18-19; § 9-705, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

**Sec. 9-706 Suspension or revocation of permits.**

The County Executive may revoke or suspend a permit for a violation of this article or a regulation adopted under this article.

(§ 9-1006, Ord. 19-9(2), 12-18-19; § 9-706, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

**Sec. 9-707 Appeals.**

The County Executive shall establish an administrative process for any Dockless Mobility Business to appeal the denial of an application, the suspension or revocation of a permit, or any change in the number of approved devices under a permit.

(§ 9-1007, Ord. 19-9(2), 12-18-19; § 9-707, Ord. 21-9(1), 8-4-21)

**State law reference** – Va. Code § 46.2-1315.

Ms. Mallek said at the most recent MPO (Metropolitan Planning Organization) meeting, four items were moved forward, and two have additional work at the Planning District Commission before smart scale operations develop. She said the Rivanna bridge, Avon Street, and Fifth Street bike-ped improvements, and the District Avenue roundabout were the four items chosen. She said what is most important is what is not moving forward, which is the Hillsdale South very short connection. She said this was going to be over \$30M and had been languishing for years. She said she thinks this is a great first step. She said in her minutes from November 2019, there was reference to two things that she would like to inquire about. She said the first is a redefinition of the "PACC (Planning and Coordination Council)." She said this is not something she needs an answer for right now from Mr. Richardson or others, but she asked if she is correct in assuming this has gone into remission because of COVID, or if not, has there been a change in operation, or has there been a one-year evaluation of meetings, reports, or anything else. She said she has missed it if that is the case.

Ms. Mallek said the other item that was referred to in the minutes was about Harrisonburg stream impact credits. She said this was something they talk about generally when a property doesn't have or doesn't want to make improvements on their own site and buy credits in Appomattox, for example, to take care of the water pollution the company is creating in Albemarle. She said Harrisonburg has come up with a rule that they don't allow that to happen when the stream at hand is impaired. She said that is a splendid idea and would like to have that passed along to staff. She clarified that this was discussed in the November 6, 2019 minutes.

Ms. Mallek said she had attended a technical advisory committee meeting in Verona, under the auspices of the Department of Conservation and Recreation, about stream buffers. She says anytime she sees stream buffers and best management practices in the same sentence, she thinks this is where she can get some traction on improving the standards. She stated that she was wrong but was really interested to learn about what was being discussed, which included a lot of federal and state programs available to businesses and local residents. She encouraged them to increase the outreach to bring people in, and one item discussed was a suggestion from the committee to implement a program of payments for implementation of nutrient management plans. She said this is something that would be very helpful for Chesapeake Bay for water quality, and this is one item being considered in the future for qualification for land use.

Ms. Mallek said that Charles Rapp and Roger Johnson are collaborating on the zoning change that Ms. McKeel mentioned that is needed for a particular lot in Crozet. She said that initially she and Mr. Rapp had been confused but that they were all on the same page now.

She said she wanted to point out an article from earlier in the day about the new federal eviction order that has had a temporary moratorium. She said it talks about the state-run program to help tenants that's flush with federal aid; it appears that only certain counties are eligible, and Albemarle made that list.

Ms. McKeel pointed out that COVID numbers in Albemarle are going back up. She said the Blue Ridge Health District said there are another 37 cases, with a positivity rate at 4.2%. She said for staff, it would be probably good for the Board to hear from Dr. Bonds again.

Ms. Palmer said she spoke to Mr. Richardson earlier about the ARPA money and the ABRT program. She said she neglected to ask about where things are at with the state information.

Mr. Richardson said Ms. Gardner is tracking the state ARP money. He said Ms. Gardner had participated in an August 2 conference call, and the information that she learned will be woven into the August 18 agenda item where the Finance Department is scheduled to come back before the Board with an ARPA update. He said staff is planning to come back in mid-September to discuss where things are at with reconstitution. He said one of the specific items that has been discussed with the Board previously is looking at the trend data after school starts for both public schools and the University, which both start back later this month. He said staff has been very deliberate in holding steadfast with the current posture and planning to meet with the Board in mid-September. He said that if necessary and things change, that date can be moved—and this is being monitored on a daily basis.

Ms. Mallek said in preparation for the August 18 ARPA funding update, she wondered if there were any others on the Board who would like to learn more about possible right-to-counsel funding. She said all she's hearing across the country is the terrible disadvantage tenants are in.

Mr. Gallaway said when Governor Northam started to announce the use of some of the ARPA monies, \$411M was for wastewater management, and at the TJPDC's quarterly mayors and chairs meeting, David Blount had information on this. Mr. Gallaway said there were obviously other components, so Mr. Blount and the TJPDC could be a resource for how that impacts the locality for that specific item.

Agenda Item No. 24. Adjourn to August 18, 2021, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).

At 8:02 p.m., the Board adjourned its meeting to August 18, 2021, 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.

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Chair

Approved by Board
Date: 06/07/2023
Initials: CKB