

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 6, 2021 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

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

ABSENT: None.

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

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

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

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

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said there were no items to pull from the consent agenda and no additions to make to the final agenda.

Ms. Price said she had some comments to make regarding scrivener's errors in Agenda Item 8.10 on the Consent Agenda.

Mr. Gallaway said it would be best for her to make those comments after the adoption of the Consent Agenda.

Ms. Price **moved** to adopt the final agenda. Ms. McKeel **seconded** the motion.

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

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

Agenda Item No. 5. Brief Announcements by Board Members

Ms. McKeel said she had no announcements.

Ms. Mallek noted that local civic leader and UVA alumnus Leigh Middleditch Jr. had passed away recently at the age of 92. She stated that Mr. Middleditch worked in many ways to build community and was always focused on collaboration and finding solutions with people from all walks of life. She said that he had called together the transportation working group in 2005 to find ways to fund the long list of local transportation projects—and all that research is still current and able to be used today. She stated that he also founded the Planning and Coordination Council (PACC) to bring the City, County, and UVA together to find solutions to local problems from the water supply plan to roadways to other things the local group is dealing with today.

Ms. Mallek stated that she is grateful to George Ray for creating the Oakley Veterans Memorial on West Rio Road, a beautiful gathering place for visiting and remembrance, designed so that individuals with disabilities can easily visit. She said there is even an adjacent playground for children to enjoy, and she wanted to express her gratitude to Mr. Ray, who has built many things in the community and has helped many local boards.

Ms. Price reported that on September 25, there were so many events taking place in the County that you could not do all of them, including an event at Simpson Park and Yancey School that she was unable to attend. Ms. Price stated that she had hiked the loop using the Rivanna River Trail System, a 20-mile hike around the City of Charlottesville and around Albemarle County. She commented that this is a great resource to have in our community, and if it can continue to be expanded in the County, it would offer opportunities for hiking, biking, and community—and they are very fortunate to have forward-looking people in County leadership, the City of Charlottesville, and Parks and Recreation. She said as things

like e-bikes become more prevalent, this would really change a lot of their commuting patterns, and she encouraged people to hike at least part of it even if they don't do the whole loop.

Ms. LaPisto-Kirtley said that she was with Ms. Price in spirit when she did the loop, and she stated that she would defer to Mr. Gallaway to report on the morning's events.

Ms. Palmer thanked Ms. Mallek for mentioning Leigh Middleditch's contributions and noted that he had also been instrumental in Virginia 2021 for redistricting revisions. She said that her husband had participated in that process and often came back and commented about Mr. Middleditch's input and vibrance, especially given his advanced age.

Ms. Palmer reported that she had attended the Yancey community event and it was a wonderful outing with lots of County staff and police, as well as conservation police (formerly called game wardens)—whom she talked with about how underfunded they are. She stated that she had also talked with emergency management personnel who suggested the Board do the certification program over Zoom to get certified in emergency situation protocol, and they are hoping to get more people in the community involved and certified.

Ms. Palmer also mentioned that the Batesville Ruritans had held their apple butter festival, the results of which can be purchased at the Batesville Store for \$6 a jar.

Ms. LaPisto-Kirtley commented that the community also lost Nate Howe, who had been a diplomat in Kuwait during the first Desert Storm war and helped secure the American Embassy there. She said that he died last year and there had been a memorial planned for September that was postponed due to COVID, and he is survived by his spouse, Margie.

Ms. Mallek stated that the Rivanna Trail was built by thousands of trail builders over 25 years, and many more hours of trail building are needed in the future to keep this going. She also reported that the Crozet Arts & Crafts Festival would be held on October 9-10, rain or shine, outdoors, and masks are required.

Ms. Price mentioned that the local Rotary Club had celebrated their 100th anniversary a week ago, noting that the organization's mission includes an objective to "promote peace," and there are 35,000 clubs around the country—with Charlottesville's membership being around 800 people.

Mr. Gallaway thanked Ms. Mallek for mentioning George Ray and the dedication of the Oakley Memorial, which had been well attended. He stated that one of the privileges of being a Supervisor is being able to go out with someone before ground is broken and listen to their vision of what they were going to do with the project. He said that was one he recalled doing with Mr. Ray when the whole area was mud, but he knew exactly how he wanted to do the memorial, and it has been great to see it come to life.

Mr. Gallaway reported that at Station 16 on Pantops, there had been a push-in ceremony earlier that morning. He explained that Chief Eggleston told the story of earlier times when horses would pull carts and carriages that had fire equipment, returning from fighting a fire, and the firemen would have to clean off the cart, take care of the horses and put them in the stables, then the firemen would push the cart back into the fire station—which is a tradition and ceremony, held today with a new engine at Station 16. He said he loved hearing that from Chief Eggleston, and he appreciated the planning and thoughtfulness, as there was a Rivanna engine there so there would be a response apparatus ready in the event of a call. He added that having a full fire engine and ambulance station at Pantops, the second busiest in the County, not only helps that area but helps the entire system because other units don't have to get pulled out and can just serve as secondary or back up to Station 16.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Honoring Indigenous People's Day.

Ms. Mallek **moved** to adopt the proclamation celebrating Indigenous People's Day and read the proclamation aloud.

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

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

NAYS: None.

Mr. Gallaway introduced Dr. Binte-Farid, who stated that she would introduce a representative from the UVA Native American Student Union, which was established in 2007 and originally called the American Indian Student Union. She said the group represents as many tribes as there are members, including multiple citizens of the Navajo and Cherokee nations and Monacan and Patowomeck tribes, as well as other tribes across the U.S. and beyond its borders. She introduced Zack Russell, co-president of the student union, and said he is a 4th year Government major and Native American/Indigenous Studies minor. She said he was recognized as an honorable mention in tribal policy by the UDAL Foundation in 2020 and has published several articles on various issues regarding pertinent policies, and he is a passionate advocate for Native Americans with particular attention toward tribal sovereignty, governance,

and kinship.

Mr. Zack Russell accepted the recognition and thanked the group in Cherokee. Mr. Russell stated that the history of indigenous people is a depressing one, and in Virginia, they have faced colonization, erasure, and genocide. He said that history is no less apparent anywhere else than in Charlottesville and Albemarle County, as Thomas Jefferson was an early proponent of Indian removal that led to the Trail of Tears. Mr. Russell stated that George Rogers Clark led countless campaigns against Native Americans in the Northwest Territories (which is now Ohio, Indiana, and other Midwestern states). He said that the Lewis & Clark expedition originated with two men from Albemarle County, so these great idols of colonization have roots right here in this community, and unfortunately that history has caused a lot of pain in the past.

Mr. Russell stated that so many communities are starting to turn a page and heal those wounds, with removal of the statue of George Rogers Clark, which depicted him in the act of genocide. He said that the community also removed the statue depicting Sacajawea in a way that was demeaning and offensive. Mr. Russell said that the Charlottesville/Albemarle community is moving into a new phase of native relations, which is what it's all about, and it's a very positive thing that these relationships are improving here after 400 years. He commented that there is still a lot of work to be done, but they are moving in the right direction, and this gives him hope. He thanked the Board for the work they've done and the proclamation honoring indigenous people, particularly the Monacan Indian Nation, who are the people of this land.

The Supervisors thanked Mr. Russell for his comments and his work and expressed their own feelings and experiences related to honoring and respecting indigenous peoples.

Proclamation Honoring Indigenous Peoples Day

WHEREAS, Virginia is home to 11 state-recognized Indian tribes: the Cheroenhaka (Nottoway) Indian Tribe, Chickahominy Indian Tribe, Chickahominy Indians Eastern Division, Mattaponi Indian Tribe, Monacan Indian Nation, Nansemond Indian Tribe, Nottoway Indian Tribe of Virginia, Pamunkey Indian Tribe, Patowomeck Indian Tribe of Virginia, Rappahannock Tribe, and the Upper Mattaponi Indian Tribe; and

WHEREAS, the Monacan Indian Nation and the Saponi Indians are believed to be the indigenous stewards of present-day Albemarle County; and

WHEREAS, Indigenous Peoples' unique and valuable legacy has largely been treated as a footnote in history, taught insofar as it relates to the eventual European colonization; and

WHEREAS, racial integrity laws disrupted the continuity of the history of Indian tribes in Virginia, erasing a part of our collective history, and prevented American Indians from attaining public education in the state until 1963; and

WHEREAS, Albemarle County recognizes the vast contributions made to our community and our country through Indigenous Peoples' knowledge, science, governance, philosophy, arts, and culture;

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, honor and celebrate October 11, 2021 as Indigenous Peoples Day, and continue to affirm our commitment to telling a more comprehensive and inclusive history of our whole community and creating a more equitable and inclusive Albemarle County for all our members. .

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

Mr. Gary Grant of the Rio District asked the Board if it were possible that they could be "bigoted, partial, preferential, and discriminatory" when it comes to skin color, race, heritage, ethnicity, and ancestry, related to the proclamations they choose to unanimously adopt at their monthly meetings. Mr. Grant asked if it were possible that they were racist and chose to single out Americans and those visiting America into siloed groups. He asked if the Board in February had proclaimed the month for those of African heritage; in April, Arab's month; in May, Jews month; in September, Hispanics and Latinos. He asked if they had recognized a day in October for all peoples native to U.S. land masses taken from them by immigrants. Mr. Grant asked why in the month of October—nationally recognized as the month for Italians, Germans, Poles, and Filipinos—that they aren't proclaiming their recognition for these groups as well. He asked if there was "something disgusting" about these four groups in the minds of the Supervisors. Mr. Grant said that given his Norwegian, Danish, and Scottish heritage, he would undoubtedly be called out for bigotry and discrimination; he would survive that but asked if the Board would. He also asked them to save the Board's time in their January organizational meeting by just approving one unanimous proclamation recognizing and honoring everyone for the whole 12 months of the year—united and together, instead of separated and preferentially favored.

Agenda Item No. 8 Consent Agenda

Ms. Price stated that she had items related to Item 8.10 For Information: Boards and Commissions Annual Reports, which contain some typographical errors. She said that the 5th & Avon report does not list her as one of the Supervisor liaisons; there are two ACE committees listed, and the second report should include in the title “the Authority” to differentiate it from the other report; the Solid Waste Alternatives Advisory Committee does not list either Supervisor Palmer or herself as a Board liaison; and the CACVB report is included twice, with the second one intended to be the Thomas Jefferson Emergency Medical Council report (which would be included in the following meeting’s consent agenda). She clarified that the Thomas Jefferson Emergency Medical Council report was actually the first report to be filed with the Clerk and that they were not delinquent in turning it in.

Ms. Mallek said that there was a titling error for the Ag and Forestal Committee that still carries the ACE Committee at the title line, adding that she enjoyed reading these reports.

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

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

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

Item No. 8.1. Approval of Minutes: May 11 and May 14, 2020.

Ms. LaPisto-Kirtley had read the minutes of May 11, 2020, and found them to be in order.

Ms. Price had read the minutes of May 14, 2020, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of May 11 and May 14, 2020 as read.

Item No. 8.2. Fiscal Year 2022 Appropriations.

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 2022 (FY 22) budget due to the appropriations itemized in Attachment A is \$1,721,735.40. 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 #2022014

Sources:	Federal Grant Revenue	\$545,000.00
	School Fund’s Fund Balance	\$385,035.40
Uses:	School Special Revenue Fund	\$545,000.00
	School Fund	\$385,035.40
Net Increase to Appropriated Budget:		\$930,035.40

Description:

This request is to appropriate the School Division’s appropriation requests approved by the School Board on August 26, 2021:

- This request is to appropriate \$545,000.00 in Coronavirus Aid, Relief, and Economic Security (CARES) Act Elementary and Secondary School Emergency Relief (ESSER) funds to the School Division. These are emergency relief funds intended to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools in Virginia. The funds will primarily be used to pay summer program expenses, in accordance with Virginia Department of Education recommended priorities.
- This request is to appropriate \$385,035.40 in the School Fund for FY 21 purchase orders that are undelivered or partially delivered in FY 21 and will be delivered in FY 22.

Appropriation #2022015

Sources: Local Revenue \$9,000.00

Uses: Commonwealth's Attorney \$9,000.00

Net Increase to Appropriated Budget: \$9,000.00

Description:

- This request is to appropriate \$9,000.00 from the local Restorative Justice Bama Works grant to the Commonwealth's Attorney. The grant provides an option for people charged with criminal charges to participate in the restorative justice programs and will pay facilitators for taking restorative justice cases.

Appropriation #2022016

Sources: Emergency Communications Center (ECC) \$252,549.00
Fund balance State Revenue \$315,151.00

Uses: Emergency Communications Center (ECC) 252,549.00
Charlottesville Albemarle Convention & \$10,000.00
Visitors
Bureau (CACVB) \$305,151.00
Offender Aid and Restoration (OAR)

Net Increase to Appropriated Budget: \$567,700.00

Description:

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

- Pursuant to ECC Management Board approval, this request is to appropriate \$252,549.00 in ECC Fund balance to the ECC to support acquisition of an electronic time, attendance, and scheduling system; to conduct a workforce optimization review; and to update the existing public safety software system.
- This request is to appropriate \$10,000.00 in State revenue granted to Charlottesville Albemarle Convention & Visitors Bureau (CACVB) by the Virginia Tourism Corporation Marketing Leverage Grant. This grant is a reimbursement of marketing expenses related to their Wine Marketing Campaign.
- This request is to appropriate \$305,151.00 in grant funding from the Department of Criminal Justice Services, with the County acting as fiscal agent, to Offender Aid and Restoration (OAR) to continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail.

Appropriation #2022017

Sources: Capital Budget Stabilization Reserve* \$300,000.00

Uses: Capital Project: Western Albemarle High School \$300,000.00
(WAHS) Title IX Compliant Softball Field Restrooms and
Americans with Disabilities Act (ADA) Improvements*

Net Increase to Appropriated Budget: \$0.00

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

Description:

This request is to appropriate \$300,000.00 from the Capital Budget Stabilization Reserve to the WAHS Title IX Compliant Softball Field Restrooms and ADA Improvements capital project. This project supports the construction of a standalone building that will house three bathrooms and a concession stand to be located at the girls' softball field at WAHS and a realigned and graded road area for ADA access.

This Capital Budget Stabilization Reserve is intended to provide flexibility given an increased uncertainty for purposes such as contingency for projects, revenue stabilization, or cash equity. Current bids received for the project are over the currently appropriated budget. After reviewing the current bids, coordinating with engineering firms, and evaluating comparisons to regional bid results, staff believes that the over-budget pricing received for this project is in alignment with the current market and therefore requests additional funding to complete this project.

Appropriation #2022018

Sources:	Local Revenue	\$215,000.00
Uses:	Fire Rescue	\$215,000.00
Net Increase to Appropriated Budget:		\$215,000.00

Description:
This request is to appropriate \$215,000.00 from a private donation to Albemarle County Fire Rescue. These funds would be used to purchase shop equipment that would provide system-wide fleet maintenance and repairs. Examples of some of the shop equipment include: medium and heavy truck lifts, headlight alignment machines, pump test equipment, and electrical system testing equipment.

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2022014; #2022015; #202216; #2022017, and #2022018 are approved;
- 2) That the appropriations 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, 2022.

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APP#	Account String	Description	Amount
2022014	3-2000-62000-351000-510100-6599	SA2022014 Use of Fund Balance	\$385,035.40
2022014	4-2000-62118-461337-601300-6501	SA2022014 EDUC. & RECREATION SUP.	\$12,775.50
2022014	4-2000-62433-462420-600500-6505	SA2022014 LAUNDRY/JANITORIAL SUP.	\$21,772.36
2022014	4-2000-62433-462420-331200-6505	SA2022014 R&M EQUIP.-BUILDINGS	\$50,837.70
2022014	4-2000-62433-462420-800501-6505	SA2022014 MOTOR VEHICLES-REPL	\$24,582.55
2022014	4-9000-69990-468300-800700-6599	SA2022014 TECHNOLOGY EQUIPMENT	\$24,219.00
2022014	4-2000-62115-462420-520304-6503	SA2022014 TELECOMM.-DATA LINES	\$5,433.68
2022014	4-2000-62115-468200-800700-6503	SA2022014 TECHNOLOGY EQUIPMENT	\$20,086.22
2022014	4-2000-62302-461105-800100-6302	SA2022014 TECHNOLOGY EQUIPMENT	\$11,771.50
2022014	4-2000-62432-462320-800501-6504	SA2022014 MOTOR VEHICLES-REPL	\$83,947.80
2022014	4-2000-62432-462320-800300-6504	SA2022014 COMMUNICATION EQUIPMENT	\$12,548.62
2022014	4-2000-62432-462310-800700-6504	SA2022014 TECHNOLOGY EQUIPMENT	\$3,171.22
2022014	4-2000-62254-461101-800200-6254	SA2022014 FURNITURE & FIXTURES	\$21,093.00
2022014	4-2000-62431-462160-800200-6501	SA2022014 FURNITURE & FIXTURES	\$13,199.10
2022014	4-2000-62433-462410-312300-6505	SA2022014 PROF. SER. ARCHITECTUAL	\$19,740.00
2022014	4-2000-62433-464600-800200-6505	SA2022014 FURNITURE & FIXTURES	\$59,857.15
2022014	3-3162-63162-333000-330050-6599	SA2022014 CARES Act - Federal	\$545,000.00
2022014	4-3162-63162-461101-301210-6530	SA2022014 Contract Services	\$537,043.38
2022014	4-3162-63162-461101-301210-6595	SA2022014 Contract Services	\$3,718.02
2022014	4-3162-63162-461101-601300-6530	SA2022014 Educ. Recreation Sup.	\$1,347.42
2022014	4-3162-63162-461101-601300-6595	SA2022014 Educ. Recreation Supplies	\$2,891.18
2022015	3-5023-24100-318000-189922-9999	SA2022015 Bama Works Grant	\$9,000.00
2022015	4-5023-24100-422000-371000-9999	SA2022015 Contractors	\$9,000.00
2022016	3-4100-32100-352000-510100-9999	SA2022016 Use of Fund Balance-Time and Attendance, Workforce Optimization, IT System Support	\$252,549.00
2022016	4-4100-32110-435600-372200-9999	SA2022016 Technology Maintenance and Support	\$57,569.00
2022016	4-4100-32110-435600-344400-9999	SA2022016 Other Consulting and Management Services	\$75,980.00
2022016	4-4100-32110-435600-800712-9999	SA2022016 Software Upgrade/Replace	\$119,000.00

2022016	3-4605-73000-324000-240500-9999	SA2022016 VTC Marketing Leverage Grant	\$10,000.00
2022016	4-4600-73000-481000-379300-9999	SA2022016 Advertising	\$10,000.00
2022016	3-5440-15001-324000-240440-9999	SA2022016 OAR DCJS FY22 Grant	\$305,151.00
2022016	4-5440-15001-431000-560000-0007	SA2022016 OAR DCJS FY22 Grant	\$305,151.00
2022017	4-9000-69985-466730-800605-6302	SA2022017 SA2022017: WAHS Softball Restroom Facility Bid Overage	\$300,000.00
2022017	4-9010-99900-499000-999965-9981	SA2022017 SA2022017: WAHS Softball Restroom Facility Bid Overage	-\$300,000.00
2022017	3-9000-69000-351000-512031-9999	SA2022017 SA2022017: WAHS Softball Restroom Facility Bid Overage	\$300,000.00
2022017	4-9010-99000-499000-939202-9999	SA2022017 SA2022017: WAHS Softball Restroom Facility Bid Overage	\$300,000.00
2022018	4-1000-33400-432000-800100-9999	SA2022018 Fleet Machinery & Equipment	\$215,000.00
2022018	4-8405-93010-493010-930050-9999	SA2022018 Transfer Fund	\$215,000.00
2022018	3-8405-18000-318000-181114-9999	SA2022018 ACFR Donations Revenue	\$215,000.00
2022018	3-1000-33001-351000-512008-9999	SA2022018 Transfer from Donations Fund	\$215,000.00

Item No. 8.3. Fiscal Year 2023 Operating and Capital Budget Calendar.

The Executive Summary states that the process of developing the County’s Operating Budget for Fiscal Year 2023 (FY 23) and the Capital Improvements Program (CIP) for FY 23-27 is underway. Staff provides a proposed budget calendar on an annual basis.

Attachment A provides a preliminary budget calendar for the FY 23 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. Staff will continue to provide the public with as much notice as possible for planned community engagement opportunities, public hearings, and work sessions associated with the development of the upcoming budgets. There are several dates that are driven by Virginia Code requirements which are reflected in the attached calendar:

- Localities with a first-half tax year collection in June must adopt the tax rate on or before May 15.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
- There must be at least seven days between the budget public hearing and the adoption of the budget.
- Localities must provide at least 30 days’ notice of the real estate tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year’s real property tax levies.

The preliminary budget calendar for the FY 23 budget process meets the Virginia Code requirements.

This executive summary provides information on the FY23 Budget development process. Staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A.

By the above-recorded vote, the Board adopted the preliminary budget calendar set forth in Attachment A:

FISCAL YEAR 2023 BUDGET CALENDAR

October 2021	
13 (Wed.)	Work Session – Strategic Plan Update
20 (Wed.)	Fall Joint Work Session with School Board – Capital Improvement Plan
November 2021	
16 (Tues.)	Planning Commission meets prior to CIP Advisory Committee
17 (Wed.)	Work Session – Long-Range Planning
Late Nov/ early Dec	CIP Advisory Committee meeting(s)
December 2021	
15 (Wed.)	Work Session – Long-Range Planning
February 2022	
17 (Thurs.)	<i>Tentative</i> – Superintendent presents Draft Funding Request to School Board
23 (Wed.)	County Executive’s presentation to Board – Recommended Budget and CIP
March 2022	
02 (Wed.)	Public Hearing on County Executive’s Recommended Budget and CIP

09 (Wed.)	Work Session #1
10 (Thurs.)	<i>Tentative</i> - School Board adopts School Division budget request
14 (Mon.)	Work Session #2 – To include School Board funding request and CIP
17 (Thurs.)	Work Session #3 – Board proposes Budget and sets maximum tax rate for advertisement
23 (Wed.)	If needed - Work Session #4
30 (Wed.)	If needed - Work Session #5
April 2021	
Week of 4-8	Spring Break
6 (Wed.)	If needed - Work Session #6
27 (Wed.)	Public Hearing on the CY 22 tax rate and Board's Proposed Budget
May 2021	
4 (Wed.)	Board approves FY 23 Budget and sets tax rate
12 (Thurs.)	<i>Tentative</i> - School Board adopts School Division budget

Item No. 8.4. Appointment of Lori Allshouse as the County of Albemarle's Proxy for JAUNT.

By the above-recorded vote, the Board approved the appointment of Lori Allshouse as the County of Albemarle's Proxy for JAUNT.

Item No. 8.5. SE202100022 Woods Edge Homestay.

The Executive Summary states that the applicants are requesting one special exception for a homestay at 4455 Woods Edge Road.

Reduce Required Minimum Yards. Pursuant to County Code § 18-5.1.48(i)(1)(ii), the applicants are requesting to modify County Code § 18-5.1.48(j)(1)(v) to reduce the required 125-foot setback to 93 feet +/- from the northern property line for a homestay and its accompanying parking.

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 Resolution (Attachment F) to approve the special exception with the conditions contained therein:

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR SE2021-00022 WOODS EDGE HOMESTAY

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the SE2021-00022 Woods Edge 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 Woods Edge Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125-foot northern side yard required for a homestay in the Rural Areas zoning district, subject to the conditions attached hereto.

* * *

**SE2021-00022 WOODS EDGE HOMESTAY
CONDITIONS**

1. Parking for homestay guests must meet the setbacks required for homestays.
2. Homestay use is limited to (a) the existing structure as currently configured and depicted on the House and Parking Location Exhibit dated September 15, 2021 and (b) additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated September 15, 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.

Item No. 8.6. ZTA202100004 Resolution of Intent for Proposed Zoning Text Amendment to

Homestay Zoning Regulations.

The Executive Summary as forwarded to the Board states that a "homestay" provides lodging and rooms to guests for less than 30 days and is accessory to a single-family dwelling. Homestays are also known as "short term rentals," "Airbnb," "VRBO," or "transient lodging," and were previously known in the Albemarle County Zoning Ordinance as "Bed and Breakfasts" or "Accessory Tourist Lodging." Study of the County's "homestay" regulations led to a series of amendments to the County's taxation, health and safety, fire protection, and zoning regulations in August 2019. The Board reviewed the County's homestay compliance program and experience with the new regulations at its August 18, 2021 meeting, at which the Board directed that several amendments to the zoning regulations for homestays are needed.

The purpose of this proposed zoning text amendment (ZTA) is to amend Albemarle County Code § 18-5.1.48 to address the following:

Provide structural/organizational updates, including re-ordering and re-grouping how the zoning regulations are listed and updating for clarity any terms that are not consistent throughout § 18-5.1.48.

Replace the required 125' setback applicable to homestay structures and parking in the Rural Areas (RA) district, with primary structure setbacks of 75' Front, 35' Rear, and 25' Side.

Add buffer/screening requirements consistent with special exception setback approvals.

Allow owners of parcels greater than five acres to request a waiver of the owner occupancy requirement, to instead allow a tenant resident/manager. Currently, only parcels less than five acres or those zoned residential may seek such a special exception.

If the Board adopts the Resolution of Intent, staff would prepare a draft ordinance, schedule a work session and public hearing with the Planning Commission in November or December, and a Board public hearing in February 2022. Because these would be focused amendments, and the County has already received a great deal of input directly from affected stakeholders, no additional public engagement would be planned beyond general communications and public hearings.

There is no anticipated budget impact with this zoning text amendment. Staff believes these amendments would save staff time by reducing the number of special exceptions and providing additional clarity in zoning regulations.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

By the above-recorded vote, the Board adopted the Resolution of Intent as presented in Attachment A:

RESOLUTION OF INTENT

WHEREAS, Albemarle County Code § 18-5.1.48 contains regulations pertaining to homestays; and

WHEREAS, staff has evaluated those homestay regulations, especially the homestay special exceptions that have been routinely requested and approved, and recommends (a) revising the setback requirements for homestays in the Rural Area district, (b) adding buffer and screening requirements consistent with special exception setback approvals, and (c) allowing owners of parcels greater than five acres to request a waiver of the owner occupancy requirement, to instead allow a tenant resident/manager.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §185.1.48, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

Item No. 8.7. VACo 2021 Annual Meeting Voting Credentials.

By the above-recorded vote, the Board approved the VACo 2021 Annual Meeting Voting Credentials.

Item No. 8.8. Albemarle County Q1 FY 22 Economic Outlook, **was received for information.**

Item No. 8.9. Land Use and Environmental Planning Committee (LUPEC) Update, **was received**

for information.

Item No. 8.10. Boards and Commissions Annual Reports, **was received for information.**

Item No. 8.11. Board-to-Board, September 2021, a Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Agenda Item No. 9. **Action Item:** Proposed 2022 Legislative Priorities.

The Executive Summary forwarded to the Board states that the Board of Supervisors held work sessions on its 2022 Legislative Priorities on July 7 and September 1, 2021. This is the third opportunity for the Board to discuss its Legislative Priorities and, if it is ready to do so, to set its 2022 Legislative Priorities and to adopt its 2022 Legislative Positions and Policy Statements.

The Board's September 1 work session is summarized below:

- Civil penalties in lieu of criminal penalties for violations of local ordinances: The Board reached consensus on the general approach and the maximum civil penalties shown in Attachment A. Staff has made one correction to the sample legislation by increasing the maximum civil penalty for the fourth or subsequent violation from \$1,500 to \$2,000. For those localities adopting a civil penalty schedule at the maximum amounts enabled, this revision reaches the \$5,000 maximum by the fourth violation. The Board elected not to pursue enabling authority to seek attorney's fees in an enforcement action. Lastly, a majority of the Board did not want to pursue enabling authority that would allow the County to issue a new summons more frequently than once every 10 days.
- Minimum standards for farm buildings and structures used by the public: Although farm buildings and structures are generally exempt from the minimum requirements of the Virginia Uniform Statewide Building Code (VUSBC), the Board consensus was that this initiative should remain a priority that would establish what it described as "bare minimum" standards such as posting "exit" signs at doors and installing panic bars on doors.
- Expand the use of photo-speed monitoring devices: This initiative would expand existing legislation adopted in 2020, which authorizes these devices only in school crossing zones and highway work zones. The Board consensus was to seek enabling authority to expand the use of these devices, by ordinance, to segments of secondary roads that have posted speeds above 35 miles per hour where there is crash and fatality data to support the need for this additional enforcement tool. The road segments where photo-speed monitoring devices would be deployed would have signs posted informing drivers that the devices are being used.
- Minimum erosion and sediment control standards for agriculture and forestry operations: This initiative would establish minimum erosion and sediment control standards for agriculture and forestry operations. These standards could be those within the Chesapeake Bay Preservation Act's regulations, which include: (1) for agriculture, soil and water quality conservation assessments evaluating the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, resulting in plans outlining additional practices needed to ensure that water quality protection is being accomplished; establishing and maintaining stream buffers; and using best management practices for agricultural ditches; and (2) for forestry operations, requiring operations to be conducted using the appropriate best management practices as prescribed by Virginia's Forestry Best Management Practices for Water Quality, and requiring that a full 100-foot buffer be established in woody vegetation when the silvicultural activity ceases within the buffer area on the property and a new land use is proposed. The Board recognized that other localities, the agriculture and forestry communities, and the Virginia Association of Counties must be engaged with this initiative. For those reasons, the consensus of the Board was to add this initiative to the Board's the 2022 Legislative Positions and Policy Statements.
- Elections; June primaries: This initiative would move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places. The consensus of the Board was to elevate this initiative, which was included in the Board's 2021 Legislative Positions and Policy Statements, to a Board priority.
- Upgrade State technology: The consensus of the Board at its July 7 meeting was for the Board to address this proposed priority by considering adopting resolutions that would support the ongoing State studies and encourage the General Assembly to provide funding for the needed technology modernization. These resolutions will be considered by the Board at its October 20 meeting.

The Board reached consensus at its September 1 work session to not further pursue: (1) enabling authority for a recordation fee or recordation tax dedicated to funding affordable housing; and (2) legislation requiring utilities to be responsible for their infrastructure failures that affect customers.

The Board's proposed 2022 Legislative Positions and Policy Statements is provided as

Attachment B. It has been amended to remove the June primaries initiative and to update other positions and policy statements as necessary.

There are no specific, identifiable budget impacts.

Staff recommends the Board review the proposed 2022 Legislative Priorities and the 2022 Legislative Positions and Policy Statements and, if they are acceptable, adopt them by motion.

Mr. Kamptner reported that this is their third meeting and discussion regarding legislative priorities, with staff providing an update to the Board in August and moving towards setting positions and policy statements; staff is also in the process of setting up a meeting with the local delegation. He presented the proposed legislative priorities the Board has settled on, in the format the County would present to the local delegation, with key elements and rationale for this particular priority. He stated that he would propose a minor correction to the draft in Attachment A, just to clarify that the civil penalties would be replacing only those identified as misdemeanors, just to be certain that there is no confusion or concern that the County would be attempting to turn things like traffic infractions into civil matters that carry larger penalties.

Mr. Kamptner stated that when they do present to the local delegation, they should anticipate some areas in which the General Assembly may ask questions. He said that one area is maximum amounts, which peak at \$2,000 in the draft legislation, and that is significantly more than the \$500 civil penalty allowed for second and subsequent zoning violations. He noted that the maximum \$2,000 civil penalty for a subsequent individual violation is less than the maximum criminal punishment that can be imposed in conjunction with a class one misdemeanor. He said he hasn't heard anything about this but wouldn't be surprised if there was reluctance to allow liens on property for these violations, as it is enabled in various provisions throughout state code.

Mr. Kamptner explained that the third area would be related to the enforcement issue, and when they move to civil penalties, the logical outcome is that they won't have police officers responding to calls for these civil violations. He said there were a few ways to look at this, and in Albemarle, there have been very preliminary discussions about having County compliance officers functioning 24 hours a day in shifts—and that may be a long way off. He said that shifting to civil penalties eliminates the obligation for the next-door neighbor as complainant to have to go to the magistrate for a criminal summons, and those neighbors would essentially be witnesses and file complaints in a way that's similar to how zoning violations are done now. He noted that a lot of the violations are not after-hours types of violations, and having civil compliance officers available to respond to those calls is not necessary.

Mr. Kamptner said the last prong of this enforcement issue is that there is authority for noise violations that authorizes localities to impose civil penalties in lieu of criminal enforcement, which also gives law enforcement officers the authority to issue civil summons. He noted that this would allow enforcement by police officers to happen around the clock and runs counter to the Board's intent to decriminalize some of these violations, as well as weighing on the workload of the police force. He asked if there were any questions.

Ms. McKeel asked if civil summons issued by dedicated County officers meant there would be a role for the sheriffs versus the police.

Mr. Kamptner responded that he is envisioning non-law enforcement County employees, and it's never been a function of the sheriff except before there was a police department. He said it would essentially be handled by the County's code compliance team, who currently enforces the zoning ordinance, which would be expanded and diversified into other areas.

Ms. Mallek commented that it would be helpful for code compliance officers today to have this ability to give a summons on the spot if they see an abject refusal to comply, so it would perhaps provide more tools to prevent having to go back to get compliance. She added that it is important to be able to hold people accountable in whatever legal means are possible.

Ms. Price stated that she supports alternatives to making everything a criminal offense while still providing the avenue or opportunity if the civil penalties don't achieve compliance.

Ms. LaPisto-Kirtley asked Mr. Kamptner what would happen if someone had not complied up to the point of the maximum of four times and \$5,000 in civil penalties, if it is still the same violation, and asked whether it would then have to go to court.

Mr. Kamptner responded that it would begin at \$500, and the reason they're starting there is because the \$200 threshold under the existing zoning enabling authority is almost 15 years old now, and it then gets into increments of \$500 for each subsequent violation. He said that once the \$5,000 cap is reached, it would operate the same way as the current enabling authority for zoning violations, where the locality has the ability to enforce in a criminal prosecution. He added that regardless of whether civil or criminal penalties are pursued, the locality also has the ability to seek injunctive relief to stop continuing violations.

Ms. LaPisto-Kirtley asked what the time period is between each civil penalty.

Mr. Kamptner replied that the Board's consensus draft set it up so that each day is a separate

violation, but you can't cite someone more than once in any 10-day period.

Ms. Palmer said that zoning compliance staff would still go out to the place where the complaint originated and try to get them to fix it before the \$500 fine.

Mr. Kamptner explained that she was referring to a practice and would not necessarily be a requirement, and the zoning process involves a state program whereby code compliance officers issue a notice of violation. He said the owner or violator then has a right to appeal that decision to the Board of Zoning Appeals, and those rights of appeal do not exist for most of not all other violations of the County code. He stated that it would be different, and code compliance officers could issue a summons or, with the very first violation, the officer would go to the site and determine that a violation exists.

Ms. Palmer expressed some confusion, stating that it's typical for staff to go out and talk to the person first before they are fined \$500 or \$350. He said that would still continue because some people don't know that they've violated an ordinance, and some things can't be cleaned up in 10 days.

Mr. Kamptner reiterated that this was a practice, and they "may" do that, but it's not a requirement; he confirmed that this would not change that, so they still could do it.

Ms. Palmer said she wondered about unintended consequences for smaller violations people didn't know they were committing. She noted that Mr. Kamptner had mentioned that the majority of violations would not require evening and weekend visits from zoning compliance officers, and she asked for an example of something this wouldn't work for.

Mr. Kamptner stated that County Code says it's a class one misdemeanor for failing to return a library book, and what became apparent with implementing this enabling authority in Albemarle County was that a section-by-section or chapter-by-chapter schedule—or some classes of violation where the first civil penalty might be just \$50 according to the schedule, just because of the nature of the violation, and it could go up in increments that way. He noted that the numbers provided are maximums, with \$1,000 for the second violation and \$1,500 for the third, so the locality has the ability to tailor the schedule of civil penalties for the particular violation itself.

Ms. Palmer asked if this were to pass and they had this ability, before that was instituted, if staff would go through that process of figuring out how it should all work within this system.

Mr. Kamptner said that would be his recommendation and is the best and fairest way to implement this kind of enabling authority, adding that there are some he would recommend remain criminal authorities, such as BPOL regulations and other tax regulations in Chapter 15. He said that he would also recommend that fraud under BPOL, willful failures or evasion, and parking in handicapped spaces remain as criminal penalties because of their nature.

Ms. McKeel asked about Ms. Mallek's suggestion and said she didn't hear his response to that.

Mr. Kamptner responded that they would have the ability to issue a summons on the spot, even the first time out, but the practicality of enforcing something like loud music might consist of asking the violator to turn it down—then the next time out, they might receive a summons.

Ms. McKeel said that there are frequent violators, and perhaps they might be handled differently.

Mr. Kamptner agreed.

Ms. Mallek said that there are many occasions when work is done on Saturdays and Sundays with heavy machinery because people are very aware that enforcement code compliance people are not on the job. She stated that having the ability—however rare it is—for someone to be able to issue a serious summons on the spot would save a lot of damage to the environment and prevent things from becoming even more rampant than they are today.

Mr. Kamptner stated that the second legislative priority is one the Board wishes to pursue, and during a relisten to the Board's September 1st work session, these were the two examples given: posting exit signs and doors and installing panic bars on doors to facilitate escape during fires and other emergencies. He said that over the next two weeks, if the Board has other expectations as to what could be required, they can let staff know; he would also check back in with Mike Dellinger regarding other features and elements that can be included in the presentation to the local delegation. Mr. Kamptner stated that in Virginia Code, it states that the purpose of the building code is to protect public health, safety, and welfare—and he has seen firsthand those buildings that have not gone through the building permit review and inspection process.

Ms. Mallek said that if a building is being renovated from something like an old packing shed to a newer event use, they would still need the authority to require something as simple as an electrical inspection—which is often the source of many fires.

Ms. Price stated that regarding fire safety standards, such as adequacy of exits, structural load capacity, etc., it's one thing to use a building for agricultural purposes, but if you're turning a barn into an event space, it needs to meet the same requirements as any other facility. She said the last thing they want is to have one of these structures have a fire and potentially dozens of people die because of lack of safety standards.

Ms. LaPisto-Kirtley said that she agreed with what has been said but wondered if they also were requiring elements beyond exit signs and panic bars, such as smoke detectors and other structural standards and safety requirements.

Mr. Kamptner responded that the Board is giving him ideas to add, and he noted that this priority had started small, with a state study three years ago that decided not to do anything and instead continued the exemption for farm buildings and structures. He said that what was shown on the screen for elements were “gentle encouragements” into building safety, as the first steps, and he has heard in this conversation some other things to include. He stated that the state committee’s work rejected Mike Dellinger’s idea of creating a separate class for public use agricultural buildings and just having them be subject to a broader array of statewide building code regulations. He emphasized that they are “still small” here.

Ms. LaPisto-Kirtley said that anything they can add in terms of smoke detectors or structural integrity would make sense to her, as well as the electrical and plumbing aspects.

Ms. Palmer said that she agreed with Mr. Kamptner as to the amount of strategic positioning they can take, having spoken with representatives about this, as it has been rejected outright for years—even though there is a lot of need for it. She stated that she is not suggesting that they stick just to exit signs and panic bars, but they do need to keep it small to begin with and perhaps add on in future years. She added that she is in favor of this.

Mr. Gallaway said that he was also in favor of this, and there certainly is a point of capacity—but it’s absolutely unfathomable to him that they should be thinking small about this, as events for groups of people should be considered. He stated that there is someone with more expertise than him to determine what five or six things they could promote as a bare minimum.

Ms. Mallek commented that they are fortunate to have Mr. Dellinger on staff, as well as state building code committee, and he came up with the “essential things to keep people from dying” list. She added that a lot of farm activities that are high risk, such as horseback riding, are provided with VDACS language that indicates activity with risk. She said that a version of that for the door of uninspected buildings should be something like, “This building is not up to building code, enter at your own risk, and don’t rely on the fact that you think somebody has said this is safe.”

Ms. Mallek stated that some of the agricultural contingent would march down and say, “They want us to put in sprinklers, which is going to cost me \$5 million,” and that’s the reason to provide some clarity and examples. She said they would try to get away with it anyway, but the County needs to be clear in stating that what they are looking for are life-saving measures, not to keep the barn itself from burning down.

Mr. Kamptner stated that the next priority relates to photo-speed monitoring devices, which he narrowed down to four elements, based on the Board’s comments. He said that the current enabling authority is self-executing, which means a local ordinance is not required and localities can post signs in highway-construction and school-crossing zones without an ordinance. He said that for the work sessions, the ordinance approach tied to the third bullet under elements—the crash and fatality data to support the need—gives the process some meaning above and beyond what is otherwise expected. He noted that it also ties back to the Board’s original concern that pulling over vehicles speeding on rural roads is dangerous, and this also recognizes the speeding that is taking place. He said that he added in the rationale section that technology means that there doesn’t have to be a human being in a car covering hundreds of square miles to enforce speed laws, and this enabling authority provides an efficient enforcement tool. He said that a person would issue the same ticket that the technology would do through the auto system.

Mr. Kamptner said that the Board would be asked if they had taken advantage of the existing enabling authority, and before they have their meeting with the local delegation, staff would talk with police to get an update on their position. Mr. Kamptner said that in a meeting with David Blount and his staff, and James Douglas in the County Attorney’s Office, it was Mr. Douglas who put out the suggestion that to the extent they are looking at school-crossing zones, tying the need for speed monitoring devices there to the Safe Routes to School program might give that part of the existing enabling authority some incentive to get up and running.

Ms. McKeel commented that she was pretty shocked to see or hear on an email earlier that day that the devices they have that they can roll into neighborhoods and secondary roads that flash how fast people are going have been vandalized—and this only enforces the need to have the photo-speed monitoring devices. She said that it is concerning in terms of behavior in the community, but it also limits the County as to what they can do with education ahead of this, and maybe there’s a way to tie that in.

Ms. Mallek stated that she would like to know if there was any data yet regarding the school bus arm cameras purchased and installed three and two years ago, respectively. She said that she had read the ordinance carefully and said they’ve created a loophole with the description “roads with posted speeds above 35 miles per hour,” and she asked if it would be possible to have “roads at or above 35 miles per hour” so all of the twisting, tree-lined roads like Half-Mile Branch where there was a fatal fiery crash about a year ago. She said if they could use it on some of the high-risk roadways, they may be able to save some lives. Ms. Mallek emphasized that it really bothers her that Albemarle continues for the second or third consecutive year to be number one in the state for highway deaths—and that’s

compared to Fairfax, which has more than a million people.

Ms. Price stated that she fully supports this, and if there is an issue with vandalism, she supports purchasing more cameras to catch the vandals and hold them accountable.

Ms. LaPisto-Kirtley said she concurs with Ms. Price, and it is inexpensive to install cameras nearby where there are flashing signs to catch the violators. She noted that there was a fatal accident just the previous week on Route 22 in Keswick, with two others injured. She said that she supported Ms. Mallek's suggested change to "at or above 35," and she feels this is important to public safety and the police officers to help monitor rural roads. She agreed with Mr. Kamptner that they have the technology, and it's time for them to move into the 21st century. She noted that they have these in Montgomery County, Maryland, operated by a third party and people getting ticketed with their picture shown on the ticket. She stated that it's good for the police department and citizens, helping to protect everyone.

Ms. Palmer commented that she doesn't know what the state's climate action plan looks like, but she wondered if another rationale for this might be for climate action and reducing fuel consumption. She added that she is supportive of this measure.

Mr. Kamptner said that he has not looked at that and would need to talk to the police in terms of how much driving is done in conjunction with speeding enforcement.

Mr. Gallaway indicated that he agrees with other Supervisors, and the crash and fatality data is an important add-on here. He said that speed can be a subjective thing, and not every stretch of the road in the County can be outfitted with these devices, but if there are verified speeding hot points with data to support it, that's a strong rationale for these devices.

Mr. Kamptner asked if there was consensus to the posted speed of "at or above 35 miles per hour," stating that they went with above 35 to ensure they stayed clear of residential areas, which was a concern with the original legislation. He asked Mr. Blount for any further insights.

Mr. Blount agreed and said that the original bill had schools, construction zones, and residential areas—and the latter was very quickly taken out because of concerns cited. He stated that to the extent that the speed limit is an issue in conflict with residential areas, that might warrant some further discussion.

Mr. Kamptner said they could start with "at or above 35," and if there are concerns, they can work from there.

Ms. LaPisto-Kirtley stated that she agrees with that approach, as they just want to get something in there.

Ms. Mallek commented that she is fascinated that the legislators don't have people in their neighborhoods getting run over at their mailboxes by speeders—so this is a red herring they're throwing back, and she hopes they will try for the whole thing and see where it goes.

Mr. Kamptner stated that regarding legislative positions and policies statements, there was never a doubt that they would be retained. He said that regarding the erosion and sediment control standards for agriculture and forestal operations, he met with Frank Pohl and Kim Biasioli several weeks ago, and they recommended incorporating certain provisions from the Chesapeake Bay Preservation Act, which he has included in the paragraph devoted to this particular position. He said that this is not a priority here because the Board recognizes that it is a multi-year initiative requiring a broad spectrum of communities to participate and engage. He noted that there is some logical connection as they move toward the end of 2025, as there is some new enabling authority that emerged from the 2020 session that requires the state to impose additional mandates on cropland activities if localities don't achieve the state water quality goals.

Ms. Mallek mentioned the language in that provision: "and a new land use is proposed." She expressed concern that it would mean it was being changed to development or some other use, and she wondered if that phrase were required to be included—and if it is not, by state law, even if someone is continuing in forestry, they should be taking care of the buffer because the state best management practices only have a 50/50 stem rule.

Mr. Kamptner responded that the clause is in the Chesapeake Bay Preservation Act, but there has been some progress in the Board's amendments adopted in April, which implemented phase one of the stream health initiative. He said that Mr. Pohl, Ms. Biasioli, and her committee are also working on some other issues, which currently are voluntary steps, but it is recognized locally that this is long term and will go through many changes if it becomes enabling authority.

Ms. Mallek stated that she agrees with Mr. Kamptner's assessment of 2025—but the 2020 session kicked the can down the road, and their own local delegate voted for that, despite the pleadings of local officials. Ms. Mallek said that she has no faith that they will hold to 2025 either, and this is streams and public lakes that are being damaged and require public funds to fix, and she hopes they will stick to their guns with this.

Mr. Kamptner noted that Senate Bill 704 is part of a multi-state agreement, and if the states don't do it, the EPA may step in.

Ms. Price stated that she definitely supports impact fees, as proffers are insufficient and inadequate, but she is not prepared to support a request for the ENS standards for ag/forestry operations. She explained that she supports stream health, but in Albemarle County's ag forestal industry, there is a very high degree of voluntary cooperation—and when they change from cooperation and compliance, they change the tone from “help” to “cite a violation.” Ms. Price said that she is hearing from the Farm Bureau and County staff that they do have a good relationship here, and only 4% of County land is in ag uses. She stated that her understanding is that most of the damage to water quality is coming from development, not ag/forestal uses, and the sediment and screening process has not been adequate for the streams. She said that she is not prepared to support the legislation because she doesn't see this segment of industry as causing the most damage, so they need to focus more on development impact.

Ms. LaPisto-Kirtley said that she concurs with Ms. Price regarding this issue and thinks they need to work more with the Farm Bureau in coming up with something that works, but she does agree with the impact fees on residential development.

Ms. Palmer said she agrees with the impact fees and ENS standards for ag/forestry, and their 2014 revisions to the water protection ordinance helped substantially with development and residential area problems, and staff recommended incorporating certain provisions of the Chesapeake Bay Preservation Act, in which it was clear there was a lot of leeway for ag and forestry. She said that if you meet BMPs, you don't have to do the 25-foot buffer on stream, and if 90% of people are following BMPs, that's great—but the others need to be accountable at least to the Bay Act minimums, and she doesn't feel it creates a problem with ag/forestry. Ms. Palmer noted that she shares Ms. Mallek's frustration in how weak the Act is for ag and forestry and is very happy they have a 90% compliance rate for the BMPs.

Mr. Kamptner agreed that the BMPs do play a big part in cropland and ag/forestry operations.

Ms. Mallek commented that her pushback would be a question as to whether why, if they are already doing so well, they are still failing with sediment. She noted that they are failing upstream of the growth area as much as the sediment downstream of the growth area, and if you look at the Mechums River, there is no growth out there, yet it is red all the time from historic erosion that happens with steep, flat property that has no cover on it. Ms. Mallek added that the hesitation has been that people want no rules at all, and that is sad and she disagrees with them. She added that while there have been tremendous advances in agriculture practices in some places, there are many who do not adopt these because there are no rules that say you shall.

Ms. McKeel expressed her support for this item, despite some concerns about the Bay Act not being strong enough.

Mr. Gallaway stated that he supports the impact fees and while he understands the point Ms. Price raised about the development versus ag, to him they are two separate issues. He said it seems to him that there are a lot of good stewards of ag/forestry properties who are out there doing good practices, and those are the most active in communicating with the County and community, so it seems it should be easy to establish some minimum standards that would be embraced.

Ms. LaPisto-Kirtley said she concurs with Ms. Mallek about the Mechums River, and perhaps they can work with the Farm Bureau and other entities, and if something isn't done with the rules they have in place or on a voluntary basis, that's something they can stand united on as they implement something even more restrictive. She emphasized that she'd like to give an opportunity to work with the entities first, and perhaps encourage people to participate voluntarily. She reiterated that she supports impact fees and agrees with Mr. Gallaway that residential is different from the ag/forestry communities. She added that this would be a very contentious issue at the state level, and she would like to see them have a win here.

Mr. Gallaway stated that his perspective from touring farms and seeing mitigation efforts is that it's the flexibility to understand one's own property and not cookie cutter every single property with the same elements—such as with buffers and mitigation efforts that work with a particular topography and functioning of their property. He said it would be reasonable to him to have those in the set of standards, and in talking minimums, what he envisions are not debilitating standards but what can be done to make some progress. He noted that perhaps some conversation could inform what those minimums are to provide some flexibility.

Ms. Mallek said that 20 years ago, the Farm Bureau president told his members that these standards would someday be required, and people needed to get on board and start putting in measures while cost shares were available. She said it's taken a lot longer to get there because legislators back down out of fear, but this is our grandchildren's future and people need to stand up for it. She stated that the watershed locally is somewhat protected in the western part of the County because of the 1980 downzoning—but some of that in the Mechums and elsewhere puts a lot of difficulty for RWSA and other entities. She said that it is an urban impact and drinking water impact, and she wonders why they have to work so hard when other people can just be required to do the bare minimum. Ms. Mallek mentioned that the USDA was much stronger after the Dust Bowl than they are now, and they did have rules about requiring contour plowing, cover crops, and removal of thistles. She said they must hold onto their soil better than they are now or they will look like Morocco as it all erodes into the Chesapeake Bay.

Mr. Kamptner stated that a resolution would be presented to the Board related to state information technology for them to consider, which would encourage the General Assembly to provide

funding. He said that in looking at JLARC reports, this would also include staffing for needed technology modernization.

Ms. McKeel expressed her enthusiastic support, stating that staffing is a great addition.

Ms. Mallek stated that she hopes it would make a difference, and they need to make sure they get good technology that works, noting the VEC example.

Ms. Price said that supports technology modernization and staffing, which also need to be improved in the County.

Ms. LaPisto-Kirtley expressed her support.

Ms. Palmer expressed her support.

Mr. Gallaway agreed.

Ms. Palmer **moved** to adopt the Legislative Priorities and Legislative Positions and Policy Statements as provided in the executive summary and presentation. Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion failed by the following recorded vote:

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

Non-Agenda Item. **Recess.** The Board recessed its meeting at 2:48 p.m. and reconvened at 3:06 p.m.

Agenda Item No. 10. **Work Session:** Comprehensive Plan Update – Phasing Plan.

The Executive Summary forwarded to the Board states that at Board work sessions on February 3, 2021 and March 17, 2021, staff presented a draft Phasing Plan and budget estimate for the Comprehensive Plan (Comp Plan) Update project. The Comp Plan Update, along with an update to the County's Zoning Ordinance, was also discussed by the Board during work sessions on the Community Development (CDD) Work Program on March 4, 2020 and May 5, 2021.

Two themes emerged from the Board's previous discussions of the Comp Plan Update: 1) a desire for a more streamlined process that would allow concurrent work on the Comp Plan and other high-priority projects (especially the Zoning Ordinance Update) and 2) a request for more information about community and stakeholder engagement. Staff has prepared additional information to address each of these topics.

This work session is designed to be the first part of a two-part discussion on the Comp Plan Update. The October 6 work session will focus on the topic of the Comp Plan Phasing Plan for Board feedback and review. During the November 3 work session, staff will share an engagement plan for the first phase of the project and the Board will be asked to consider the adoption of a Resolution of Intent (ROI) to update the Comp Plan.

Attachment A shows a project Phasing Plan that has been revised based on the Board's feedback. Previously, the Board expressed a desire to continue work on the Zoning Ordinance Update alongside the Comp Plan Update. The updated Phasing Plan proposes concurrent updates to the Comp Plan and Zoning Ordinance. The Phasing Plan proposes four-phases of work for each project and will allow for portions of the Zoning Ordinance to be updated as the Comp Plan Update process is underway. Additional details about the Zoning Ordinance Update will be forthcoming as that project is further scoped.

The revised Comp Plan Phasing Plan is designed to produce a focused update to the 2015 Comprehensive Plan, accomplishing the project goals listed below:

1. Update plan content to reflect recent County-wide strategic initiatives including climate action planning, economic development, and multi-modal transportation planning.
2. Ensure that equity is integrated into the engagement process and the updated plan content, consistent with the County's recently added "Community" organizational value (Community: We expect diversity, equity, and inclusion to be integrated into how we live our mission.).
3. Improve Plan usability by articulating clearly prioritized goals, incorporating metrics for tracking progress, and applying a modern, streamlined document design.

Additional project goals may be added as community and stakeholder engagement is implemented.

At this work session, staff is looking for Board feedback on the revised Phasing Plan. Based on Board feedback, staff will come forward with a final Phasing Plan, Phase 1 Engagement Plan, and an ROI for the November 3 work session.

The FY2022 budget identified \$665,000 from the Board of Supervisors Strategic Priority reserve to fund work associated with the Comprehensive Plan Update and Zoning Ordinance Update.

Staff recommends that the Board affirm or recommend revisions to the updated Comp Plan Phasing Plan (Attachment A) and the draft project goals (listed above).

Planning Manager Rachel Falkenstein stated that she is joined by Michaela Accardi.

Senior Planner Michaela Accardi said that they would share an update on the comprehensive plan scope of work, with a phasing plan and project goals. Ms. Accardi said the purpose of this work session is to share an updated phasing plan for concurrent update to the comp plan and zoning ordinance, as well as draft project goals. She stated that staff looks forward to receiving the Board's feedback on these items and is planning for a November 3 follow-up work session, which will include an engagement plan for the first phase of work, a final phasing plan, and a resolution of intent for this project.

Ms. Accardi stated that the comprehensive plan establishes Albemarle County's long-range vision that guides growth, development, and change for the next 20 years. She said that it assists County staff, appointed committees and boards, and the Board of Supervisors in developing public policies related to land use and utilization and resources in Albemarle. She stated that it serves as the basis for land development regulations and decisions such as rezonings and special use permits, capital improvements, new County programs, and the distribution of County budget to programs and agencies. She said the plan is the document that divides the County into designated development areas and rural areas, and the intent of that approach is to focus development in urban areas to create quality living areas, avoid sprawl, improve access to services, and protect the rural areas; each development area has its own master plan.

Ms. Accardi reported that County staff has held work sessions with the Board and Planning Commission on the comprehensive plan scope of work earlier this year—with the Board on February 3 and March 17, where staff presented a draft phasing plan and a project budget estimate. She said the Board shared a desire for a more streamlined process to allow for concurrent work on the comp plan and other high-priority projects, including the zoning ordinance, and they requested more information on the community engagement process. She said that a work session with the Planning Commission was held on April 13, during which staff shared a revised phasing plan, and the Commission supported concurrent work on the comp plan and zoning ordinance updates.

Ms. Accardi stated that work sessions were also held regarding the Community Development work program on March 4, 2020 and May 5, 2021. She said that at these annual work sessions, County staff shared a proposed work program for Community Development, which required adjustment to the COVID-19 pandemic in 2020. She said the Board continued to support the concept of a concurrent comp plan and zoning ordinance update and shared support for the first steps to update the ordinance—including updates to the bonus density regulations and clarifying use tables.

Ms. Accardi said that staff felt it would be helpful to share with the Board the rationale for a comp plan update and the timing of it for now. She stated that since the latest update in 2015, the County has undertaken substantial planning and policy initiatives, which are not currently integrated into the existing comp plan. She said that the Board prioritized the strategic plan in the fall of 2018, and it includes climate action planning, economic development, infrastructure planning, revitalizing aging neighborhoods, and expanding broadband—all of which are relevant to the content of the comp plan.

Ms. Accardi stated that several planning and policy efforts have been adopted by the Board since 2015, including the Economic Development Office's Project Enable, the climate action plan, and Housing Albemarle. She said to further the County's commitment to providing the highest level of public service and enhancing the quality of life for all its residents, the Office of Equity and Inclusion was created in 2018; subsequently, a new value of "community" was added to the County's organizational values, stating that they expect diversity, equity, and inclusion to be integrated into their mission.

Ms. Accardi said that Albemarle is a growing community, demonstrated by both the new number of residential units constructed over the past five years as well as the amount of population growth over the last decade. She noted that the U.S. Census Bureau indicates that the County's population increased 10.4% from 2010 to 2019, yet not all of this growth is experienced uniformly across the County. She said as shown in the Albemarle County Equity profile, co-authored by the Office of Equity and Inclusion and the UVA Equity Center, over 37% of Albemarle County households were asset-limited income-constrained employed (ALICE) households, and an additional 9% are living in poverty, according to the latest data available in 2019. She stated that alongside this growth, there's been an increase in demand for urban services and infrastructure, especially in the context of the pandemic, where there has been an increase in the use of County parks and demand for broadband.

Ms. Accardi commented that her next several slides would contemplate the existing plan's content and why an update is appropriate at this time; for example, the current Implementation chapter includes 70 priorities—with no clear prioritization of the times nor an order in which they should be completed. She said the chapter includes 80 indicators of progress that are intended to be tracked annual, but tracking this data is unsustainable, and the sheer number of indicators makes it unclear for community members to understand what success looks like. She stated that additionally, the comp plan includes inconsistent and conflicting recommendations; for example, there are different land use categories across different master plans, and master plan language that conflicts with comp plan language. She said these inconsistencies make it difficult for staff to evaluate development proposals and consider the plan's content when making recommendations to the Board.

Ms. Accardi stated that the County is also in need of undertaking multi-modal systems planning for VDOT to allow for urban street types to be constructed, such as those found in downtown Crozet and the recently adopted standards for the Rio/29 form-based code. She said the state provision requires coordination of transportation or land use planning and provides an opportunity to integrate climate-related initiatives. She added that this update provides an opportunity to integrate best practices that exist within the County's policies and plans, such as Housing Albemarle, and the planning and development field at large.

Ms. Accardi reported that there are a variety of successful and award-winning planning efforts, including Minneapolis 2040, which reviewed the City's land uses and identified opportunities for a mixture of housing types and levels of affordability; Richmond 300: A Guide for Growth, focused on environmental justice, walkability, and economic growth, with clear priorities called "Big Moves"; Memphis 3.0 focused on flexibility and enabling the growth of its urban assets by reinvesting in identified centers of inequity.

Ms. Accardi stated that the County's comp plan update, as with all its work, is in support of its mission to enhance the well-being and quality of life of all community members, through the provision of the highest level of service consistent with the approved use of public funds. She said that with the County's mission statement, recent work, current growth patterns, and content of the existing plan in mind, the project's draft goals are to update the plan content to reflect recent countywide strategic initiatives, including climate action planning, economic development, and multi-modal transportation planning; it is also to ensure that equity is integrated into the engagement process and updated plan content. She noted that a final objective is improved plan usability, articulating clearly prioritized goals, incorporating metrics or tracking progress, and applying a modern, streamlined document. She stated that staff also anticipates adding other goals through community engagement feedback received.

Ms. Falkenstein stated that she would walk through the project phasing plan that will provide a high-level outline and update process, and if staff receives the Board's support for this plan, they will come back on November 3 with a more detailed plan for community, Board, and Commission engagement for the first phase of the project. She said that the phasing plan document is provided in Attachment A of the materials, and she would be covering the content for the comp plan phase in more detail; the phasing plan was developed to support the goals and Board feedback given at the previous work session. She noted that the Board had previously shared a desire to not delay updates to the zoning ordinance and also have a process that would allow for deliverables throughout the update process.

Ms. Falkenstein said the revised plan shows a concurrent comp plan and zoning ordinance update, with each project broken up into four phases. She stated that the zoning ordinance update would be phased to allow portions of the ordinance to be finalized and adopted at the conclusion of each phase, which will provide deliverables along the way. She said phase one would be focused on simplification and clarity of a few topics such as use classifications and setbacks; work on this phase has already begun. She said that phase two would focus on resource preservation topics such as dark skies, tree preservation and historic preservation; phase three is designed to look at street standards and commercial and industrial zoning districts; phase four will review and update residential and mixed-use districts. She stated that in the coming months, there would be more in-depth discussion of the zoning ordinance phases, with a team working on that project, and more detail about content and timelines for each of the phases.

Ms. Falkenstein stated that today they would focus the discussion on the comp plan phases, with phase one entitled "Growth Management Policy and Plan Framework," with the goal to review, evaluate, and update as needed the growth management policy through the lenses of equity, climate action, and County capacity projections. She said they have already begun the work of data collection for this phase, which will include population projections and estimating the capacity of development areas to accommodate the projected community growth. She noted that they will also look at the policy for consistency with the recently approved climate action plan and new organizational value of community that the Board has recently adopted.

Ms. Falkenstein said that this phase would also ensure that the vision and values cited in the comp plan are consistent with these topics, as well as setting up a framework for the appropriate level of detail for the comp plan—providing an opportunity to identify which content belongs in the countywide comprehensive plan and which is more appropriate within a specific topic of the policy documents such as the climate action plan or economic development strategic plan. She stated that hopefully, doing this work in phase one will allow a more focused update for the subsequent phases of the project.

Ms. Falkenstein stated that for phase two, entitled "Policy Review and Framework Design," the goal is to identify the core topics of the comprehensive plan, evaluate existing conditions for each of the major topics, and update the policy statements and goals, setting up frameworks for each topic. She said that these would also be done through the lenses of climate action and equity, and she noted the specific topics or organization for this phase; based on the work in phase one and community feedback, the topics could be adjusted slightly. She said the topics would include transportation, economic development, land use, and resource and rural area planning.

Ms. Falkenstein said staff has heard from the Board that this update should be strategic and focused, and the work of this phase and subsequent phases would be a mix of pulling in content from recently updated plans and policies and community engagement on topics that are right for updating from the 2015 plan. For example, she said, the economic development content is anticipated to be updated to be consistent with the recently approved economic development strategic plan, "Project Enable," they

don't anticipate the need for robust community engagement because the Board and community's input is reflected within it. She said for other content such as transportation, there's likely to be a more substantial engagement as they develop the first-ever countywide multi-modal system plan and ensure that they're integrating land use with transportation planning. She noted that there's also an opportunity with transportation to ensure they are applying the climate action plan goals and equity lens.

Ms. Falkenstein said that for phase three, they will continue to build on the work of the previous phases and will detail action steps for implementation of the policy goals for each topic identified in phase two; in the current comp plan, these action steps are labeled as plan strategies. She stated that in this phase, they also intend to detail out each topic and determine how topic goals should be implemented, identifying metrics for each to track progress moving forward. She said that they would also begin the work of prioritization in phase three, where they will identify the most important and urgent action steps for each of the topics.

Ms. Falkenstein stated that in phase four, they would begin pulling the full draft document together, focusing efforts to identify and eliminate inconsistencies across the plan content, as well as engaging the community and decision-makers around overall plan priorities when all of the content is considered as a whole. She said after that work, there would be a public hearing process for final plan adoption.

Ms. Falkenstein said the hope after completing these four phases is that they will have an updated document that achieves the goals identified, reflects the County's strategic initiatives and priorities, integrates equity, and clearly identifies community priorities and provides metrics for tracking progress. She outlined next steps as a Board work session on November 3, at which they will discuss how they will discuss community and stakeholder engagement, with a plan for phase one and a phasing plan based on Board feedback today, and staff will ask the Board to adopt a resolution of intent to adopt the comp plan. She said that between now and then, they will need to continue to work on data gathering to inform the first phase of work and coordinate with internal staff to prepare for this work.

Ms. Falkenstein stated that staff is asking for the Board's feedback today on the project phasing plan and goals, affirmation to move forward with scoping based on the phasing plan and goals, or for direction on changes they would like to see before moving forward. She said the goals are provided in the executive summary, with the phasing plan as attachment one.

Ms. McKeel stated that this is thoughtful work, and she appreciate staff bringing it forward with its intentionality. She said that she appreciated the ALICE data, which is critical, because the census data is great but is 10 years old, and the ALICE data reveals where the pockets of concerns are—particularly in the older urban neighborhoods. She asked for clarification that staff is looking for the Board's reactions to the goals as the first question.

Ms. Falkenstein confirmed this, adding that these do not have to be the final goals and they can continue to be refined, but they would like their input as to whether they are headed in the right direction.

Ms. McKeel responded that she agrees with the goals as they are presented here. She asked for clarification of the second question.

Ms. Falkenstein confirmed that the second question pertained to the phasing plan as presented and as reflected in the attachment.

Ms. McKeel stated that she agreed with it and understood that it was a lot of work, but she did support the time period proposed. She said that there was a lot of work happening in the community regarding transit, specifically in Albemarle County but also for the region, and they would have to ensure that this was integrated with County staff's work.

Ms. Falkenstein responded that they intend to coordinate with local partners on this work and ensure that their efforts are cohesive.

Ms. McKeel commented that she understands that is a given but felt it should be stated for the record. She said that she would like to hear discussion from her fellow Board members, but she is comfortable with phase one and phase two and supports looking at specifics rather than trying to do a comp plan review all at one time.

Ms. Mallek stated that this was another good presentation, and each time she hears it, she understands more about the proposed direction. She said the way staff has divided this up makes good sense, with focused strategic areas and incorporating those as well as updating those that haven't been addressed in a long time. She stated that they would have to have some interesting discussions about the growth management policy countywide and how to identify those conflicts in language, so they can work on things a little bit at a time. She said that the goal of having more condensed focus in the comp plan is good—and interesting, because in 2015, they worked to go from 15 notebooks down to one big one, with a goal of having one resource guide. She noted that perhaps now it isn't desirable to go in that direction, and she looked forward to hearing approaches that convey the best information. She said that in 2015, the main accomplishment was having a document that was readable by everyone and the ability to share the many chapters.

Ms. Price thanked staff and commented that the complexity of processes and quantity of moving parts make it admirable even to have developed the plan presented to the Board. She said she

concurred with the project goals and phasing plan, and she thanked the presenters and County staff for the work they have done.

Ms. LaPisto-Kirtley thanked staff and said she looked forward to getting into it further.

Ms. Palmer said when staff was giving the presentation, they mentioned looking at everything through an equity and climate action lens was important—but on their goals, only equity is reflected. She asked for clarification that climate action would be integrated into goals also.

Ms. Falkenstein responded that it was reflected in countywide strategic initiatives, including climate action planning, with goal two focused on that topic.

Ms. Palmer stated that staff had mentioned dark skies in phase two and asked how extensive they envisioned that rewrite being, as they have been talking about it for many years.

Ms. Falkenstein responded that they are not at a point where they can answer that yet, but they know there is work that needs to be done to integrate newer lighting technologies into the ordinance.

Ms. Palmer stated the Board has been told multiple times that to implement the development area comp plan, they would need to revise ordinances to best incorporate uses in the different master plans. She said that she would like to see what the priority ordinances are that are directed at development area planning.

Mr. Kamptner stated that his opinion is that all of the zoning districts and regulations need to be updated. He said that some of them would be simple, but in looking at the purpose statements in districts, those statements have not changed through various iterations of the comp plan—and that can be very important because those statements set the tone for how that district will be applied. He said that if it's setting out purposes that were relevant in 1980, they may not match anymore. He stated that they also have use classifications that are tremendously out of date or overly specific, which hamstrings development, especially as they begin working with form-based codes, and they need some additional flexibility. He added, "It's everything."

Ms. Palmer said they're talking about priorities, which staff has done a great job organizing and explaining, but that's a missing part of her understanding.

Mr. Kamptner responded that they made changes several years ago with industrial districts, but they still lean heavily towards old-fashioned industry, so they're not well used. He said that applicants have come in over the years wanting to change to different designations. He noted that you could lump the districts into groups, and they all need updating—including planned development districts.

Ms. Falkenstein said that staff's approach is for the comp plan to lead the zoning districts when they get into specific district updates, so they would be doing work in the plan regarding economic development and would draw that into the commercial and industrial district update; the same would happen with residential. She explained that the comp plan would lead it, with opportunity then for community input and prioritization before they get into zoning updates. She said the zoning map does not match the comp plan land use maps in many places, which is an additional step they could take to help order this work. She stated that they could prioritize where changes should be made with the comp plan and then follow that up with the zoning ordinance and zoning map update.

Mr. Gallaway said that he agrees with the phasing and objectives presented here.

Ms. Falkenstein stated that staff would be back in November with the next step.

Agenda Item No. 11. **Presentations:** Transportation Planner Quarterly Report.

Planning Manager Kevin McDermott introduced Jessica Hersh-Ballering, a transportation planner who began working with the County a few months ago and previously worked with the Thomas Jefferson Planning District Commission (TJPDC). Mr. McDermott stated that the quarterly report is in the Board's packet, and staff would review some highlights and answer questions.

Mr. McDermott reported that the Smart Scale grant application would begin soon, with the County submitting materials in early 2022 for that funding. He stated that he and Ms. Hersh-Ballering would review a few of the projects the County has been discussing with the Board and other partners. He stated that they have worked with the Metropolitan Planning Organization (MPO) and other partners on the four projects to be reviewed, to establish them as the potential submissions the MPO would submit for the County. He said the first is the District Avenue roundabout, a component of the Hydraulic/29 project pulled out of the piece that was funded last year, and it was now being submitted as its own project.

Mr. McDermott reported that the next project was the Avon Street corridor bicycle and pedestrian improvements between Druid Avenue and the Avon Court park & ride. He noted that Druid Avenue is in the City there, so this connects the bike/ped facilities from where they end in the City up into the County, and the recommendations are similar to what they had in the Avon corridor study completed a few years ago. He added that the corridor study looks at a long-term view, and this is just one of the many pieces of it, so they would have to come back in the future for additional segments.

Mr. McDermott said the next project was the 5th Street multi-modal improvements, which goes from the recently approved 5th Street trail hub out to Harris Road within the City, which is just at the top of the hill from the 5th Street Station parkway. He noted that this is a segment from the VDOT STARS study completed at the beginning of 2021, and this was one of the recommendations from it. He stated that the final project discussed with the MPO is the Rivanna River bike and pedestrian bridge, which would connect South Pantops to the Woolen Mills area; the specific alignment hasn't been determined yet, but there would be upcoming planning efforts to look at available options. He said there would be a public involvement component in that also, and the Board would be hearing more information soon.

Mr. McDermott stated that those projects are ones the MPO is looking to submit, but there are also projects that either Albemarle County or the TJPDC would submit. He said the first of those projects is the Avon Street bike & ped improvements from Mill Creek to Peregrine Lane, another segment of the Avon corridor study, which the County has been working to potentially submit as a revenue-sharing project this fall. He said they are not able to make that submission because the Eastern Avenue-South connector already maximized the amount of money allowed from the state for the revenue-sharing program, so they are pushing the Avon project out to the next round of potential grants, the Smart Scale process.

Mr. McDermott presented the 5th Street Extended bicycle and pedestrian improvement project, stating that the Albemarle business campus near COB-5th is constructing a segment of shared-use path, and the County would like to extend what they're building south, across the street of Southwood development, so you can try to make those connections for bike/ped there. He stated that U.S. 250 corridor improvements would close the gap on Route 250 and Pantops, and they've got the diverging diamond going in at the interchange of I-64, and there was also a funded project from Hansen Road at the top of the mountain down to Route 22, to provide access management and pedestrian facilities, and to address some other issues. He noted that this is an ongoing study that VDOT has funded for the County, looking at improvements for the segment between Peter Jefferson Place and Hansen Road—so he does not know what kind of improvements the County will be recommending, but there will be some opportunities for public involvement, with some proposals coming back to the Board.

Mr. McDermott reported that the next project is U.S. 250 at the Route 22 and Milton Drive intersections, which are in the rural area in a location that has been a concern for a while. He noted that this has been discussed at length previously, including during the Breezy Hill public hearings as it is causing a lot of congestion in that corridor. He stated that VDOT is currently doing a study in those intersections to address those issues, as it is a high safety concern with many crashes occurring there.

Mr. McDermott reported that the next project is the Belvedere Boulevard/Rio Road intersection improvements, which the County had discussed submitting last year for Smart Scale but ended up removing in favor of the John Warner Parkway/Rio Road intersection. He stated that they would now like to continue those efforts, with the Rio Road corridor study helping to identify that potential improvement to address the situation at Belvedere and Rio to make it a bit safer and more convenient for people to use as that neighborhood continues to grow.

Mr. McDermott reported that the next project is the Hillsdale Drive extension and realignment phase one, from Mall Drive to Rio Road, which was one of the top recommendations from the Rio/29 Small Area Plan. He said they are still trying to evaluate whether there's a potential improvement they could make, and the plan had posited that there could be a roundabout at the intersection near Putt Putt Place, so staff is still looking at that and determining what the best options are for submission in 2022.

Mr. McDermott stated that the next project is the U.S. 250 West and U.S. 29 Bypass near the Bellair Market where Old Ivy and Ivy Road come together on the west end of town. He said that this is also a high-congestion, high-crash location, and several years ago, the County went through a STARS Study funded by VDOT that put out some potential recommendations, and the County is currently working with VDOT to reevaluate if there are some options to improve the situation at the interchange and with the intersection to the west of the interchange.

Mr. McDermott stated that the final project is the Crozet Avenue/Route 250 West intersection improvements, and he also has included "or adjacent intersections" because when they talked about this in the spring, they had identified through the Crozet Master Plan that there are some other concerns in the same area where Route 250 and Crozet Avenue meet, as well as where 250 meets Old Trail Boulevard. He said they are trying to establish the best options for improvements and try to select one they would submit for the Smart Scale in 2022.

Mr. McDermott stated that the County would be submitting a revenue-sharing application this week for the Eastern Avenue south connection, which goes from the Westhall area across Lickinghole Creek to Corey Farms and connects to 250. He said they've been talking about this project a lot with the Board throughout the history of the development in Crozet, and it is a really important project. He stated that the numbers are being finalized on the exact cost submission, but they are hoping for a successful revenue-sharing grant application.

Mr. McDermott reported that there are a number of projects currently in design, including the intersections improvements at Route 20 and U.S. 250 at Pantops, which was a Smart Scale award from 2018, and construction is anticipated to commence in about two years. He stated that the next project is Berkmar Drive to Lewis & Clark Drive in the Hollymead Town Center, which was revenue-sharing in 2019 and extends Berkmar from the current stub-out up to Airport Road, where it connects to the newly extended Lewis & Clark Drive. He said there is a lot of economic development underway in that area,

and it also provides a parallel facility to Route 29 so it can take some of that traffic off and move it from some of the intersections that are experiencing delays, such as Airport Road and U.S. 250. He noted that they've just kicked off the design for that, with a planned 2025 construction timeframe.

Mr. McDermott reported that the County had applied for revenue sharing for Old Lynchburg Road bicycle and pedestrian improvements, but there were issues that year from VDOT because they couldn't fund the projects to the full amount. He said they pulled out of that revenue-sharing grant and are now working to get this done with local funds only, and a design firm is currently starting the design for that, with the project moving along the next few years and including a sidewalk that goes underneath the highway and connects to the City near Azalea Park.

Mr. McDermott reported that another revenue-sharing project is the Commonwealth Drive and Dominion Drive pedestrian improvements, with funding awarded in 2017, and the County has been working through a lot of options with the design team on this. He stated that there were a lot of right-of-way concerns with this, but staff would be coming back to the Board with some options as to how to move forward. He noted that this is another important project that connects pedestrian areas and transit, which is a necessary project in a high-development urban neighborhood.

Mr. McDermott reported that the Crozet Square project is moving along, redoing the square in front of Fardowners off of Crozet Avenue, as well as the parking lot. He said they are currently in the design phase, and this project with the Barnes Lumber development connects the Library Avenue extension through the new downtown of Crozet over to Hilltop Street and eventually to the neighborhoods west of downtown Crozet. He said the next project is another revenue-sharing one from 2017, Berkmar Drive bike & ped improvements, which will construct a shared-use path from Hilton Heights Road south all the way to Rio Road—extending what is built with the Berkmar Extended project going up to Hollymead. He stated that the final project is the Greer/Jouett bike & ped improvements, which include sidewalks and shared-use paths from Lambs Drive and Lambs Lane back to Greer Elementary and Jouett Middle School.

Mr. McDermott reported that there are a number of projects under construction currently, including the pedestrian crossing in front of Mountain View Elementary School, which is close to completion; Ivy Road bike/ped improvements, which go from the City line out to the bypass; Avon Street pedestrian improvements, including sidewalks throughout Avon that go from Mountain View to Mill Creek and beyond; Rio Road pedestrian improvements, including a sidewalk on Rio Road East, currently going under construction; and the U.S. 250 West pedestrian improvements by the Harris Teeter in Crozet, including a pedestrian crossing of U.S. 250 near Corey Farms.

Ms. Hersh-Ballering stated that she would be talking about three transportation projects that are in the very early stages of planning, with the first two—Free Bridge Lane and the Route 20 shared-use path—described in the report staff shared with the Board. She said that Solomon and Englewood pedestrian improvements were not in the report, but staff has explored some exciting options that they would share today. She explained that Free Bridge Lane is a low-volume, low-speed bidirectional road that connects Darden Towe Park to U.S. 250, and it currently has a shared-use path on the west side of the roadway.

Ms. Hersh-Ballering reported that there are some safety concerns with the path, which at parts goes right up against the roadway with no buffer, and not having that delineation is a safety concern; additionally, Free Bridge Lane is expected to be an access point for a future County park side on the east side of the roadway on proffered land. She said that to address the safety concerns and improve future park access, staff is considering several strategies: potentially limiting motor vehicle traffic to southbound travel only; improving bike and pedestrian facilities along the roadway; and addressing vehicle parking and vehicle access to the future park site. She stated that thus far, staff has requested a cost estimate for conceptual design and a limited feasibility from a local consultant, which should be available soon.

Ms. Hersh-Ballering reported that the Route 20 shared-use path may sound familiar, as it came up as a concept when she was with the TJPDC. She said that VDOT consultants recommended a shared-use path along the center median of Route 20, but that design didn't work for a variety of reasons, and she noted that it is an important multi-modal connection to increase access to educational and recreational opportunities further south on Route 20, so staff wanted to revisit it. She said that staff is conceptualizing a shared-use path on the east side of Route 20 from Quarry Road, where the on-road bike lanes end in the City, and extending potentially to Dairy Barn Road or even as far south as Route 53 where the shared-use path could tie into the upcoming roundabout project at that intersection. She said there are some challenges to putting a shared-use path on the east side of Route 20, including crossing to an on-ramp and off-ramp for I-64, limited space on the roadway where it goes underneath I-64, and the need to bridge Moores Creek. She stated that they would be working with VDOT to address those challenges and consider possibilities as they move forward.

Ms. Hersh-Ballering reported that Solomon and Englewood pedestrian improvements involve neighborhood streets that are low-volume, low-speed roads—with Hydraulic Road to the east side and Georgetown Road to the west side. She said there have been ongoing requests for sidewalks in that area, but given the challenge and expense of sidewalks there, they are exploring the idea of meeting the need for pedestrian infrastructure using an experimental design called "advisory shoulders." She explained that these use striping and sometimes colored pavement to designate a portion of the existing roadway a shoulder for bike and pedestrian use, effectively creating a two-way travel lane. She stated that motor vehicles using that travel lane can move into an empty or unoccupied advisory shoulder if they encounter oncoming traffic—similar to how drivers will behave on a narrow neighborhood street by

moving into an unoccupied parking lane if they encounter another vehicle. She noted that staff was working through the challenges and possibilities of this approach and would update the Board soon.

Ms. Hersh-Ballering stated that staff continues to attend the monthly Regional Transit Partnership meetings, where their biggest project is working on the regional transit vision plan, which intends to develop a clear vision for transit in the region. She said this project is ongoing and would be going on until June 2022, and there is a consulting team in place that has already hosted a kickoff team with stakeholders, with a second stakeholder meeting tomorrow that is open to the public for viewing. She noted that their project website is accessible from the TJPDC website on their transit planning page.

Ms. Hersh-Ballering reported that progress continues on transit stops in the County, and staff had been collaborating with Charlottesville Area Transit (CAT) staff and others on a standard design for future transit shelters. She said they have also been working with CAT staff and Stonefield staff to install the first “sense of place” transit shelter/public art combo, and while they’re working through that process, staff is taking note of all the steps and creating a standard process they can use in the future to make installing future shelters with or without art a lot faster and more straightforward.

Ms. Hersh-Ballering reported that progress continues on the Albemarle County Transit Expansion Study, a collaboration with the TJPDC, with the purpose of creating a feasibility study and implementation plan for expanded transit service to key areas of the County: Pantops, Monticello, and the Route 29 corridor from the City line to the UVA North Fork area. She said that project is expected to wrap up in January 2022, with the expectation that the implementation plan ready at the end of it would allow the appropriate transit agencies to apply for funding for operations for new service. She stated that thus far, the consulting team has held multiple public and stakeholder meetings to review the transit service and market analyses for each study area; later in October, the team will present potential scenarios for public feedback. She said that an announcement went out on October 5 by email to the public that the meeting would occur on the evening of October 21.

Ms. Hersh-Ballering reported that with major planning efforts, the Route 29/North Corridor Study is a collaboration with the TJPDC, as well as Greene County, and they are working with Aviat Consulting Team. She explained that this corridor study looks at safety and operational improvements for the corridor from Airport Road in Albemarle County up to Deerfield Drive in Greene County. She said that so far, there’s been a kickoff meeting and stakeholder meeting, and the first of two public meetings. She said that at the most recent public meeting, the consulting team reviewed existing conditions and safety analyses for the corridor, and what they heard at the public meeting were a lot of concerns about the intersection of 29 with Fray’s Mill and Burnley Station—specifically a recommendation for an R-cut in the intersection. She said the Route 29 North Corridor Study Team has not made any recommendations yet and was just doing an existing conditions report, but an application in the previous round of Smart Scale proposed installing an R-cut in the intersection, which did not score well enough to be funded. She noted that the public was told that this study was very unlikely to recommend an R-cut at that intersection because it is not competitive for funding, based on previous experience. She said the next public meeting for that project would be early 2022, where they would review recommendations and take feedback on them for the corridor.

Ms. Hersh-Ballering reported that the Rio Road Corridor Study area now extends from Route 29 to the City line, and a consultant has developed initial recommendations for part of the corridor, with the project team now seeking public feedback on those recommendations. She said to get that public feedback, they recently held three pop-up events—one at CATEC, one at the Center, and one at Putt Putt—and David Benish would report more on this at the Board’s next meeting. She also stated that the Crozet Transportation Study is part of the Crozet Master Plan, with the study completed and the recommendations coming out of it put into the Implementation chapter of the master plan, which they would see at their October 20 meeting.

Ms. Hersh-Ballering reported that the Multi-Modal Transportation Plan is a new effort that will be a component of the upcoming comp plan process, with the main purpose being to use a variety of data and public input to identify activity centers within the County. She said that activity centers are places with a lot of people and destinations; from there, the plan would determine how to facilitate movement of people within the activity centers and between them. She stated that they are currently working on a scope and are working closely with Ms. Falkenstein’s team to ensure they don’t duplicate efforts.

Ms. Hersh-Ballering reported that the last project to discuss is the Earlysville/Rheas Ford Road intersection just west of the airport, as there have been safety concerns expressed about this intersection. She said that staff has a consultant under contract who is reviewing the existing conditions and the potential alternatives for the intersection, with one of them being a roundabout, and the consulting team will provide a conceptual design and cost estimates in the near future.

Mr. McDermott pointed out some of the major development projects underway, with Transportation Planning reviewing them and working with other planners and developers on how to best address transportation issues related to them. He said the Board has already made decisions on some of these such as RST, and they would see a few others in upcoming sessions. He stated that Route 20 continues to be a concern because of high crash levels in that area, and the County is working with VDOT and the police department to identify some problem areas and explore options to address those.

Mr. McDermott reported that the County has moved through its process of implementing “No Parking” signs in areas where on-street parking has become a problem, including the Belvedere neighborhood and Berkmar Drive where they had trucks parking in residential areas; they were able to

get signs up to prevent that. He also stated that they worked on the Ivy Farm Drive area to reduce the speed limit there from 35 to 25 in a residential area, and they also have work going in Old Trail to stripe pedestrian crossings, as well as continuing to work in the Westhall/West Lake area where the existing segment of Eastern Avenue is, to try to address some speeding concerns there.

Ms. McKeel said that she had recently read an article in the paper that the owner of Rio Hill Shopping Center stated that they no longer wanted transit on their property.

Mr. McDermott confirmed this.

Ms. McKeel said that she has had suspicions that they are not the only ones and that this is becoming an increasing problem, but it seems obvious to her and others that businesses would want transit for their employees and customers. She stated that several years ago, the Regional Transit Partnership offered a roundtable for local businesses through the Chamber of Commerce to come and talk about transit needs for businesses—and no one came. She said that she is putting those two things together and feeling concerned, and she asked staff if they had any input on these matters.

Mr. McDermott responded that Rio Hill was a frustrating situation, and the owners of that shopping center have been complaining about the bus traffic for a while, with the primary complaint being that the buses are heavy vehicles that damage the parking lots. He noted that this is not the first time these issues have been raised, as Fashion Square Mall has raised them in the past. He said that it was disappointing that the roundtable had no attendees, but having an open dialogue is just one step. He stated that when working with developments today—new ones or those coming back for changes—the County can work with them to ensure there are public access easements within their property that they can use for buses. He said that shopping centers are private property, and the County has no access easement that allows for buses, so those owners are able to say they don't want them on there. He stated that the County needs to be sure it is intelligently routing buses and planning for those in the development stage, and he felt that those businesses would come to regret not letting buses there, as employees need them to get to work. He added that they would continue talking to CAT about this, and perhaps it can come to the Regional Transit Partnership about this also.

Ms. McKeel stated that she has also heard there has been difficulty getting access for JAUNT buses to the UVA Hospital/Emily Couric Cancer Center, which is being addressed, but it seems there needs to be community discussion regarding the benefits of transit and outreach to businesses. She reported that the transportation team was working in Stonefield with the Hyatt hotel, and they refused to give right-of-way for a bus stop with a shelter there. She stated that they found a better location, which was great, but she is worried about this trend. She asked Mr. McDermott if there may be a way to reduce the size of buses, because if they are talking about climate change and reducing their carbon footprint and trying to move people around, it concerns her greatly that transit won't be used.

Mr. McDermott responded that staff would talk with CAT about it and see where to go from here.

Ms. Mallek stated that with Rio Hill, there was a special use permit or rezoning for a big gas station to be put into the parking lot, and her question is whether there were no conditions for approval that allowed for transit—as they talked about the bus and have all these other things. She said she would hope there is something they can find for conditions that could offer help with this situation. She acknowledged that heavy vehicles can cause damage, but they are always told by VDOT that if it's a licensed vehicle, it has the right to go anywhere and everywhere—and perhaps there is a better spot at their back door at Berkmar. She emphasized that this was very troubling to her, and she appreciates the thought about easements and getting them conveyed right away when approval happens, rather than letting them lapse until people are ready, because people change their mind and then they give the County a hard time.

Ms. Mallek said that with the list of projects for Smart Scale between Albemarle County and the planning district, she wondered about the timetable for those applications and actual happening, and whether they'll be divided between the two applying agencies. She stated that it looks like there's already a good distribution across the County for the various projects, and it's easy to find one in every district, given traffic conditions—but she wondered how they divide between the planning district and the County to cover a longer part of the list, as each entity would have four possible applications.

Mr. McDermott responded that the MPO, the TJPDC, and the County each get four—and the TJPDC is willing to work with Albemarle but also has numerous other localities that they may have to work with, so the County can't be positive that they are guaranteed all four submissions. He said what the County has done in the past is to make the project a higher priority based on previous prioritization scores, and the County takes those projects on as County submissions. He stated that there is the district grant program and the statewide grant program, and the County is eligible for both whereas the TJPDC is only eligible for statewide funds. Mr. McDermott said that they are more competitive with the ones they apply for, and that's why he chooses the higher priorities based on the most recent prioritization list. He added that if the County wanted to contribute local funding to improve their score, that's something they would want under their control instead of moving the funding through the TJPDC.

Ms. Mallek said that staff was speaking about a temporary shared use and one lane, and it would be many years before they worked out the bridge for Old Lynchburg Road under I-64—so she wondered if it could become a one-lane bridge for vehicles under the interstate, which would slow down traffic and give some of the roadway, with delineators, to pedestrians. She commented that it is one of those practical, low-cost suggestions that has come from citizens, and perhaps it could be useful in this location

too. She asked how citizens can help with sidewalk construction, as she recalled that the numbers of right-of-way issues were going to be extremely challenging with Tabor Street in Crozet, and she wondered if they could do something with a committee whereby they ask neighbors to donate frontage for a sidewalk. Ms. Mallek noted that this would keep these items being discussed and also make it easier when staff gets to the point of moving forward with these.

Mr. McDermott responded that he would have to get back to the Board on that, as it has been discussed previously, and this is a conversation he would like to have with Facilities and Environmental Services. He stated that the real issue is that they can't start talking about right-of-way until a certain point in the project if it is state funded because there is a lot of regulation around that, so they have to be careful about those conversations. He said they had another issue during the Crozet streetscape where a lot of people said they agreed to donate right-of-way, but when the County went to get it, they said they would take the money instead. Mr. McDermott reiterated that there were a lot of issues with this, and he'd like to talk to FES about it.

Ms. Mallek said that when they get to that point, there are groups around the County who would be happy to help in whatever way they can, and not get in the way.

Ms. Price commented to staff that their presentation was wonderful and showed so many different projects the County is working on. She said that she concurred with Ms. McKeel and Ms. Mallek in terms of transit, and clearly the access easements are important—so perhaps in site development if not somewhere else, they can ensure that the infrastructure capacity for the weight of buses is taken into account for things like parking lots or driveways. She added that she really appreciated how staff differentiated between a study and a proposal, because if you don't consider various options with transportation, you're going in with a narrow-minded approach. She said that the Board appreciates a wide approach before narrowing down what is the best course of action.

Ms. LaPisto-Kirtley stated that she agrees with what others have said but had a few questions, particularly what was meant with improvements from Hansen Road to Peter Jefferson Parkway.

Ms. Hersh-Ballering responded that there haven't been any recommendations made yet for that project, as it is still in the early stages of identifying existing conditions, and she could get back to them with a timeline, but there would be recommendations potentially even before Smart Scale applications are due.

Ms. LaPisto-Kirtley said that a sidewalk along that road on the southern side would be fantastic—but going up Peter Jefferson Parkway, there are no sidewalks. She noted that she has a number of constituents who have asked for sidewalks along there, but it has to be a sidewalk that goes somewhere. She stated that her other concern is going back to Free Bridge Lane, and for environmental purposes, they were looking at turning it into a river view parkway for pedestrians, cyclists, arts exhibits, etc. She said that her concern was if they did make it one way, it would be a thoroughfare for speeders, and if the road were given to the County to maintain, they could put a gate on each end so there would still be access. Ms. LaPisto-Kirtley commented that this would be a great addition to Darden Towe and would encourage more people to walk along the Rivanna River.

Ms. Palmer stated that the report was very informative, thanking Mr. McDermott for the update on Item 26—Old Lynchburg Road bicycle and pedestrian improvements but expressing her disappointment because they have been talking about this for years now but were not going to see the sidewalk or other safety features under I-64.

Mr. McDermott responded that this project is with local funds, so it provides more flexibility to accelerate the project—and there is no right-of-way that needs to be addressed there. He stated that he thinks they can move pretty quickly with this, but he does not have a specific schedule for the construction, as they are just getting the engineering team underway and making sure the funding is available. He said that once they get into design, they can move fast, but he would have to get back to her with a timeline.

Ms. Palmer stated that they have Timberland Park Apartments right at the base, which is low-income housing, and there is other low-income housing in the area—Region Ten and Cavalier Crossing already there with Azalea Park right on the other side, as well as trails that the City put in through the old Granger property that go into town. She said she is getting calls from people in the apartment complexes saying they can't walk their kid to the park and have to get in a car and drive under I-64 because the traffic is so dangerous going through there. She emphasized that this is a small project they've been talking about for years, and Mr. McDermott has tried numerous approaches that just haven't worked. She stated that it's important to get a safe way under I-64 even if they can't complete all of the other things, and she looks at it as a safety issue, especially since a lot of people that live in that housing have small children. She added that this is really a “no-brainer” small project, acknowledging that everything takes time.

Mr. McDermott responded that he agrees entirely, and every time he has gone for a site visit, he's seen people walking and biking in that area. He said that at this point, they've gotten the scope down to something that is manageable, and that's to make the connection from Timberland under the highway to Azalea Park, and the funding is lining up. He noted that it can move fast, but there are still steps that have to be worked through with design, approvals, and construction—and he would get back to her as soon as possible on this.

Ms. LaPisto-Kirtley said there was such a need to cross streets safely, but there was no way to afford pedestrian bridges across all the roads, and she asked staff if they were looking into putting into a median with bollards at a stoplight so someone can cross a road and wait in the median if needed. She stated that this is used a lot in Europe and works well without accidents or fatalities because there is a safe place to go.

Mr. Gallaway asked if the transit study was going to CTAC.

Mr. McDermott responded that they have a technical committee that they put together specifically for that study, and it would go to the public after that.

Agenda Item No. 12. **Presentations:** Virginia Department of Transportation (VDOT) Planner Quarterly Report.

Ms. Carrie Shephard reported that the Crozet Avenue bridge rehabilitation on Route 240 was recently awarded, with construction expected to start this spring. She stated that acceleration for bridge add dates include Route 708 Red Hill Road bridge, working to accelerate the 2023 date by about a year; Route 601 Old Ivy Road over Route 29, working to accelerate the 2024 date to 2022; and Fray's Mill Road bridge replacement, working to accelerate that date to the end of 2022.

Ms. Shephard stated that the 29 Solutions/Hydraulic package is underway for scoping, and they are tentatively scheduling a public hearing for spring of 2022. She said that for the design-build bundle number one, the DDI (diverging diamond interchange) is still under construction, with the rest of the dates not changing. She said except for the Route 151/250 roundabout, which has some right-of-way issues being fleshed out and design in progress, with construction anticipated to start in late October or at least by November.

Ms. Shephard reported that design-build bundle two is in the very early stages, which includes the John Warner Parkway/Rio Road roundabout, Route 53/Route 20, and the 5th Street/Old Lynchburg Road roundabout, which should follow a similar schedule as the Hydraulic package but would just be about a year behind—so around 2024.

Ms. Shephard reported that for rural rustic roads, Coles Rolling is complete; Wesley Chapel and Reservoir Road are ready for pavement, with some issues with the contractor having manpower issues, as well as COVID effects. She said she would provide updates as she learns them. She said that Burnt Mill Road, Hammocks Gap, Harris Creek, Red Hill, and Cove Garden are in process for scoping and environmental clearances. She said that construction has not changed much since she last reported, and they are still working through some issues, trying to get some sidewalks repaired in subdivisions. She stated that the bridge project on Route 640 Gilbert Station Road was scheduled to finish October 8, and that completed ahead of time and was reopened on September 27. She noted that next on the list would be Route 810 Blackwell's Hollow Road, scheduled to begin late October with a duration of about 4-6 weeks.

Ms. Shephard reported that with traffic engineering, they have completed a review of Langhorne Road and James River Road, and those signs were installed to allow a yield sign in one direction because the traffic from the right did not stop. She said they have finished an intersection review of Route 810 Crozet Avenue/789 Buck Road, and they have determined that the appropriate measure is to install center-line puppy tracks to help guide vehicles as they come around that curve. She stated that Warrants Ferry Road is still under review, and they are looking to reduce the speed to 35 mph, with a crash and speed review of Route 231 Louisa Road; a crash review of Milton Road ongoing; and two speed studies, one for Mountain Vista Road and one for Rio Mills Road.

Ms. Shephard reported that land use has not changed much since her last report, with some progress in the Brookhill development and review completed of Rivanna Village phase two.

Ms. McKeel stated that VDOT is doing a lot of work, which is visible everywhere, and that's a good thing. She said that they put puppy tracks at Georgetown Road and Barracks Road at the Out of Bounds intersection, and she thinks that is old and may have been built incorrectly—but she sits at that light two and three times a day and sees people ignoring the tracks. She asked if it was possible to do grooves like the ones on Garth Road, along with puppy tracks, to make sure people stay in the proper lanes, because they are all over the place at the intersection.

Ms. Shephard responded that she has never seen that done, but it is worth asking and they have pilot program for things like this, so she could certainly inquire.

Ms. McKeel stated that they wouldn't have to be as wide as the ones down the middle of the road, but she was curious if it could be an option. She also commented that Barracks Road is in terrible shape, and she wondered if there was a timeline for improvements there, noting that they may be trying to coordinate with the service authority's work.

Ms. Shephard responded that they wanted to adjust the paving schedule plans to align with the work of the utility, but VDOT has been working closely and coordinating—so once that's done, the plan is for them to finish their water line project this year, and VDOT would then come in and pave Barracks Road next year.

Ms. McKeel noted that they may be able to tie in with paving in Hessian Hills and address areas that they're not doing there.

Ms. Shepherd responded that VDOT has added in the portions that they're missing, so they can get it all done.

Ms. Mallek said that she appreciates all the work VDOT has been getting done, but climate change has not been their friend, as all the culverts but in two years ago are full of gravel. She stated that it is an ongoing problem, and new VDOT staff has really been working hard. She said that she loves Ms. McKeel's idea of improving the curves, as she sees Hydraulic/Rio and Earlysville Road several times a day, with multiple crashes there over the last few years because of people drifting from lane to lane. She said that even a continuous line would be helpful to guide people around the corner, especially at night and in rainy conditions.

Ms. Price thanked Ms. Shepherd for her unyielding, prompt responsiveness.

Ms. LaPisto-Kirtley thanked her for the presentation and for her willingness to communicate with Board members and help them out. She said that she knows they are completing the speeding crash site area on Route 231, but unfortunately there was a fatal crash there last week and two additional crashes this week, and she wondered if that would be included in their data.

Ms. Shepherd responded that VDOT could revisit that, and any time there is a fatality, they look for maintenance needs or safety improvements. She noted that unfortunately, there were two traffic fatalities in Albemarle County that day.

Ms. LaPisto-Kirtley asked if all the rumble strips had been installed in the center line of Route 231 and 22.

Ms. Shepherd responded that she is not sure if Route 22 had been done yet, but it would happen.

Ms. Palmer said she would email some specific things, but she wanted to mention that she liked how they've put the lights around the stop signs in the rural areas—which has been done at Rheas Ford/Earlysville—and she wondered under what circumstances those are installed and whether they can do that more in rural areas.

Ms. Shepherd explained that they generally start with an intersection review, checking crashes, speed, and other typical factors—and they like to see if there are initial improvements they can make, such as cutting vegetation to increase visibility to the stop sign or adding “stop ahead” signs in advance of the stop sign. She said that it starts as a progressive approach, and there is a location in another county where it started with the warning signs, rumble strips, and pavement markings, so they would look at those items before installing the solar flashing stop signs. She said if there were specific locations Ms. Palmer had in mind, they could be put on a list for review.

Ms. Palmer asked if there were a downside to them, as they seem innocuous, and she wondered why they would do an iterative process to get to the flashing stop sign.

Ms. Shepherd responded that they want to ensure that it's appropriate and don't want to have things that aren't warranted, as people might become immune to them, and another factor is cost. She said that these aren't too expensive, but considering how often stop signs get hit, they are looking at a higher replacement cost.

Mr. Gallaway asked about the Route 250/Route 20 project and if it would allow a U-turn motion to go west, if you are traveling east—as the inside lane currently allows a U-turn, which is problematic because continuous right-turn lane from Route 20 stops them in their tracks, and the people behind the U-turn driver start backing up. He said there is a coming project to address congestion at Pantops, but allowance of the U-turn seems to aggravate an already bad situation. He asked if there was any thought or consideration into getting rid of this U-turn or at least time-limiting it out of the major rush times, because it is creating a mad rush to get through the intersection, putting anyone attempting a U-turn in a dangerous spot.

Mr. McDermott responded that his understanding is that the project was not intending to remove the U-turn movement, and this has been looked at many times because it's a complaint that has arisen a lot just in the four or five years he has been here. He said that they haven't had a lot of accidents there, but there have been a lot of near misses. He stated that they could look at it with VDOT, and there is a project making improvements all the way up the road that would add some new, safe locations specifically for U-turns. He said that once they got those in, they could possibly remove the U-turn movement from that intersection and push them all up to one of the other places identified as being a safer location. He stated that when they looked at it before, the issue is that there are a number of businesses along that stretch that can't be accessed without a U-turn movement somewhere along there.

Ms. LaPisto-Kirtley asked if it might be possible just to eliminate the right turn, as is done in other areas with no right turn on red.

Mr. Gallaway said you want the right turn though to keep traffic moving, and he acknowledged the need to access businesses but wondered what the higher priority was.

Ms. Shepherd stated that they would have to look at how the operations of the intersection would function and evaluate it that way.

Mr. Gallaway asked what the follow-up on something like that would be.

Mr. McDermott responded that they have regular monthly meetings with VDOT and go through topics like this with them, and the VDOT engineering division would do an evaluation after speaking with Ms. Shepherd and then come back with results.

Mr. Gallaway asked if the Winter 2022 completion date for the diverging diamond means this winter or next year, as it seemed quite fast.

Ms. Shepherd responded that it should be done early next year, but she would check on that timeline and get back to him.

Mr. Gallaway said that some VDOT-owned medians have tall plant growth in them, and he asked if they were on a schedule for regular maintenance to get those issues addressed.

Ms. Shepherd responded that they are not, unfortunately, and with the other priorities, cleaning off those concrete areas—unless it's causing a site distance issue—is not something they typically focus on. He said they met with Lance Stewart last year to try to identify solutions, and they were going to start maintaining that, with VDOT working through him to get permitting process and work done.

Mr. Gallaway said they had put a pilot program in, but that was one small section and it's a countywide problem. He stated that there are trees growing out of some of these cracks—on Rio Road and the John Warner Parkway, for example, a complete opening of a stormwater drain has plants growing out of it, and it's not in a place where mowing would occur because it's not a grass median. He said he is trying to understand the state's position and whether it's not addressed unless it's a sight line issue, and it seems to him that VDOT should have some responsibility for upkeeping the areas in the right of way. He stated that he is not looking for a response, but it is a concern that is shared by all the other Supervisors, with plenty of examples all around the County. He added that perhaps there could be a countywide MOU so it doesn't take so much effort to get small areas cleaned up, and perhaps they could have a one-on-one conversation about this if VDOT is not going to keep the areas maintained. He stated that his second question is where there are shrubs growing if they are put on a schedule for maintenance.

Ms. Shepherd responded that it might help if she sees the issues to which he is referring.

Mr. Gallaway responded that traveling west on Rio Road off of Warner, there's a stretch with an intersection and a sidewalk, and to the left of the sidewalk, there are shrubs—on VDOT property—with plants growing out and taking over the sidewalk. He said that he is asked often whose responsibility it is to maintain the upkeep, and he understands if it is on a mowing or maintenance schedule.

Mr. McDermott stated that with the area on Rio, they have had discussions on that, and his understanding is that the shrubs were planted in VDOT right-of-way but were not approved by VDOT at the time. He said the problem is that these are not shrubs VDOT would maintain, so they would need to work on an agreement where the County does that; VDOT has said their solution would be to remove those shrubs. He also indicated that a developer had planted these, perhaps the one with the houses adjacent to it.

Mr. Gallaway said he'd love to know the answer to who put these in, as this has come up repeatedly at his CAC meetings.

Mr. McDermott stated that he would look into this and get back to him.

Agenda Item No. 13. Closed Meeting.

At 5:04 p.m., Ms. LaPisto-Kirtley **moved** that the Board enter into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1) to discuss and consider 1) to discuss and consider appointments to the Acquisition of Conservation Easements Committee and five advisory committees; and the annual performance of the County Attorney and the appointment of his successor upon his pending retirement in 2022.

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

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

Agenda Item No. 14. Certify Closed Meeting.

At 6:00 p.m., Ms. LaPisto-Kirtley **moved** that the Board of Supervisors certify by a recorded vote

that, to the best of each supervisor’s knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 15. Boards and Commissions.

Item No. 15. a. Vacancies and Appointments.

Ms. Price **moved** to appoint the following people to Boards and Commissions:

- **Reappoint**, Mr. David Storm to the 5th & Avon Community Advisory Committee with said term to expire September 30, 2023.
- **Reappoint**, Mr. Stephen Mclean to the Acquisition of Conservation Easements (ACE) Committee with said term to expire August 1, 2024.
- **Appoint**, Melody van Roijen to the Agricultural and Forestal District Advisory Committee to fill an unexpired term ending April 17, 2023.
- **Appoint**, Mr. Louis Falzer to the Pantops Community Advisory Committee with said term to expire June 30, 2023.
- **Reappoint**, Ms. Nicole Scro and Ms. Nancy Hunt to the Places 29 (Rio) Community Advisory Committee with said terms to expire September 30, 2023.
- **Appoint**, Nancy Hunt to the Solid Waste Alternatives Advisory Committee (SWAAC) to fill an unexpired term ending May 31, 2022.

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

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

Agenda Item No. 16. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were none.

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

Mr. Richardson stated that he had no report at this time but would be coming to them for their second meeting in October with a full report.

Agenda Item No. 18. **Public Hearing: Fiscal Year 2021 Budget Amendment and Appropriations.**

The Executive Summary 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 2021 (FY 21) appropriations itemized below is \$21,929,105.36. 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 21 Budget Amendment totals \$21,929,105.36. The estimated expenses and revenues included in the proposed amendment are shown below.

PROPOSED FY 2020-21 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$	75,000.00
State Revenues	\$	844,031.78
Federal Revenues	\$	20,610.00
Loan Proceeds	\$	20,482,983.58
Other Fund Balances	\$	506,480.00

TOTAL ESTIMATED REVENUES	\$	21,929,105.36
ESTIMATED EXPENDITURES		
General Fund	\$	71,220.00
Special Revenue Funds	\$	1,350,697.00
School Special Revenue Funds	\$	24,204.78
Debt Funds	\$	20,482,983.58
TOTAL ESTIMATED EXPENDITURES	\$	21,929,105.36

The budget amendment is comprised of a total of eight (8) separate appropriations, six (6) of which have already been approved by the Board of Supervisors:

- Four (4) appropriations approved 7/7/2021
- One (1) appropriation approved 8/4/2021
- One (1) appropriation approved 9/15/2021
- Two (2) appropriation requests for approval on October 6, 2021 are the remaining as described in Attachment A.

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

FY 21 Appropriations

Appropriation #2021088

Sources:	Bond Proceeds	\$20,482,983.58
Uses:	Debt Service Funds	\$20,482,983.58
Net Increase to Appropriated Budget:		\$20,482,983.58

Description:

This request is to appropriate \$20,482,983.58 in bond proceeds from the 2021 EDA debt issuance to the Debt Service Funds. On June 24, Albemarle County issued \$57.7 million in public facility revenue bonds to finance the Capital Improvements Program. On that same day, Albemarle County refinanced approximately \$20.5 million of outstanding debt. This portion of Bond Proceeds is for the refinancing of current debt held by Albemarle County to take advantage of lower interest rates. This funding will pay off the current principal and interest owed on the 2011B and 2015A issuances. The refinancing resulted in net budgetary savings of \$2.5 million over the remaining life of the two issuances.

Appropriation #2021089

Sources:	State Revenue	\$466,688.00
	Childrens Services Act (CSA) Fund's fund \$300,000.00 balance	
Uses:	Childrens Services Act (CSA)	\$766,688.00
Net Increase to Appropriated Budget:		\$766,688.00

Description:

This request is to appropriate \$466,688.00 in state revenue and \$300,000.00 in CSA fund balance to the CSA Fund. The purpose of CSA is to provide high quality, child-centered, family-focused, cost-effective, community-based services to high-risk youth and their families. The CSA Fund exists due a 1993 Virginia Law that provides for the pooling of 8 specific funding streams used to purchase services for high-risk youth. These funds are returned to the localities with a required state/local match and are managed by local interagency teams. The state reimbursement rate depends on the service provided.

Because of the historical volatility in year-to-year CSA expenditures, a fund balance exists in this fund to provide a designated funding source if needed in order to mitigate additional General Fund or School Fund costs in the event that expenditures are projected to exceed the budget and/or are unable to be reimbursed as much as projected by state revenue. The FY 21 CSA projection is anticipated to exceed the budget by 8%, primarily due to increased vendor rates.

Chief of Budget Andy Bowman stated that he was before the Board for a public hearing and action item to amend the FY21 budget. Mr. Bowman stated that under Virginia Code, they are required to hold a public hearing when there's a change in the budget greater than 1%, and that is the case tonight as there is an increase of \$21.9 million. Mr. Bowman stated that this appropriation consists primarily of two items, including the appropriation of \$20.5 million in bond proceeds to refinance existing debt, and while this is an appropriation of bond proceeds, it does result in net budgetary savings of \$2.5 million over the life of the prior issuances. He said this is the final step in the process that started in May, when CFO

Nelsie Birch and Chief of Treasury Management Daniel Green were before the Board. He said this process issues bonds for the first time in four years to create this refinance of savings and reaffirm the County’s three AAA bond ratings. He noted that Mr. Green was present on the call.

Mr. Bowman stated that the second item was to appropriate approximately \$500K in state revenue and \$0.3 million in Children’s Services Act fund balance to the CSA fund. He said this is a mandated program that was created in the 1990s to serve at-risk youth through a series of state programs with varying reimbursement rates. He said that due to vendor rates, the number of people in the program, and where those services are located, there can be potentially significant swings in those expenses from one year to the next. He stated that as guided by the Board’s financial policies, they maintained a reserve so that if there is a year with cost increase, there are funds in place to address that and there is no impact to the general fund. He noted that there is also a lot of state funding coming in, so it is not just local money.

Mr. Bowman stated that Attachment A contains all of the appropriations on October 6, and the staff recommends that the Board adopt the resolution in Attachment B after the public hearing.

The Board had no questions.

Mr. Gallaway opened the public hearing. There being no public comment, Mr. Gallaway closed the public hearing and placed the matter before the Board.

Ms. McKeel **moved** to adopt the resolution in Attachment B to approve the appropriations for local government and school projects and programs, as described in Attachment A.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2021 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 21 Budget is amended to increase it by \$21,929,105.36;
- 2) That Appropriations #2021088 and #2021089 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2021.

* * * *

APP#	Account String	Description	Amount
SA2021088	3-9010-41400-341000-410530-9999	SA2021088 Debt Service Refinancing	\$20,482,983.58
SA2021088	4-9010-93010-493010-939998-9999	SA2021088 Debt Service Refinancing	\$20,482,983.58
SA2021088	3-9900-51000-351000-512031-9999	SA2021088 Debt Service Refinancing	\$10,519,493.50
SA2021088	4-9900-95000-495000-910078-9999	SA2021088 Debt Service Refinancing	\$3,281,637.35
SA2021088	4-9900-95000-495000-910080-9999	SA2021088 Debt Service Refinancing	\$7,210,000.00
SA2021088	4-9900-95000-495000-920078-9999	SA2021088 Debt Service Refinancing	\$16,593.49
SA2021088	4-9900-95000-495000-920080-9999	SA2021088 Debt Service Refinancing	\$11,262.66
SA2021088	3-9910-51000-351000-512031-9999	SA2021088 Debt Service Refinancing	\$9,963,490.08
SA2021088	4-9910-95000-495000-910078-9999	SA2021088 Debt Service Refinancing	\$9,913,362.65
SA2021088	4-9910-95000-495000-920078-9999	SA2021088 Debt Service Refinancing	\$50,127.43
SA2021089	3-1551-24000-324000-240109-1005	SA2021089 FY 21 Year end CSA Reconciliation	\$466,688.00
SA2021089	3-1551-51000-351000-510100-9999	SA2021089 FY 21 Year end CSA Reconciliation	\$300,000.00
SA2021089	4-1551-53120-453010-581001-1005	SA2021089 FY 21 Year end CSA Reconciliation	\$766,688.00

Agenda Item No. 19. **Public Hearing: An 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. The proposed ordinance would amend Article 1, Administration, Section 15-101, When taxes are due, to change the due date for the first installment of biannual property taxes from June 5 to June 25 each year, and to extend the payment due date for supplemental property tax assessments from within 30 days to within 45 days of the bill date; and would amend Article 14, County Vehicle Licenses, Section 15-1404, When license tax is due, to change the due date for vehicle license tax from June 5 to

June 25 each year.

The Executive Summary states that Virginia Code Section 58.1-3916 authorizes the County to establish due dates for all local taxes.

On September 1, 2021, the Board authorized scheduling a public hearing to consider the adoption of the proposed ordinance (Attachment A) to change three tax payment schedules.

The first is the due date of the first annual installment of real estate, personal property, machinery and tools, mobile homes, and public service corporations' taxes. On January 20, 2021, the Board adopted ordinance No. 21-A (2) to adjust the due date of the first installment from June 5 to June 25 for tax year 2021, to improve the alignment of the budget development schedule with the School Division's schedule and to ensure that there was adequate time for taxpayers to remit those taxes. Staff recommends adjusting the due date permanently.

The second is the payment due date of supplemental property tax assessments for real estate, personal property, machinery and tools, mobile homes, and public service corporations. These supplemental tax assessments are currently due and payable within 30 days of the billing date. To provide adequate time for taxpayers to remit their unexpected supplemental property tax bills, staff recommends that the County adjust the payment due date to within 45 day of the billing date.

The third is the due date of the vehicle license tax for personal property. On August 4, 2021, the Board adopted Ordinance No. 21-15 (2) to move the County code sections governing the County's vehicle licenses from Chapter 9 (Motor Vehicles and Traffic) to Chapter 15 (Taxation). Staff recommends adjusting the due date of the vehicle license tax from June 5 to June 25 to match the due date of the first installment of personal property tax.

The attached proposed ordinance (Attachment A) would:

- Change the due date of the first installment of real estate, personal property, machinery and tools, mobile homes, and public service corporations' taxes from June 5 to June 25, effective January 1, 2022. This would be consistent with the 2021 tax due dates. Staff believes this would provide adequate time for taxpayers to remit these taxes and would align with the County's and the School Division's budget development schedule.
- Change the payment due date of supplemental tax assessment bills for real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations' taxes from within 30 days of the billing date to within 45 days of the billing date, effective January 1, 2022. Staff believes this would ensure that there is adequate time for taxpayers to pay any unexpected supplemental property tax assessment bills.
- Change the due date of the vehicle license tax from June 5 to June 25 to match the due date of the first installment of personal property tax effective January 1, 2022. Staff believes this would provide administrative consistency.

Adoption of the proposed ordinance is not anticipated to have an impact on expected revenues.

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

Ms. Jian Linn introduced herself as the Chief of Revenue Administration in the Department of Finance and Budget. She said she had three slides to share about the item before the Board. She said the item is a public hearing to consider the adoption of an ordinance to amend County Code Chapter 15, Taxation, to adjust the due date for the first installment of biannual property tax, the due date for vehicle license tax, and the payment due date for supplemental property tax assessment. She continued that Virginia Code 58.1-3916 authorized the County to establish due dates for the local taxes.

Ms. Linn stated that the first of the recommended amendments is to change the due date of the first annual installments of real estate, personal property, machinery and tools, mobile homes, and public service corporation's taxes from June 5 to June 25, effective January 1, 2022. The second amendment, she said, is to change the payment due date of supplemental tax assessment bills for real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations' taxes from within 30 days of the billing due to within 45 days of the billing date, effective January 1, 2022. She said the third recommended amendment is to change the due date of the vehicle license tax from June 5 to June 25 to match the due date of the first installment of personal property tax, effective January 1, 2022.

Ms. Linn said, as shown in the attachment, the listed changes would be in alignment with the annual budget development schedules of the County and the schools. She said they would be consistent with the 2021 due dates of the first installments for property taxes and vehicle license tax. She said they also would provide adequate time for taxpayers to remit their payments for property taxes and vehicle license tax. She added that the staff does not anticipate for the recommended amendments to have an impact on expected revenues. She said that after the public hearing, staff recommended that the Board adopt the attached proposed ordinance in Attachment A. She asked the Board if there were any questions.

Mr. Gallaway asked the Board if there were any questions for Ms. Linn.

Ms. McKeel said she had no questions and thanked Ms. Linn for the presentation.

Ms. Mallek said she had no questions and said the proposed item sounded like a good idea.

Ms. Price said she had no questions for Ms. Linn but did have a question she wanted to ask Mr. Lynch later on.

Mr. Lynch said he was present.

Ms. Price said she had no further questions and thanked Ms. Linn for the presentation.

Ms. LaPisto-Kirtley said she had no questions and thanked Ms. Linn.

Ms. Palmer said she had no questions.

Mr. Gallaway introduced the public hearing portion. He confirmed there were speakers signed up and then closed the public hearing.

Mr. Gallaway asked the Board if there were any additional questions or a motion.

Ms. McKeel **moved** that the Board adopt the ordinance as presented in Attachment A. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Chapter 15. Taxation

Article 1. Administration

Sec. 15-101 When taxes are due.

Any taxes imposed pursuant to this chapter are due and owing as follows:

- A. General assessments. Taxes due and owing to the County for real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations are due and payable in two installments. The first installment is due and payable on or before June 25 of the year the taxes are assessed. The second installment is due and payable on or before December 5 of the year the taxes are assessed.
- B. Payment in whole. Any taxpayer may pay the whole of the taxes assessed in one sum at any time, provided that any penalty and interest that may have accrued on the whole or any part thereof at the time of payment must be paid as part of the tax.
- C. Supplemental assessments. Supplemental tax assessments for real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations are due and payable within 45 days of the billing date.

(8-10-77; 10-8-80; Ord. of 2-14-90; Ord. of 2-5-92; Ord. No. 95-8(2), 10-4-95; Code 1988, § 8-1.3; § 15-100, Ord. 98-A(1), 8-5-98; [Ord. 16-15\(1\)](#), 7-6-16; § 15-101, [Ord. 19-15\(1\)](#), 4-17-19; Ord. 21-15(3), 10-6-21, effective 1-1-22)

State Law reference— Va. Code § [58.1-3916](#).

Article 14. County Vehicle Licenses

Sec. 15-1404 When license tax is due.

Except as provided in County Code §15-1402, the license tax is due and payable on or before June 25 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; Ord. 21-15(3), 10-6-21, effective 1-1-22)

State law reference – Va. Code § 46.2-752(A).

This ordinance will be effective on and after January 1, 2022.

Agenda Item No. 20. **Public Hearing: Ordinance to Waive the 2021 Late Filing Fee for Revalidation Forms Filed from September 1, 2021 to October 1, 2021.** To receive public comment on its intent to adopt an ordinance to waive the late filing fee for revalidation forms filed from September 1, 2021 through October 1, 2021.

The Executive Summary states that the land use tax deferral program allows qualified properties to defer taxes based on either Agricultural, Horticultural, Forrestral, or Open Space uses. To ensure that properties continue their qualified uses, the County Assessor's office relies on information provided by the property owner. The biennial revalidation process allows the Assessor to collect that supporting information and the property owner a chance to affirm the use. It also promotes understanding of the program by property owners.

Virginia Code § 58.1-3234 provides the enabling authority for revalidation and reads as follows: "The governing body of any locality may, however, require any such property owner to revalidate at least every six years with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved."

Albemarle's County Code § 15-716 authorizes a biennial revalidation. It allows revalidation with no fee up to September 1 "of the year preceding the two-year period for which the revalidation is sought..." The current revalidation is for 2022 but collects production information from 2019 and 2020. This County Code section further allows revalidation to occur up to and including December 5 with a \$125 late fee.

The Assessor's office normally mails the revalidation forms in June; however, the mailing was delayed until July 20 this year due to staffing issues. In addition, long standing issues with local postal delivery have been exacerbated lately, causing some owners to not receive their forms for a month or longer.

While the Code of Virginia sets the final date to revalidate on December 5, it does not limit the initial due date or our ability to waive the late fee. This year's circumstances may have caused an undue burden on property owners, which can be remedied by waiving the late fee for forms filed from September 1, 2021 until October 1, 2021. In a normal revalidation year, between 200 and 300 properties require a late fee to revalidate. At this point, it is estimated that approximately 900 properties' forms will be submitted after September 1. Given this, the Finance and Budget Department recommends a one-time waiver for applications submitted and completed from September 1 to October 1 for 2021 only.

Based on this proposed change, the County will collect the \$125 late fee on revalidation submissions filed from October 2, 2021 to December 5, 2021.

This one-time adjustment requires a public hearing and adoption of an ordinance to waive the late fee as specified.

Revalidation late fees are not a part of the revenue projection for the County Budget. This change will have no effect on the FY 22 budget.

Staff recommends that, after the public hearing, the Board adopt the attached proposed Ordinance to waive the late filing fee for revalidation forms filed from September 1, 2021 to October 1, 2021.

Mr. Lynch stated the proposed Ordinance 21-A is a request to remove the late fee for a period of time following the initial deadline to file a revalidation for land use. He said it is not changing the current ordinance for revalidation but is only allowing for a waiver of the late fee for the period of September 1 to October 1. He continued that the Virginia Code enables the County to have a revalidation of the land use program, and County Code Section 15-716 refines that revalidation and gives an initial due date to file without late fee as September 1 and is at the County's discretion. He said the only due date that the state code sets is that the final date for revalidation cannot be later than the final payment date of December 5 for payment of taxes. He said there is no restriction to the Board changing the initial due date or waiving of the fee related to that due date in the state code.

Mr. Lynch reported that applications were mailed later than the usual mailing date in June due to COVID-19 related staffing problems and positions freezing. He said that more importantly, mail delivery has been problematic and has caused some applications to arrive more than a month after being mailed and thus very close to or after the initial due date. He said there were 4,180 properties under the land use program in when mailing information was compiled in June. He said an extremely low number of 2,907 applications was received by September 1. He said by October 1, they had received 3,449 total applications. He stated that two years ago, of the 4,392 properties that required revalidation 4,247 applications were received by September 3, so only 145 applications had not been received by the due date that year.

Mr. Lynch said it was very unusual to have hundreds of additional applications not received by October 1. He stated that those circumstances are most likely why the applications had been received so slowly. He said the Board had the authority to make the change and that he believed it was the right thing to do. He continued that staff recommended, after the public hearing, the Board adopt proposed ordinance 21-A. He stated that if there were any questions before the public hearing commenced, he would be glad to hear them.

Ms. McKeel said she thought it was a great idea, and she noticed it said in an earlier slide that the notices had been mailed out in July but were normally mailed in June.

Mr. Lynch said that was correct.

Ms. McKeel asked precipitated that change.

Mr. Lynch responded that it was a combination of things. He said after a past mailing mistake, he took the time to ensure everything was done correctly. He said items are exchanged multiple times with the printer to ensure they are correct before mailing. He said he was being very careful that the 4,000+ letters were the correct items being sent. He said an additional factor was that two administrative staff members retired in July 2020, and a delay in the rehiring process created a greater delay in the process of printing the items. He summarized it as a pandemic-related delay.

Ms. McKeel said she appreciated the explanation. She said that the Board encourages accuracy and carefulness. She said she very much likes the idea of providing more time, because the issues with the postal service could continue indefinitely. She thanked Mr. Lynch.

Mr. Lynch thanked Ms. McKeel.

Ms. Mallek thanked Mr. Lynch for his staff's hard work to be correct with the mailing. She said nothing upsets people more than getting the wrong paperwork. She said she was grateful that he was so flexible and came up with this idea for an ordinance. She said someone called her on August 28 and said they had just gotten their packet that day, and it made her think of how unfair it was for someone to have to get signatures within two days of the deadline. She said it was challenging. She stated that it appeared there were 731 properties that have not filed. She said she would like to know at some point what happened to those applications and if they were withdrawn, but she does not need to know right now before the public hearing.

Mr. Lynch thanked Ms. Mallek.

Ms. Price thanked Mr. Lynch for the presentation as well as the County's acknowledgment that innocent property owners should not be penalized when things beyond their control affect this. She asked if the date of October 1 was a sufficient extension, as the date had already passed, or if it should be extended by two weeks. She asked if it could be made clearer as to why October 1 was the appropriate date.

Mr. Lynch responded that it was up to the Board's discretion. He stated that the date had been decided on September 1, so he was unaware of how many delinquent applications were to be expected. He said that at the time, one month seemed an appropriate amount of time to account for the problems that occurred, but he acknowledged that he was unsure if October 1 is the appropriate date. He said that if the Board found another date that was more acceptable, he would not dispute it.

Ms. Price thanked Mr. Lynch.

Ms. LaPisto-Kirtley said she had no questions and thanked Mr. Lynch for being so diligent and coming up with a solution.

Ms. Palmer said she was satisfied with the proposed ordinance. She stated if they thought it was best to extend the deadline a few more weeks, she had no problem with it whatsoever. She said more mail carriers had been hired, and it is not known how much longer the delays would continue. She said again that if it was in the Board's interest to extend it, she was fine with it.

Mr. Gallaway asked if under normal circumstances, if one received an application on December 4, if Mr. Lynch's office has to do something to meet the state deadline, or if it only matters when being received by the County.

Mr. Lynch said that when he discussed the wording with the County Attorney's Office, the phrase "receiving the application" means it was received and completed. He said it does not mean that any of the applications counted were missing information. He stated if the office were to receive a completed application on December 4, as long as the application was submitted with the \$125 late fee, they would accept it. He said if an application is not received by December 5, the property would be removed from the land use program. He said they can reapply to be put in the program the next year. He said if they were taking any property out of the program for failure to revalidate, it would be taken out as of January 1, 2022. He said they have the ability to reapply with that \$125 application fee by 30 days of receipt of the notice sent out in January.

Mr. Gallaway said he is concerned about whether the October 1 deadline leaves enough time for citizens to respond. He said that if the Board sends out notice on the 20th of the month, the citizen doesn't receive the notice until the 28th, sends it back within a few days, and it takes the same amount of time to process through the mail, the Board does not receive the form in time.

Mr. Lynch answered that the deadline is based on the postmark date, not the received by date. He said one issue could be that the Board does not receive the notice until a month after the citizen returns it, but they will accept it as long as it is postmarked within the timeframe. He said that the return is not as problematic as ensuring the citizen receives the notice.

Mr. Gallaway said he would be open to extending the deadline. He said several extenuating circumstances created the perfect storm to cause delays, not including issues with the postal service. He

said the month extension they already granted had passed and they had not yet received several responses, so extending the deadline again made sense.

Ms. Price said if a citizen received their notice late and had already missed the deadline, they would have no urgency to submit the response since they already owe the late fee. She said the Board should make sure people who are not in compliance meet the deadline. She offered an amendment to the motion to extend the deadline to October 31, 2021 from October 1, 2021, for 2021 only. She emphasized the need to advertise the change. She acknowledged issues with the postal service and suggested that citizens who are having trouble with mail delays hand deliver their responses to the County Office Building.

Mr. Gallaway said he had no objection to any date, as long as it gave citizens enough time to respond.

Ms. McKeel asked to hear Mr. Lynch's opinion on the date change.

Mr. Lynch said he would prefer a date of November 1 since that is a Monday, and he had no problem extending the deadline otherwise.

Mr. Gallaway asked if this added any undue challenges.

Ms. Price said she meant to say November 1 and thanked Mr. Lynch for the correction.

Mr. Gallaway confirmed with the Clerk that there were no public comments signed up for this item. He asked for any other questions.

Ms. Mallek asked for clarification on how many parcels of the 700 outstanding on October 1 were still outstanding as of the meeting. She asked if hundreds came in or none at all.

Mr. Lynch said he knew it was not hundreds, but some had been received.

Ms. Mallek said she supported the extension to November 1. She said the Board should publicize the change and ensure citizens receive another notice in case they no longer had the original. She asked if it was true that if the citizens were not compliant by December 5, 2021, then they would be removed from the program unless they paid \$125 and completed the revalidation application.

Mr. Lynch confirmed that is correct, and that revalidation is a little more paperwork.

Ms. Mallek said that the County staff had made it easier to revalidate by providing more information about the application than they had five years ago. She asked if the tax drop-off at the north end of the COB could be used to return the forms.

Mr. Lynch said the collections office had been asked to check the box.

Mr. Gallaway asked Mr. Kamptner if it was okay to read the motion as is except to change the date from October 1 to November 1, 2021.

Mr. Kamptner confirmed that it was.

Ms. Price said there were three places in the attachment where it needed to be changed. She said she could read it with those three changes or keep it simply the single change of October 1 to November 1.

Ms. Price **moved** that the Board adopt Attachment A with the following changes: in the fourth "Whereas," on the second to last line, October 1 be changed to November 1; in the heading under "now there for it be ordained," under the paragraph beginning "notwithstanding," the date be changed from October 1 to November 1; and in the next paragraph, the date for revalidation forms be changed from October 2 to November 2.

Ms. McKeel **seconded** the motion.

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

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

Mr. Gallaway asked Ms. Kilroy if there was a way for the Board to help advertise and inform the public of the date change.

Ms. Kilroy responded that her office would work with Mr. Lynch's office to ensure they get the word out.

ORDINANCE NO. 21-A(8)

AN ORDINANCE TO WAIVE THE 2021 REVALIDATION LATE FILING FEE

WHEREAS, the County adopted an ordinance to provide for the use value assessment and taxation of qualifying real estate property under Virginia Code § 58.1-3231; and

WHEREAS, Virginia Code § 58.1-3234 provides that the continuation of valuation, assessment and taxation of real estate under the program depends on the continuance of the real estate in a qualifying use;

WHEREAS, County Code § 15-716(C) requires that owners of property under the use value assessment and taxation program file a revalidation form with the County's real estate assessor on or before September 1 of the year preceding the two-year period for which the revalidation is sought to verify the continuation of the real estate in a qualifying use, and permits those forms to be filed between September 1 and December 5 upon payment of a late filing fee of \$125.00; and

WHEREAS, revalidation forms were due to be filed with the County's real estate assessor by September 1, 2021; however, due to later-than-usual mailing of notice by the County, as well as the recent, significant delays in post office deliveries to parts of the County, waiving the \$125.00 late filing fee for revalidation forms filed from September 1, 2021 through November 1, 2021 would benefit these property owners and would relieve the undue burden created for them.

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

Notwithstanding Section 15-716(C)(3) of the Albemarle County Code, for 2021, the \$125.00 late fee will be waived for revalidation forms filed by property owners with property under the use value assessment and taxation program from September 1, 2021 through November 1, 2021.

The \$125.00 late fee will still be assessed for revalidation forms filed from November 2, 2021 through December 5, 2021.

This ordinance does not affect any other tax due dates in 2021 or in other years.

Agenda Item No. 21. **Public Hearing: ZMA202100004 Breezy Hill.**

PROJECT: ZMA202100004 Breezy Hill

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 09400-00-00-001A0; 09400000000500; 09400000000600; 09400000000800; 094000000008A0

LOCATION: South side of Richmond Road (US 250), east of Glenmore Subdivision between Hacktown Road and Running Deer Drive.

PROPOSAL: Rezone multiple properties for a maximum of 80 residential units.

PETITION: Rezone a total of approximately 75.6 acres from Rural Areas zoning district, which allows agricultural, forestal, and fishery uses as well as residential uses (0.5 unit/acre density), to R1 Residential, which allows residential uses (1 unit/acre density). 80 residential units are proposed at a gross density of approximately 1 unit/acre and a net density of approximately 1.4 units/acre.

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, FLOOD HAZARD, and STEEP SLOPES – MANAGED and – PRESERVED.

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Village of Rivanna Comp Plan Area. "Neighborhood Density Residential (Low)" and within Area B in the Master plan – residential uses (1 unit/acre) and supporting uses such as places of worship, schools, public and institutional uses; and "Parks and Green Systems" – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams.

The Executive Summary states that at its meeting on July 20, 2021, the Planning Commission voted 4:2 to recommend approval of ZMA202100004 with a recommendation that the following changes be made to the concept plan:

1. Reserve a 50-foot width on the plan adequate for a future vehicular connection across Carroll Creek. Also, the wording should be revised to state "Upon Demand of the County."
2. Provide a recreational area for children in the pocket park. A residential development as proposed would typically include a number of families with children, and a playground or other active space (example: play field that is graded and smooth) would be appropriate to provide in the pocket park beyond grills and picnic tables.
3. Include defined and improved amenity space to include recreational facilities.
4. Include a trail network through the buffer and connect the cul-de-sac streets through a pedestrian connection allowing a comprehensive trail network throughout the development.

The Commission's original staff report, action memo, and minutes are attached (Attachments A, B, and C).

Since the Planning Commission meeting, the applicant submitted a revised concept plan and illustrative plan to address the changes recommended by the Planning Commission (Attachments D and E). Staff has reviewed the plans and finds that the revisions address the changes recommended by the Planning Commission.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA202100004 Breezy Hill (Attachment G).

Director of Planning Charles Rapp said he was there to conduct another public hearing for Breezy Hill. He said the new application for development had different requests and layout than previous applications that have been brought before the Board. He stated the application is a request to rezone five parcels that total just under 76 acres of land along Route 250 East as part of the Village of Rivanna Master Plan. He said the application requests to rezone from RA, rural area, to R1, residential. He showed a vicinity map of the proposed development and said Route 250 is to the north, the Village of Rivanna is to the northwest, the Glenmore division is south of the site, and Running Deer Drive and the Running Deer neighborhood are to the east/southeast. He then showed another map with the parcels highlighted in the center and several overlays detailing environmental features such as the 100-year floodplain, the stream buffer, and preserved slopes. He highlighted Glenmore (a Planned Residential Development) in light green, Village of Rivanna (a Neighborhood Model Development) in dark green, and the rest of the parcels in white being the rural area designation.

Mr. Rapp then showed a slide with a map excerpt from the Village of Rivanna Master Plan Land Use section. He said the parcels of interest were outlined in yellow, and the light-yellow highlight designated the neighborhood as low residential density. He said a few sections of the property were designated parks and green systems, primarily placed along Carroll Creek. He continued that Carroll Creek is on the flood plain and has multiple tributaries that flow into it as well. He said the map showed the transition from a dense urban core radiating out to less dense development in the Village of Rivanna Master Plan. He stated that Running Deer Drive is the edge that they had previously discussed.

Mr. Rapp showed another excerpt from the master plan; a map with areas marked for transportation connections. He said the master plan called for a connection off of Route 250, a connection off of Running Deer drive, and a potential road or trail connection over Carroll Creek to the more dense portions of the development area. He also noted a light green highlight along Route 250 that designated a potential multiuse path.

Mr. Rapp then discussed densities according to the Master Plan. He said that the property fell primarily into Area B, one dwelling unit per acre, as opposed to Area A which is closer to the center of the Master Plan, which is three dwelling units per acre. He said this shows the density radiating from the core. He said the whole of Area B was 115 acres, and then he showed another slide overlaying the requested area of development with the whole of area B, noting how the requested area of development overlaps with 5 parcels of Area B— roughly equal to 76 acres out of 115 acres.

Mr. Rapp said also in the Master Plan is several recommendations that the development had not received before. He said significant transportation improvements are needed, which were all listed on the chart. He stated that the interchange improvements at I-64 and Route 250 underway and that there were other improvements along Route 250 that were submitted with the most recent round of Smart Scale applications to improve circulation along the route. He said those are not complete. He continued that several of the projects listed are partially complete, including the bridge improvement at Route 22 and a few more that were not completed at the current time. He said there have been significant discussions about these improvements and said Mr. McDermott could share some more of the details of individual improvements, potential funding options, and how far along they are in this process.

Mr. Rapp stated that after speaking with the Planning Commission in July, they recommended approval with conditions around recreation and amenities. He said the first recommendation was to specify a width for the future connection across Carroll Creek, with adequate area for a vehicular connection. He said they recommended 50 feet be included in that designation. He said there was also a desire to provide a recreational area for children to ensure there is recreation for all ages throughout the potential development. He stated that additional information was requested to further define what those recreational facilities may be. He said it was initially listed as a tot lot, and additional clarity was needed. He said the final request from the Planning Commission was an expansion of the trail network to be integrated throughout the lots and the preserved slopes and natural areas of the site.

Mr. Rapp said the revised concept plan showed a similar layout as had previously been discussed with the Board. The plan included a connection to Route 250, the potential connection over Carroll Creek, several blocks of development, and a full access connection to Running Deer Drive. He said there were also preserved steep slopes and other environmental areas along Carroll Creek, as well as some stormwater management areas throughout the development. He then showed what he said was a more illustrative master plan with the layout and configuration of the lots, which were placed around two cul-de-sac streets. He noted the dense lots are towards the center of the parcel and the larger sized lots are placed closer to Running Deer Drive to provide a transition of density.

Mr. Rapp stated that in response to the Planning Commission's discussion, examples of the tot

lot structures were provided. He said the examples of pocket parks would be placed around stormwater management areas. He stated that the master plan showed that the trail systems weave in between several lots of the development as they follow the path of the creek, thus integrating it so that there are multiple access points and connectivity as one goes along the trails.

He said there were no other changes, and he was glad to answer any questions. He said he had adopted motions for the Board when they were needed, adding that Mr. McDermott was present to handle any transportation related questions.

Ms. McKeel thanked Mr. Rapp for a very good presentation. She said the Board had been receiving many emails about the Master Plan, as well as a moratorium on development. She asked if this would be an appropriate time for those comments from the public to be addressed by County staff.

Mr. Rapp asked if she was speaking in general about the improvements along Route 250.

Ms. McKeel responded that she was referring to the transportation improvements as it relates to what is in the Master Plan, as well as what had been stated about moratoriums on development. She said there needs to be clarity for everyone on those issues.

Mr. Rapp said this issue had been discussed before with the previous applications for this development. He said the transportation issues are rather expensive and take time. He said Mr. McDermott can speak to the timeframes for some of the projects, but they take many years of planning and funding. He continued that what often helps drive those improvements is the associating development in the adjacent areas. He said this helps offset the cost and helps justify the need for those improvements when competing throughout the state in Smart Scale applications, revenue sharing applications, and other competitive grant applications due to the significant financial burden those have on localities. He said if there were any specifics about those questions, Mr. McDermott could answer them. He said he believed Mr. Kamptner spoke about some of the discussions surrounding the moratorium effects.

Ms. McKeel asked Mr. Kamptner to clarify.

Mr. Kamptner said a strict and literal application of that provision of the Rivanna Master Plan would have the effect of imposing a moratorium—not only on the current proposed development, but on any development. He said that any discretionary approval could be halted, potentially indefinitely.

Ms. McKeel asked how that interpretation applied to the decision before the Board, from a legal aspect.

Mr. Kamptner replied that the Board's decision, with respect to transportation projects and transportation impacts, should not just rely on the language in the Master Plan, because if applied that way, it is a moratorium—and the Board would surrender their legislative authority to act on rezoning applications as they are submitted. He said that conversely, he assumed the Board had already received a number of emails about the existing transportation conditions of Route 250 East, and they would hear more about that. He said it was perfectly appropriate for the Board to consider that when evaluating this particular project. He said in the last paragraph of Mr. McDermott's attachment that addresses the traffic impact, based on the studies the applicant had done and staff's analysis, notes that traffic impacts of the proposed development are expected to be minimal. He said the Board could expect to hear from the community on that issue and has the discretion to evaluate that information.

Ms. McKeel asked Mr. Kamptner to address the role of the Master Plan and the effect of the moratorium.

Mr. Kamptner said that preferably, comprehensive plans and master plans should use suggestive language and not absolute directives.

Ms. McKeel said she had no other questions.

Ms. Mallek said Mr. Rapp mentioned that Running Deer was in the growth area. She asked if the road itself was the boundary, with half of the houses in the growth area and half in the rural area.

Mr. Rapp confirmed that she was correct. He said the road is the boundary, and there are five parcels that touch Running Deer, which triggered the need for that.

Ms. Mallek asked if staff had exhausted all alternatives of ways to meet the requirements of VDOT. She said it appears that approximately 1,000 feet of frontage exists on Route 250, and she asked why that was not being utilized more. She said she was concerned about traffic increasing throughout older neighborhoods, and neighborhoods in the districts she represents were subjected to heavy traffic of newer developments—and she did not think this was fair. She asked if there was any alternative that could be done from the staff's perspective.

Mr. Rapp said that it had been discussed with staff and VDOT.

Mr. McDermott stated that they had followed up with VDOT multiple times about that question. He said VDOT reviews the applications presented to them, but they cannot comment on possibilities that they cannot see. He said the requirement does stand, and they are not going to agree to there being no

second connection in Running Deer at this time. He said VDOT thinks it is an important connection, and it is supported by VDOT regulations for a secondary street access requirement. He said VDOT had been consulted multiple times about the issue, and they have not changed their recommendation.

Ms. Mallek said that that was unfortunate because the connection goes to the same road that is already connected to 250. She said if it were going the opposite direction, it would make sense, but the second connection goes to the same place just with another street. She said the map showed the area to be quite steep on the other side, but she had not walked the area herself. She asked if it was a procedural requirement for future development of a trail. She said that the area is a ravine, so the connection would not be for a street to enable more development. She asked what the purpose of the connection is.

Mr. Rapp said to his understanding, it was to reserve either option. He said he agreed it was a difficult connection, but the discussion with the Planning Commission was to ensure that the dedication was 50-feet wide at minimum so that, if necessary, traffic could be accommodated. He said that it aligned with providing the secondary route to connect through the Village of Rivanna as an alternative to Route 250. He said it would be an expensive venture, as they are aware from other bridges and roads planned throughout the County. He said the maximum number of lots, which is 80 for this proposed development, would make it difficult to offset the cost of such a bridge.

Ms. Mallek thanked Mr. Rapp.

Ms. Price asked Mr. Rapp to refer back to his presentation and said she found it helpful when staff presentations had numbered slides, asking County staff to consider this. She said net density is defined in the Planning Commission report on this particular application as "the total area minus wetlands and steep slopes." She continued that it had also been discussed that net density is the total area minus wetlands, steep slopes, spring ways, parks, roads, etc. She asked what exactly needs to be subtracted from the total area to get the net acreage of development.

Mr. Rapp said it does not include those things, but it includes those environmentally sensitive areas such as the preserved slopes and wetlands. He said they do not take out roadways or other amenity spaces to calculate it.

Ms. Price thanked Mr. Rapp for his explanation. She said that while it was not shown quite as well as it was in the Board materials in the Breezy Hill Rezoning Plan Attachment A-4 foldout map, the size of the lots proposed for Breezy Hill appear to be comparable to the size of the lots at the southern portion of Glenmore on the west side of Carroll Creek near the Rivanna River. She said that a big difference is that Carroll Creek divides Glenmore from the Running Deer properties, whereas the Breezy Hill properties are going to be immediately adjacent to the Running Deer properties. She said that the size of the lots and the density being proposed in Breezy Hill is consistent with the division that Glenmore shows between a development area versus a rural area. She summarized that the east side of Running Deer is clearly rural, and the west side is being discussed as to whether it is in the development area or rural. She said the size of the lot developments proposed for Breezy Hill are much more consistent with Glenmore, but they do not have Carroll Creek dividing them, and she'd like to discuss this.

Ms. Price said the 50-foot width being provided for potential future access across Carroll Creek has the space available but no funding for a pedestrian bridge, bike path, or vehicular crossing. She asked Mr. McDermott if this was correct.

Mr. McDermott confirmed this.

Ms. Price asked if the current application for Breezy Hill or a future application is developed and the west part of Carroll Creek is divided, whether the space would be funded by VDOT or the County. She asked how they would achieve the crossing over Carroll Creek without the funding, even though the space is provided for.

Mr. Rapp said typically, grant funding options would be pursued, whether through VDOT or another state agency. He said although a pedestrian bridge is much less expensive than a vehicular bridge, the cost is still significant.

Ms. Price asked if it would be speculative to attempt calculating whether they could receive grant money. She asked Mr. Rapp if he could comment on it.

Mr. Rapp said it would be speculative, but typically to be successful with grant applications, there needs to be a significant number of potential uses connecting two major points. He said that the current one is small.

Ms. Price said that was true until the west side of Carroll Creek is developed. She said that it appeared unlikely to her that VDOT would fund that; much like how VDOT does not improve roads until the demand has been proven, not in advance, the same would apply for this connection. She said it would be some time in the distant future before that connection would be funded through one of these grant programs.

Mr. Rapp agreed with Ms. Price.

Ms. Price said that to her recollection, when Running Deer Drive was accepted into the Virginia

Secondary Road System, it met the standards at that time, but it currently does not meet the standards if it were a new road. She asked Mr. McDermott if that was correct.

Mr. McDermott said that that was correct. He said that when it was accepted, it met the standards, but it does not meet current standards.

Ms. Price said one of the concerns expressed is the connection into Breezy Hill from Running Deer, accepting that it would be required, the location of the connection on Running Deer could impact the inclination of individuals from Breezy Hill to cut through Running Deer to get to Route 250, primarily to go east rather than west. She said she counted that approximately 40 of those 80 proposed lots are to the interior of Running Deer from that connection point. She said that some conceivable portion of those 40 lots would likely go to Running Deer to get to Route 250, whereas those close to the access point to Route 250 and then Breezy Hill would be less likely to go back into the community to turn around to go back to Running Deer. She asked if there was any analysis of how many vehicles would be anticipated on a daily basis to cut through Running Deer to get to Route 250 East and what the capacity of Running Deer would be for those additional vehicles.

Mr. McDermott said they did not do an analysis for that. He said about half of those lots would be south of the connection and would be the ones likely to use it. He said with the number of 80 lots, around 700 trips per day would be expected based on the ITE generation numbers total for the development. He said he would assume about half of that number may use Running Deer. He said there were many reasons why he believes it would not be quite half, partially because the trips counted are trips coming and going. He said if someone is going to the City, they are more likely to take the first turn and not the second. He said both ways give some out-of-direction travel, and people make decisions based on different things, such as what time they are leaving. He said he would guess about 300-350 trips per day on that segment of Running Deer Drive. He emphasized that number was only an estimate.

Ms. Price thanked Mr. McDermott. She said it would appear to her that most people heading out of Breezy Hill would be heading west towards Charlottesville to jobs, so there may be a higher number of those 40 lots that cut through Running Deer to go west in the morning, but not as many coming east in the evening would go past Running Deer to cut through. She said it may be less than that, but it would be expected that some percentage—a quarter but no more than half—would do that. She asked if, because it does not meet the current standards to be accepted into the secondary road system, there were options that could be utilized on Running Deer to slow vehicles down, such as speed humps. She asked if VDOT could apply that to the area. She said she knew that in Norfolk near the airport, there was road that cut through a residential area that had speed humps installed so that cars must slow down. She asked if that was an option for this connection, because residents of Running Deer are concerned about adding additional vehicles, especially during rush hours, and the impact it has on residents there.

Mr. McDermott said speed humps are a recommendation the Board can consider under the VDOT traffic-calming process. He continued that the County has struggled to get speed humps approved in the past because VDOT considers them to be a last resort when looking at traffic-calming measures. He said a significant speeding problem would have to be demonstrated, and all other solutions to reduce speeding would have to be considered first.

Ms. Price asked what other speed-reducing options are practical on a relatively straight stretch, such as the proposed cut through from Breezy Hill to Running Deer.

Mr. McDermott responded that the road could be narrowed, either with paint or physical obstructions like chicanes or on-street parking. He said speed radar feedback signs and other methods of personal outreach and signage have been effective in the past. He acknowledged speed humps are effective, but they introduce maintenance and safety concerns.

Ms. LaPisto-Kirtley said she understands the master plan is advisory. She said that the plan to expand Route 250 is problematic because the County would have to coordinate with the City to expand their respective portions, such as when Route 250 comes to a loggerhead at Free Bridge. She asked if the east side of Running Deer is the rural border line and if the west side of the road was the development area.

Mr. Rapp confirmed that Ms. LaPisto-Kirtley was correct.

Ms. LaPisto-Kirtley asked for the density of the Village of Rivanna.

Mr. Rapp said the master plan calls for a density of three dwelling units per acre.

Ms. LaPisto-Kirtley said that the current proposal appears less dense than the Village of Rivanna, so it might be better suited for the transitional area. She then asked if the applicant's claim that there would be minimal impact on traffic was validated by VDOT.

Mr. McDermott answered that the Board did not review a traffic impact analysis for the current proposal, but they used a traffic impact analysis from a previous application. He said he is not sure if the applicant claimed a "minimal" impact. He said that this level of development, 80 units, would add about 700 vehicle trips to the road per day, adding to the existing 250 traffic, would not significantly impact traffic operations—current traffic issues notwithstanding. He acknowledged the road does have operational problems, but the additional traffic from the proposed development would not have an effect.

Mr. Kamptner clarified that the “minimal” comment he made about traffic impact came from Mr. McDermott’s attachment to a staff report. He then read the first sentence of the last paragraph: “In conclusion, the traffic impacts of the proposed development are expected to be minimal, although additional traffic will be added to the already congested corridor of U.S. 250.”

Ms. Palmer asked Mr. Rapp when the connection to Running Deer was added to the master plan.

Mr. Rapp said that as far as he knows, there is only one version of the master plan, so it has always been in there.

Ms. Palmer said that staff originally had recommended for the application to be denied, but after discussions with the Planning Commission, the applicant agreed to additional green infrastructure and recreational spaces to be included in the plan. She asked Mr. Rapp if this was why the staff currently recommended that the application be approved.

Mr. Rapp replied that the Planning Commission highlighted several elements that needed improvement, which the applicant incorporated to staff’s satisfaction. He said that the Planning Commission had expressed concerns about unit density in previous applications for the property, but the Planning Commission agreed that the current 80-unit maximum is an acceptable density, so the staff is following the Planning Commission’s reasoning.

Ms. Palmer asked Mr. Rapp to clarify if there was an event that would precipitate crossing into Carroll Creek.

Mr. Rapp responded that the section was an element from the master plan that he wanted to preserve for future potentiality.

Ms. Palmer asked if Breezy Hill Lane would have one of its two entrances removed to allow space for the development.

Mr. Rapp said that VDOT would likely want to consolidate the number of entrances that would serve the development.

Ms. Palmer asked if a traffic light were going to be installed for the development so people could make a left-hand turn to go into Charlottesville.

Mr. Rapp replied that it was not currently part of the plan.

Mr. Gallaway said he had no questions for staff and opened the public hearing, asking to hear from the applicant.

Mr. Charlie Armstrong with Southern Development said that the current development plan of Breezy Hill is much lower density—about half—than what had been presented in the two previous iterations. He stated that this time, they are coming with recommendations for approval. He explained that the first iteration was for 160 homes or roughly two dwellings per acre, with an R4 zoning district; the second had 130 homes or 1.6 dwellings per acre, still R4; this plan is presented with one dwelling unit per acre and R1 zoning instead of R4.

Mr. Armstrong stated that he would review some of the changes that came out of the Planning Commission meeting, with conditions to add specificity about a future road or trail to the west, if that parcel is ever developed, which is in accordance with the master plan’s desired connections and shown on the map along with the inter-parcel connections that would join future roads. He said that it also considers parallel road networks, if they are needed in the future to help move traffic. He noted that the parcel to the west is in the growth area of the master plan area and is designated for slightly higher density than Breezy Hill, and typically, the developer of that parcel would connect to the existing roads—and he does not think it would be a situation that requires public funding, as it would be up to the developer. He said that it is steep and there is a creek there, so it may be decided not to put a road there, which would be up to the County.

Mr. Armstrong stated that the Commission also requested that they enhance the trail system and make sure they connect to all the streets, and he noted that the way they arranged the development area preserves about 30% of the site as green space. He pointed out the trails and how they connect along the block of land, as well as an inter-parcel trail connection for pedestrians to get from one street to another without having to get into a car. He referenced the last two Commission recommendations, which were to provide definition to the lot and pocket park areas would look like. He also pointed out examples of more rustic trails by the streams and more structured pedestrian paths between the blocks and pocket park areas.

Mr. Armstrong reported that the major objections to the development of the parcel have been density, traffic, and the road connection to Running Deer. He said it is very clear that residents are opposed to anything that generates additional traffic on Route 250, and that language in the master plan speaks to this as well—which was inserted as a last-minute addition but has always been in the plan. He said that there are major improvements to Route 250 and I-64 that are under construction, and a development of 80 lots could not have an effect on those because the roads are state projects.

Mr. Armstrong stated that residents of Running Deer have stated that they do not want a road connection to the area. He said that although the submitted plan allows for the option of the connection to be used for emergency access only, but VDOT and Albemarle County require the secondary connection for the development, and it couldn't be developed even as by-right without that. He continued that the plan has been updated to make the secondary connection physically inconvenient to use in order to prevent heavy use. He said that the road connection is the only part of the development that touches Running Deer. He stated that in the latest revision of the plan, the homes closest to Running Deer would be more than 300 feet from Running Deer Drive and would have woods in between to achieve a buffer and transition. He said there is more land within this area that is part of the development area that is not owned by Southern Development, and it would be a lower density.

Mr. Armstrong said that the density proposal had been changed from R4 to R1 and limited so that more density cannot be requested. He said that Breezy Hill is an area that should be developed because it is within Albemarle County's development area, but they're down to one dwelling unit per acre. He said that the current low-density model does not allow for the community benefits that a higher density proposal would have included. He stated that in a past meeting with the Planning Commission, Ms. Firehock spoke to that issue directly and discussed that the master plan's limitations on the density of the parcel do not support affordable housing development. He said that the choice between low-density housing and community benefits was something they had to decide.

Mr. Armstrong stated that from his perspective as a constituent and County resident, he is concerned about the underutilization of this specific growth area because it could eventually be detrimental to the rural areas and broader community goals. He said that the last time they were before the Board, three members felt three dwelling units were appropriate, while three others felt one dwelling unit per acre was appropriate. He continued to say that the master plan has several indications that there should be two dwellings per acre for area B, but another chart in the master plan has a different recommendation of one dwelling per acre, with an estimated acreage of 115 acres and 115 dwellings. He said that with this revised plan, they are proposing the one dwelling unit per acre. He concluded by stating that the Planning Commission's requests had been included in the updated request, and he thanked the Board for their consideration.

Mr. Gallaway asked the Board if there were any questions for the applicant.

Ms. McKeel said she would hold her questions until later.

Ms. Mallek said she is concerned that Running Deer Drive does not meet current road standards and that adding as much the estimated 300-350 cars a day would equal 13% of the traffic on Route 250. She asked if tree cutting would be done along the stream buffers to allow for utilities to be installed, as that would change the characteristics.

Mr. Armstrong responded that there is one connection to the sanitary sewer that requires a maximum of a 20-foot-wide easement to connect the sewer downhill in one spot, and no other utilities would be there.

Ms. Mallek asked for clarification that the primary sewage system was already in place and only needed to be accessed, not cleared to install an original pipe.

Mr. Armstrong confirmed this.

Ms. Price asked Mr. Armstrong if he would like to finish what he was saying about the parcel density.

Mr. Armstrong stated that the chart from the master plan explicitly shows the lowest recommended density in the master plan as one dwelling per acre for the area that includes the proposed development, and that density lower than 1 acre was not recommended anywhere. He asked Ms. Price if that answered her question.

Ms. Price stated she wanted to ensure he was able to complete his thought and thanked him.

Ms. Palmer asked what changes other than density would occur if the development was a by-right development.

Mr. Armstrong said that it would likely be predominantly two-acre lots with well water, septic tanks, and rural roads. He said that he was unsure whether the ordinance for the development area would require curbs, sidewalks, and gutters despite it being a by-right development. He continued that in response to Ms. Palmer's earlier questions about the two entrances, only one would be in use. He said there is another entrance to the adjacent property that is near, but it is offsite.

Ms. Palmer said the one west of the development is not a public road, and she asked for clarification that the other roads were privately owned.

Mr. Armstrong confirmed this. He continued that the Running Deer connection had been in the master plan since the plan was first adopted.

Ms. Palmer said she had a tremendous amount of concern about the connection to Running Deer but the fact that it is included in the master plan and is also required for a by-right development means

that the connection will most likely be inevitable.

Ms. LaPisto-Kirtley asked if the green spaces and other amenities outlined in the current plan would be included if the development were by-right.

Mr. Armstrong responded that they would not be included, and it would be a larger, rural subdivision of lots.

Mr. Gallaway asked Ms. Price to introduce the public comment period.

Mr. Dennis Odinov of the Scottsville District stated that the comprehensive plan contains 13 chapters, 331 pages, and all the master plans of every development area in the County. He said there is an important guideline that pertains to the current case, with two critical sections containing relevant language. He said in Chapter 8, Page 14, it says the green-colored features on land use maps are not available for development, and on Page 37, it says density is to be calculated by not using these green areas. He said the land use maps are real—not guidelines—and are shown in Chapter 4 of the master plan.

Mr. Odinov said that planning staff comments show both net and gross density and states that net density has been consistently applied when considering applications. He said the Board has used net density in previous decisions—Adelaide for one—and on July 7, 2020, the Planning Commission said that net density would apply to Chapter 4 of the master plan. He continued that Southern Development is using gross density when claiming 1.09 units per acre, but when the green areas on the land use maps are excluded, the density is actually 1.4 units per acre and not the 1.0 acre they claim in their application. He said this overage should be disallowed. He said the application does not restrict clear-cutting of the southern end of the tract to preserve the privacy of the small African American community on Hearn Lane that began more than 100 years ago.

Mr. Odinov said the approval of this application would trigger a VDOT regulation, with a full road connection to be made between Breezy Hill and Running Deer Drive. He said that the central line of Running Deer Drive divides the Village of Rivanna from the rural area, but in the plan, Breezy Hill properties would be separated from Running Deer Drive by a buffer. He said the connection would only be used by Breezy Hill residents and commercial vehicles as a shortcut to Route 250—as no one would go from Running Deer through Breezy Hill to get to 250. He said that an emergency exit from Breezy Hill to Running Deer is acceptable, but the full connection will lead to unnecessary and increased traffic through the rural area. He said residents have written to VDOT seeking an exception, with no success thus far, but they hope to have a meeting on October 15. He said he knows the Board does not want this additional traffic to be routed through the rural area and urges the Board to deny the application.

Ms. Lynda White said that she chooses to live in Running Deer because it is rural and she cannot see her neighbors, and she bought the lot next door so no one can build on it. She said everyone lives on two acres of land and there is no traffic and nothing to disrupt the stillness. She said the neighborhood has been there for 50 years, long before the Village of Rivanna—with 37% of homes built in the 70s and another 34% by 1985, and many people are lifelong residents with family nearby. She said the roads are often used by pedestrians and cyclists and emphasized that new traffic is unwanted.

Ms. White continued stated that those living at the top of Breezy Hill would certainly use Running Deer Drive to get to Route 250 because it will be more convenient, and those living in Running Deer are unlikely to ever use Breezy Hill to get to Route 250—which is where they all exit their neighborhoods; there is no other way out. She said the master plan calls for there to be a buffer between Rivanna Village and Running Deer to ensure the rural edges of the Village of Rivanna remain rural. She said the buffer is to be Breezy Hill, which must remain rural in order to blend into the surrounding areas. She stated that the connection in the master plan is outlined to be for pedestrian use, not vehicular use. She said she urges the Board to deny the rezoning of Breezy Hill and save the Running Deer neighborhood.

Mr. Neil Means of the Scottsville District stated that he has been a resident of the Village of Rivanna since before it was a village and has been involved in the planning process from the beginning, including the creation of the master plan. He stated that he served on the Community Advisory Committee for years and is a current member. He urged the Board to deny Breezy Hill. He said it does not conform to the master plan due to exceeding the density specified in the plan, and it will negatively impact the character of adjacent rural areas.

Mr. Means stated that the improvements to Route 250 required in the master plan have not been completed. He said in 1989, Albemarle County created the Village of Rivanna development area over the objections of the local residents. He said the one of the residents' major concerns at the time was traffic. He said the county promised the residents adequate roads to Charlottesville and providing transportation infrastructure was one of the original justifications for the whole strategy of steering growth into development areas. He said the definition of a village in the comprehensive plan includes "roads with adequate capacity between the village and the urban core." He said the plan also says, "employment centers are not anticipated in the village," and "villages are not expected to operate independently."

Mr. Means said the Village of Rivanna is totally dependent on Route 250, and the County approved all development in Rivanna Village and Glenmore and its expansions, while not permitting a

master plan and while promising residents adequate roads. He said the County finally did master planning and gave residents the east Albemarle sub-area study by VDOT and the County based on 2005 data, which showed that Route 250 was over capacity before Rivanna Village and Glenmore's expansions were approved. He said that study recommends widening Route 250 to four lanes between the village and the I-64 Shadwell interchange in order to provide adequate roads.

Mr. Means said that the Planning Commission and Board of Supervisors unanimously passed that requirement, which was in the master plan, once again promising the adequate roads that had already been included in the comprehensive plan and development area policy. He said that Breezy Hill is the first development proposed under the master plan, despite it not meeting the master plan criteria. He said if the Board approves it, they will be telling the citizens of Albemarle that the master planning process is a sham, and the development area policy is a failure. He asked the Board to deny Breezy Hill.

Mr. Gallaway closed the public comments and asked Mr. Armstrong if he would like to rebut anything said in public comment.

Mr. Armstrong declined and asked the Board to continue.

Ms. McKeel asked what has been lost between the previous proposal and the most recent proposal. She said she appreciated the additional green space and trails that have been added to the newest proposal. She asked Mr. Rapp to discuss the last proposal.

Mr. Rapp explained that the first submission was 160 units, with 50% as affordable housing and cash contributions per unit if that number was met. He continued that there would be synchronization improvements along Route 250, and the applicant was expected to address the traffic congestion based on the models reviewed by VDOT and staff. He said there was also a \$500,000 contribution towards schools and traffic improvements. He stated that the second proposal was reduced to 130 units, and the cash for transportation improvements was removed, but the synchronization and affordable housing components were still included. He said there was also a section of the rear of the parcel that was put under a restrictive covenant so it could not be developed, and solar panels were proffered on the housing. He said the block closest to Running Deer was proffered to not exceed one dwelling unit per acre, and the proffers and improvements for schools, traffic, and affordable housing are no longer in the proposal.

Ms. McKeel said that she wanted to discuss those items further. She stated that they are important to think about in regard to the current plan and big picture.

Ms. Mallek clarified that the current proposal does not keep the restrictive covenant that was outlined in the second submission because the larger lot sizes require developing part of that parcel.

Mr. Rapp confirmed that she was correct.

Ms. Mallek asked if the contours and rolling terrain of the property would be maintained or if the area would be flattened for the development.

Mr. Armstrong responded that the entrance would be graded to make the entrance to Route 250 less steep, as the road curves away from it with a multi-modal trail along 250. He said internal to the site, there are two primary ridgelines that are not steep once inside the site. He said houses can be up against the roads and have traditional basements without flattening the site. He noted that there are creeks and pond systems that can be kept as well, and the larger green spaces above Carroll Creek would remain completely.

Ms. Price asked Mr. McDermott in the event of approval, if it would be advisable to widen Running Deer Drive to Route 250 to make it safer, or if that would increase the likelihood of people using it. She stated she is concerned for the safety of the people who would be living on a road that no longer meets secondary road standards.

Mr. McDermott responded that widening the road would be counterproductive because widening roads has been shown to increase driving speeds. He clarified that Running Deer Drive currently does not meet current road standards because it lacks the secondary connection—everything else meets the standards—and once there is a connection, the road will meet the standards.

Ms. Price suggested that traffic-calming measures may still be required to alleviate safety issues.

Mr. McDermott agreed and said that narrowing the road may be more beneficial than widening in order to slow down speeds. He said that additional pedestrian space should be created away from the road.

Ms. Price stated she appreciated Mr. McDermott's additional thoughts.

Ms. LaPisto-Kirtley asked if the distance from Breezy Hill to Running Deer to Route 250 was known.

Mr. Armstrong confirmed that the distance is approximately 1,500 feet.

Ms. LaPisto-Kirtley asked what the distance to the end of Running Deer is.

Mr. Armstrong responded that he estimated it to be about 4,000 feet from the proposed connection point to the end of Running Deer Drive.

Ms. LaPisto-Kirtley stated that any traffic coming out of Breezy Hill would be turning left and going out Route 250, so they would not be impeding any traffic going north on Running Deer Drive. She stated that she was concerned about residents walking along the road. She asked Mr. Armstrong to clarify that traffic would only be heavier on a portion of the road and not a majority of it.

Mr. Armstrong confirmed that that was correct.

Ms. Palmer asked Mr. Rapp to confirm a speaker's comment that the master plan called for only a pedestrian connection between Breezy Hill and Running Deer.

Mr. Rapp stated that he researched that information and found that the master plan does not specify pedestrian or vehicular access and only states the area as a "proposed access point." He said that led staff to believe it was acceptable for vehicular use.

Mr. Gallaway asked if it was planned for units to be built on the two lots on either side of the proposed road to Running Deer Drive.

Mr. Armstrong confirmed this and stated that the units would face the interior new road. He said the lots get too narrow towards Running Deer for any building to occur back there. He added that there was a small swale near Running Deer that would be in use.

Mr. Gallaway asked how building one house per acre versus four houses per acre would affect the housing price.

Mr. Armstrong answered that the current timeline and market volatility make it difficult to provide an estimate. He said that he estimates that the smaller-lot homes would sell for around \$400,000, while the larger lots would sell for \$500,000 or more in the current iteration of the master plan.

Mr. Gallaway stated that houses in his R4 neighborhood range from \$300,000 to \$1,000,000. He said he wants to know what kind of density they are building relative to the market, and he speculated that \$500,000 would be a good deal in Albemarle County.

Mr. Gallaway asked Mr. McDermott if there were any traffic or transportation improvements being done to the corridor.

Mr. McDermott stated that regarding signal improvements, VDOT is performing studies at the Milton and Route 22 intersections of Route 250 to try to identify potential improvements, and those studies could be used for signal improvements and other improvements.

Mr. Gallaway asked what the impact would be on schools, particularly Stone-Robinson Elementary, and what the enrollment was.

Ms. McKeel responded that the capacity of Stone-Robinson is 536 students, with a 2021 enrollment of 419, and it is projected to have 522 students by 2031; the capacity J.P. Burley Middle is 717 students, with a 2021 enrollment of 601, and a projected enrollment of 644 by 2031; the capacity of Monticello High School is 1,230 students, with a 2021 enrollment of 1,174 students, and a projected enrollments of 1,266 students by 2031. Ms. McKeel mentioned that the School Board is working on Center 2 and other issues related to capacity for the high schools.

Mr. Gallaway asked for clarification on Area B in the master plan. He asked for an explanation about how the 80 proposed units will fit in the plan, and how the 115 acres would be used; he noted that by-right would be one unit per two acres.

Mr. Armstrong responded that you are allowed two-acre lots up to a certain number, and the rest must be 21 acres.

Mr. Gallaway asked what he was missing with the 115 acres and 80 units, as some have said it aligns and others say it doesn't.

Ms. Price responded that the 115 acres is the total area for development, but the current application only uses 76 acres. She stated that the 76 gross acres will be used for the 80 units. She said that according to the Planning Commission notes, of the 76 acres, roughly 22.5 acres would be reserved for wetlands, steep slopes, etc., leaving 53 acres for development. She stated that this is part of the issue because it ends up leaving 76 acres for 80 units or 53 acres for 80 units depending on how one does the math. She noted that the applicant's plan calls for different densities throughout the proposal.

Mr. Rapp clarified that previous calculations showed 58-59 acres, removing the sensitive ecological areas.

Mr. Gallaway thanked Ms. Price for her response.

Mr. Gallaway opened the discussion for questions and comments.

Ms. McKeel commented that she feels stuck between a rock and a hard place. She said that the developer has worked hard on this plan and has tried to address community concerns, but the proposal before the Board has lost plans for affordable housing—especially so that people can live in different parts of the County to be closer to work and reduce driving time. She said they have lost signalization and traffic improvements, yet the community is expressing concern but rejected some of the proffers for traffic measures, but there is some connectivity offered with this plan. She stated that they lost a \$500,000 contribution to schools and a proffer for solar panels. She expressed frustration because the plan does not meet several community needs, but the Board needs to move forward with a plan, and this is what they have on the table. She added that she cannot envision plans for the development area that would be any better than the one they rejected several months ago. She emphasized that the density here is not enough to accomplish what they want to in terms of protecting the rural areas, adding that she feels sorry that people could not reconcile a project that had many options and bonuses for moving forward.

Ms. Mallek asked what restrictions are permitted to be placed on construction vehicles using Running Deer Drive, as she hears a lot from her constituents about dump truck loads going up and down tiny roads because of a project further down.

Mr. Rapp responded that the applicant already proffered prohibiting construction vehicle use on Running Deer Drive.

Ms. Mallek thanked Mr. Rapp and said she was sorry she missed that. She said that she is torn as well but likes the suitability of the land and its location on the outer fringe of the development area, and the distance to core of the urban area where the vast majority of jobs are. She stated that the proposal as it is now better suited for leaving the terrain alone and is more environmentally sound, and she supports this lesser impact on the landscape. She commented that the housing costs are high even on the low end, and she expressed concern about the impact this plan will have on current residents of the proposed development area because of the increase in traffic. She commented that there was a lot of input from the longtime residents on Running Deer before the master plan was passed and the Village of Rivanna was created, and over time, there are significant impacts to them.

Ms. Mallek commented that she was struck by what Mr. McDermott said about the road meeting standards, as sidewalks aren't required because it doesn't meet the 50-unit threshold, and she was surprised to learn that it would meet standards if it just had a second entrance. She noted that adding 400 cars per day is a lot for a road that doesn't currently have many.

Ms. Price stated that the fact this is the third look at this exemplifies the challenges of it and the competing interests, and she does not believe the language in the master plan that all improvements must be done before other development should be in the master plan. She said that they do need to take into account the infrastructure issues and impacts of traffic and other factors, and they know there are other pending developments east of 250; if each of these developments is evaluated in isolation, it is difficult to get an accurate view of the cumulative impact. She noted that most of the jobs are going to be 250 West toward Charlottesville. She noted that it was short-sighted that when the railroad bridge was rebuilt a few years ago that it was not built to capacity to handle an additional expansion on 250, and the County must start moving towards to help alleviate these transportation issues. She added that 250 should be expanded to four lanes at least from Milton Road to I-64, and potentially over towards Glenmore, as it is not able to handle the capacity.

Ms. Price said they've covered the density issue and feels it exceeds the master plan language of one unit per acre, but she does not believe the proposal overall meets the master plan. She agreed that the proposed location for connectivity is the best location for it—as far into Breezy Hill as possible—but she is concerned about the volume and the capacity of Running Deer, and there's a difference with this application because this connects a development area to a rural area.

Ms. Price stated that the original application was for 160 units, high density with higher proffers; the second was 130 units with lower density and lower proffers; this stands at 80 units with even lower density and no proffers of significance for transportation, schools, etc. She said when she looks at the Village of Rivanna, she looks at it as somewhat of a bell curve—and the lowest density should be at the outer edge, which is Running Deer Drive into Breezy Hill, with higher density as you get west of Carroll Creek, if that property is ever developed, and the highest density in the Village of Rivanna. She said if they had accepted the 160 units, it would have been more like a plateau with a cliff, with a very high density immediately adjacent to a rural area, which she does not feel is what's contemplated by the master plan, as it should be a gradual density from Running Deer moving towards Breezy Hill, west of Carroll Creek and the Village of Rivanna.

Ms. Price said that this development reminds her of Route 20/Scottsville Road, south of Route 53 and north of the intersection with Avon Street; on the west side of Route 20 is high-density development, and on the east side is nothing. She said that with too high a density being approved in Breezy Hill, it would be the same as putting a row of houses along Route 20 and having Avinity or Spring Hill or RST Residences in their backyard—and that's not what the County promised to residents in Running Deer or that general area, when the Village of Rivanna was approved as a development area.

Ms. Price stated that not all development areas are equal, and the urban ring around Charlottesville going north on Route 29 is one type of development area with higher density; when you get to Crozet, the population is around 7,500; the population of Village of Rivanna and Glenmore is

around 1,800 at this point. She emphasized that a too-high density in the Village of Rivanna would not be the same as a higher density in Crozet or in the urban ring, because those are different development areas. She added that she really appreciated the language that Ms. Mallek used as to whether this was suitable for the “edge” of the rural area.

Ms. Price said for those reasons, she would not support this. She added that if it were in another development area, she may support it—but given the promise made to the residents of this area by the County when the Village of Rivanna was approved, they would have the buffer towards the rural area, but it currently doesn’t meet the plan in those respects.

Ms. LaPisto-Kirtley commented that her fellow Supervisors have good points, and she also sensed the frustration about the proffers the County would have received under the previous plans, which have also been reflected in emails they have received. Ms. LaPisto-Kirtley pointed out that this was because the density was lowered—and you can’t have it both ways. She noted that the same thing happened at RST, with affordable housing because there is higher density. She said that she feels this is a good transition, and when you go from the Village of Rivanna along Route 250 and continue to go east, Breezy Hill is a lot less dense than the Village of Rivanna; that isn’t even built out yet, and there are many more homes there. She said that she appreciates the concerns for people who live on Running Deer, but this area has always been slated for development, so concerns about maintaining green space are not based in reality. She emphasized that they knew this would be developed one way or another, and she feels what’s being proposed is a good transition and is a good development. She added that she likes the greenspaces, respect of stream buffers, and the trails, and she would support this proposal.

Ms. Palmer stated she did not support an earlier, denser proposal, and she does not think the density is appropriate in this particular situation. She stated that just because something is in the development area does not mean it has to be more dense. She said that they ask people to participate in master planning and get them engaged, and if they don’t try to at least follow what’s in the master plan, they’re doing the wrong thing by those involved. Ms. Palmer said that living in the rural area, there is traffic on the roads all the time in those areas because of the development areas—although she acknowledges that this development is more adjacent.

Ms. Palmer said that she tries hard not to compare things against what a by-right development would be, but in this case she is struggling not to. She stated that a by-right development would connect to Running Deer, so they’re going to get that anyway. She said that at least with this one they get some greenspace and other amenities, and if she lived in this neighborhood and had no place to walk, she would be driving out every morning to find a place to walk her dogs, etc. She said that she wishes this weren’t part of the development area and wishes they had cut off Carrol Creek as the dividing line a long time ago—but that’s not how it happened, and she will support this because it is better than by-right development that would connect to Running Deer anyway.

Mr. Gallaway stated that he would not reiterate all of the points he made supporting the prior project, which was R4 and more dense, and he felt that was an appropriate transition. He said that he knows not all properties in the development areas are equal, and he has a large property in his district that is R4 and people would love it to stay that way and develop by-right, but it’s not going to. He said that the fact they’re having a conversation now about whether R1 is okay for a property in the development area is frustrating when thinking about the larger ramifications countywide, which is a point he has made in other meetings.

Mr. Gallaway stated that it’s a non-starter in this County to not expand the development area, and if they do not put density in the development areas, that’s going to put strain on the rural area—and disallowing units like this puts strain on the very thing they’re trying to protect countywide. He said that as Ms. Palmer mentioned, just because it’s the development area doesn’t mean it has to be more dense, and he thinks about the ramifications if the density doesn’t go where they plan it to go. He stated that if you live in an area now that doesn’t have 80 units and they’re on 50 acres of land, that’s a lot of density—and he is not trying to be insensitive to that. He stated that transitioning from a development area to a rural area, 80 units is more than a reasonable transition, and he felt R4 was a reasonable transition area.

Mr. Gallaway stated that he was disappointed that the proffers went away, but he acknowledged that this came with the decrease in density to R4. He emphasized that there are road improvements happening, with several along the corridor and more being planned, and Stone-Robinson has capacity now, with the likelihood that not every student in these 80 homes would attend public schools. He said that even if they did, the capacity for the schools is there to handle an R4 development, so it could definitely accommodate R1. Mr. Gallaway said that once the homes were built, they would understand what the actual impact is, and many of the projects would be in place along the corridor—but the Board would have to contend with those and get them on the list for improvements. He said that as each of these comes before them and they have to consider upzonings and increases in density, if they don’t as a Board think about what it’s doing for their complete vision, that would be to their detriment. He said he would support the proposal.

Ms. McKeel **moved** that the Board adopt the ordinance ZMA202100004 Breezy Hill, Attachment G.

Ms. Palmer **seconded** the motion.

1

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

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

NAYS: Ms. Price and Ms. Mallek.

ORDINANCE NO. 21-A(9)
ZMA 2021-00004

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCELS 094000000001A0; 09400000000500;
09400000000600; 09400000000800; AND 094000000008A0

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00004 and their attachments, including the Concept Plan last revised on August 5, 2021, the Illustrative Plan of Pocket Park and Tot Lot dated August 6, 2021, and the Proffers dated September 24, 2021, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-13.1 and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2021-00004 with the Concept Plan dated August 5, 2021, the Illustrative Plan of Pocket Park and Tot Lot dated August 6, 2021, and the Proffers dated September 24, 2021.

This topographic map illustrates the proposed site for Breezy Hill Middle School, highlighted by a thick black outline. The school is situated on a hillside, with a 'NO BURN ZONING' boundary indicated nearby. The map shows the surrounding landscape, including Carroll Creek to the west and Glenshire Subdivision to the north. Key roads include Fox Hunt Drive to the southwest, RT-550 (Parkland Road) running east-west, and RT-518 (Black Cat Road) running north-south. Other labeled areas include Glenshire Road, Breezy Hill, and the Keswick Country Club to the east. A north arrow is located in the upper right corner of the map.

[illegible]

* PARCELS 0935A-00-00-0000 AND 0935A-00-55-0000 ARE ZONED PRD.
ALL OTHER PARCELS ARE ZONED RA.

OWNER INFORMATION

SHEET INDEX

SHEET 1 ---- COVER SHEET

SHEET 2 ----- EXISTING CONDITIONS

SHEET 3 ----- GENERAL DEVELOPMENT PL

SHEET 5 CONCEPTUAL MASS GRADING

DESIGNED BY:	N.Y.M.A.
DRAWN BY:	AS
CHECKED BY:	D=

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SERVING VIRGINIA SINCE 1936

<p>REGIONAL 600 GROUNDWATER C/O CHARLOTTEVILLE, VA 28206 PHONE 404-577-2090</p>	<p>NATION 400 MC PHERSON ROAD, SUITE 300 CHARLOTTEVILLE, VA 28206 404/561-8042 FAX 404/561-8044</p>
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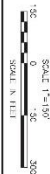
REZONING CONCEPT PLAN BREEZY HILL

SCOTTSVILLE DISTRICT, COUNTY OF ALBEMARLE, VIRGINIA.





COVER SHEET

DATE	VA902-12-2701
SCALE	AS 84-CMM
JOBS	18.0742
FILE	487

1 (P. 5)



LEGEND

-  STEEP SLOPES (MANAGED)
-  STEEP SLOPES (PRESERVED)
-  CRITICAL SLOPES
-  100' STREAM BUFFER

EXITING TOPOGRAPHY SHOWN HERE ON IS FROM
NATIONAL COASTAL DATA SERVICES 19913 ELEVATION
DATA

DATE:	MAR 01 '21
SCALE:	AS SHOWN
AGE:	19.0762
FILE:	487
OTHER:	2

REZONING CONCEPT PLAN

BREEZY HILL

SVILLE DISTRICT, COUNTY OF ALBEMARLE, VA

EXISTING CONDITIONS

SCOTTSDALE DISTRICT, COUNTY OF ALBEMARLE, VIRGINIA

CBS QUID BY:	MMMS
CRASH BY:	AG
CHECKED BY:	CF

REVISIONS		
NO.	DATE	DESCRIPTION
01	05-12-21	PER COUNTY COMMENTS
02	07-21-21	PER COUNTY COMMENTS
03	08-05-21	ADD OPEN SPACE TO TRAIL S

ROUDABUSH, GALE & ASSOC., INC.
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1995 COM	MATING
999 SECOND ST. SE.	400 METRO BUILDING BLD. SUITE 300-100
CHARLOTTEVILLE, VA 22902	CHARLOTTEVILLE, VA 22902
PHONE: (541) 377-0000	WWW.ROUDABUSH.COM



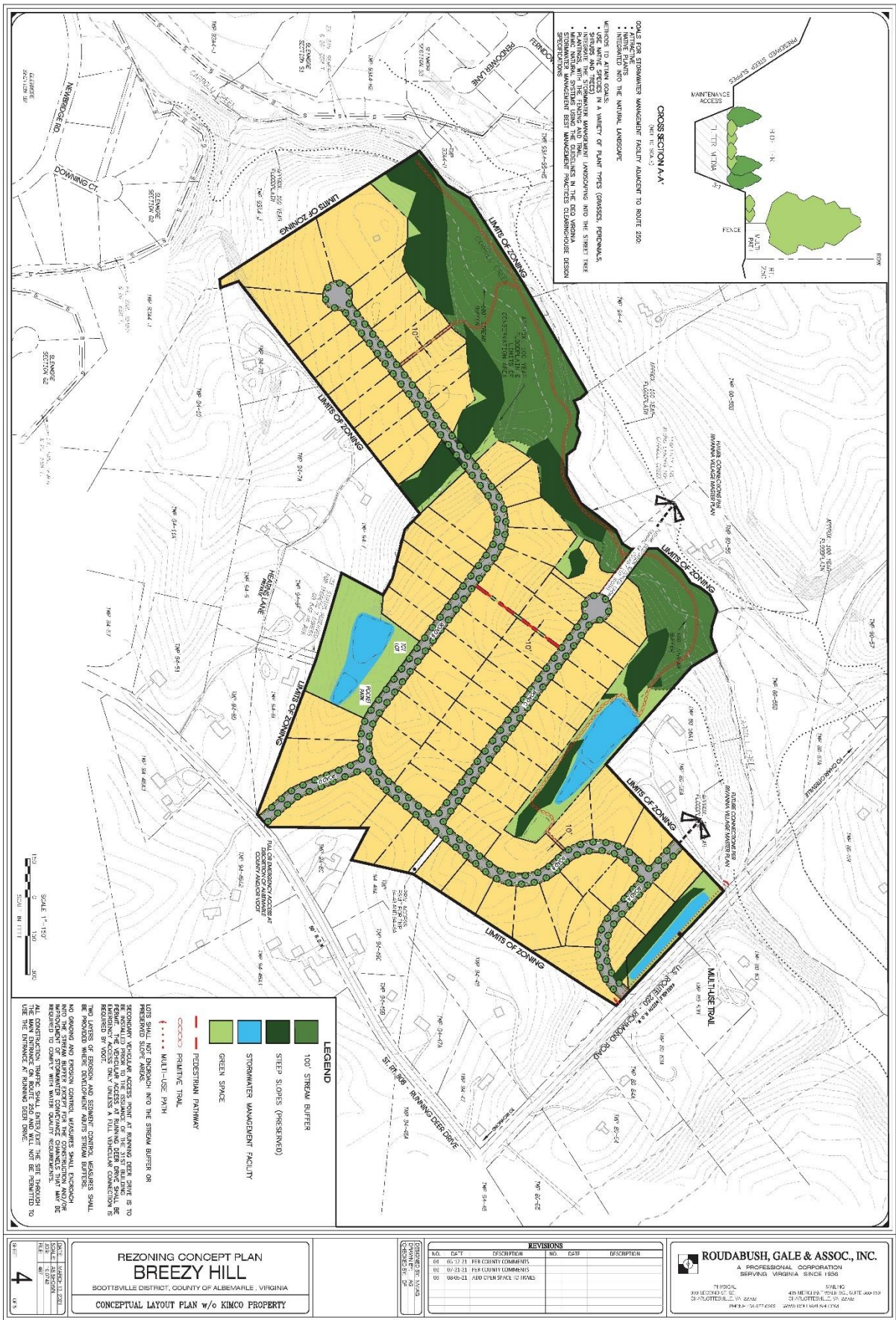




PHOTO COURTESY OF THE SCOTTSDISTRICT, COUNTY OF ALBEMARLE, VIRGINIA

PEDESTRIAN PATHWAY EXAMPLES



PRIMITIVE TRAIL EXAMPLES



2

2

DATE: JANUARY 2021

SCALE: 1/4" = 10'

BY: JAG

CHECKED BY: JAG

REZONING ILLUSTRATIVE EXAMPLES

BREEZY HILL

SCOTTSDISTRICT, COUNTY OF ALBEMARLE, VIRGINIA

PEDESTRIAN PATHWAY AND PRIMITIVE TRAIL

REVISIONS

NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION

DESIGNED BY: JAG

DRAWN BY: JAG

CHECKED BY: JAG

ROUDABUSH, GALE & ASSOC., INC.

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SERVING VIRGINIA SINCE 1950

PHYSICAL

270 SECOND ST. SE

CHARLOTTESVILLE, VA 22902

P.O. BOX 424071-0001

MAILING

430 VERMONT AVE. S.W., SUITE 200-115

CHARLOTTE, NC 28202

WWW.RGA-VA.COM

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. 2021-004

Parcel Numbers: 09400-00-00-001A0, 09400-00-00-00500, 09400-00-00-00600, 09400-00-00-00800, 09400-00-00-008A0.

Owner(s) of Record: BREEZY HILL AT KESWICK, LLC and CARROLL CREEK PROPERTIES, LLC

Dated: September 24, 2021

76+/- acres to be rezoned from RA to R-1

Breezy Hill at Keswick, LLC and Carroll Creek Properties, LLC are the owners (the “Owner” or “Owners”) of Parcel Numbers 09400-00-00-001A0, 09400-00-00-00500, 09400-00-00-00600, 09400-00-00-008A0, and 09400-00-00-048A0 (collectively, the “Property”) which is the subject of rezoning application ZMA No. **2021-004**, a project known as “Breezy Hill” (the “Project”).

Pursuant to Section 18-33.7 of the Albemarle County Code, the Owner hereby voluntarily proffers the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. The owner and applicant specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signatures below.

1. **Concept Plan:**

The Property must be developed in general accord with the plans titled "Breezy Hill Rezoning Concept Plan" (the “Concept Plan”), prepared by Roudabush Gale & Associates, dated May 12, 2021, and must reflect the following major elements as shown and noted on the plans:

- a) The Project is limited to a maximum of 80 residential dwelling units.
- b) The primary vehicular connection must be to Route 250;
- c) A secondary vehicular access to Running Deer Drive must be installed prior to the issuance of the 31st building permit.
- d) During development, construction traffic must not use the Running Deer Drive entrance;
- e) Reservations for future vehicular and/or pedestrian connections to the west toward Carroll Creek must be provided;
- f) Road typical sections must be in general accord with the typical sections on the Concept Plan;
- g) Trail, multi-use path, and pedestrian network locations and typical sections must be in general accord with the Concept Plan;
- h) Locations and sizes of Open Space, stream buffer, and Conservation Areas must be in general accord with the Concept Plan;
- i) Lots must not encroach into any stream buffer, preserved slopes, or any proposed slopes of 25 percent or greater.

2. **Counterparts:** This Proffer Statement may be executed in any number of counterparts, each of which will be an original and all of which will constitute but one and the same instrument.

Signatures are on the following page.

OWNERS



BREEZY HILL AT KESWICK, LLC
By: Charlie Armstrong
Title: Authorized Agent

9/24/21
Date



CARROLL CREEK PROPERTIES, LLC
By: Charlie Armstrong
Title: Authorized Agent

9/24/21
Date

Agenda Item No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said the Defense Affairs Committee would be hosting a luncheon on October 21, 2021; information can be found on the Chamber of Commerce website.

Mr. Gallaway announced that Christine Jacobs is the new Executive Director of the Thomas Jefferson District Planning Commission, noting that he and Ms. Price serve on that committee.

Ms. Price commented that she was quite impressed with Ms. Jacobs and felt that she would make an incredible TJPDC Executive Director.

Ms. McKeel asked if the TJDPC would be advertising to fulfill Ms. Jacobs' old position as Chief Operating Officer.

Mr. Gallaway answered that the TJDPC would be advertising for a new COO.

Agenda Item No. 23. Adjourn to October 13, 2021, 6:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).

At 8:44 p.m., Mr. Gallaway stated that the Board would adjourn to October 13, 2021 at 4 p.m. He

said it 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 homepage.

Chair

Approved by Board
Date 07/19/2023
Initials CKB