

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 20, 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 (joined at 1:30 p.m.), and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: 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 4:00 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(8), "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 add or pull from the consent agenda.

Ms. Palmer **moved** to adopt the final 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.

Agenda Item No. 5. Brief Announcements by Board Members

Mr. Gallaway asked for any announcements from the Board.

Ms. Palmer said she had an announcement but could not find the date.

Ms. Mallek said she would share information about news from the NACo (National Association of Counties) Arts and Culture Commission and possible ways to use local energy to build community through the arts.

Mr. Gallaway stated that on October 19, he had joined City Councilman Lloyd Snook at an event for the International Rescue Committee. He said it was a gathering to discuss a program about the resettlement of 300 Afghans who were coming to the U.S. and how many were coming to Virginia in a short amount of time. He said it was likely the first time the IRC had to handle this number of resettlements in a such a quick time frame. He said that day, Russ Linden talked about what the community can do to be ready to assist those who are resettling. He then listed several ways individuals could help. He said if landlords have available units, they should contact the IRC. He continued that the IRC was taking car donations directly and that employers in the area could help connect folks to employment opportunities. He said citizens could assist with the transition to living in Albemarle by giving directions, because navigating around the County can be difficult. He said the IRC has a website, www.wgcville.org/afghans, if there was interest in assisting or contacting the IRC.

Mr. Gallaway said his other point was to inform the Board that a handful of members had the opportunity to welcome Governor Ralph Northam to the County the past Thursday, October 14th. He said they were able to help a local business, Bonumose, stay in the County and also recognize the economic development team and the great work they were doing to help keep and grow businesses in the County.

Ms. Palmer announced that the Apple Harvest Festival is back. She said it is hosted by the Cove Garden Ruritans at Albemarle Cider Works on November 6, 2021. She continued that it will be all outdoors, and that it is a good time to start eating Albemarle apples.

Mr. Gallaway clarified that the web address he mentioned previously was for Welcoming Greater

Charlottesville, and wgcville.org directs to their homepage. He said the specific program is part of the website banner, but www.wgcville.org/afghans will take you directly to the page about the Afghan resettlement program.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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.

There was none.

Agenda Item No. 8 Consent Agenda.

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

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

Item No. 8.1. Fiscal Year 2022 Appropriations.

By the above-recorded vote, the Board adopted the resolution to approve the additional FY22 appropriation:

**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2022019 is approved;
- 2) That the appropriation referenced in Paragraph #1, 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, 2022.

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FY 22 Appropriations

Appropriation #2022019

Sources:	Housing Fund fund balance	\$300,000.00
Uses:	Economic Development Authority	\$300,000.00
Net Increase to Appropriated Budget:		\$300,000.00

Description:
This request is to re-appropriate \$300,000.00 from the Housing Fund’s fund balance to the Economic Development Authority (EDA) pursuant to the performance agreement between the County, EDA, and Habitat for Humanity of Greater Charlottesville. The Housing Fund includes a reserve for this funding that is distributed as milestones in the agreement are met. Habitat for Humanity of Greater Charlottesville has met an additional milestone for cash contributions pursuant to the terms of the performance agreement.

APP#	Account String	Description	Amount
2022019	3-5801-99000-352000-510100-9999	SA2022019 Re-app Housing Fund balance	\$300,000.00
2022019	4-5801-99000-493000-934001-9999	SA2022019 Transfer to EDA - Habitat agreement milestone	\$300,000.00
2022019	3-4700-91095-351000-512000-9999	SA2022019 Transfer from Housing Fund - Habitat agreement milestone	\$300,000.00
2022019	4-4700-91095-491095-560000-0057	SA2022019 Habitat for Humanity-Performance Agreement	\$300,000.00

Item No. 8.2. SE202100034 Homestay Special Exception - Blue Mountain Haven.

By the above recorded vote the Board adopt the attached Resolution (Attachment F) to approve the special exception with the condition contained therein:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE202100034 - 3393 LOCH BRAE LANE (BLUE MOUNTAIN HAVEN) HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE202100034 - 3393 Loch Brae Lane (Blue Mountain Haven) 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 18-33.9, 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 3393 Loch Brae Lane (Blue Mountain Haven) Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125-foot eastern and southern yards required for a homestay in the Rural Areas zoning district, subject to the condition attached hereto.

* * *

SE202100034 3393 LOCH BRAE LANE (BLUE MOUNTAIN HAVEN) HOMESTAY CONDITION

1. Homestay use is limited to (a) the existing structure as currently configured and depicted on the Parking and House Location Exhibit dated September 28, 2021 and (b) additional structures or additions meeting the setbacks required for homestays.

Item No. 8.3. Resolution Supporting the Commonwealth's Studies of Its Information Technology Systems and Services and Encouraging the General Assembly to Provide Funding for Needed Technology Modernization and Staffing to Support That Technology Throughout State Government.

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

**RESOLUTION SUPPORTING THE COMMONWEALTH'S STUDIES OF ITS INFORMATION
TECHNOLOGY SYSTEMS AND SERVICES AND ENCOURAGING THE GENERAL ASSEMBLY TO
PROVIDE FUNDING FOR NEEDED TECHNOLOGY MODERNIZATION AND STAFFING TO SUPPORT
THAT TECHNOLOGY**

WHEREAS, the Virginia General Assembly charged the Joint Legislative Audit and Review Commission (JLARC) to study the Virginia Information Technologies Agency's (VITA) organizational structure and staffing; and

WHEREAS, VITA is the Commonwealth's consolidated information technology (IT) agency and is responsible for providing infrastructure services to state agencies (such as laptops, internet and phone, and servers) and oversight of state agency informational technology IT functions (such as security, procurements, and project management); and

WHEREAS, in its Commission Draft Report to the Governor and the General Assembly dated September 20, 2021, JLARC made several recommendations, including: (1) VITA needing more IT security staff to handle growing security responsibilities; and (2) VITA having difficulty recruiting staff in certain highly technical areas such as cloud computing and enterprise architecture due, in part, to its inability to offer salaries competitive with the private sector; and

WHEREAS, the Virginia General Assembly also charged the Joint Legislative Audit and Review Commission (JLARC) to study the Virginia Employment Commission, which is responsible for the Commonwealth's unemployment insurance program, including processing claims for unemployment benefits; and

WHEREAS, in its Interim Draft Report dated September 20, 2021, JLARC observed that the unemployment insurance IT system was developed in 1985, relied on nearly obsolete programming language, required manual processes and paper documents, increased risks of errors and fraud, and frustrations with its use resulted in a poor customer experience and contributed to staff turnover; and

WHEREAS, the Interim Draft Report stated that attempts at modernizing the unemployment insurance IT system had been ongoing for 12 years; and

WHEREAS, the problems with the current unemployment insurance IT system were acute during the COVID-19 pandemic and the Board is appreciative that the Virginia Employment Commission has announced that a new system will implemented with a changeover period beginning November 1, 2021; and

WHEREAS, the information technology systems and software used by other state agencies have also been problematic, such as the Virginia Department of Health's original COVID-19 vaccine registry and scheduling software; and

WHEREAS, modern, reliable, convenient, and accessible information technology systems in state

government are essential to allow Virginians to do meaningfully conduct business with their state government, and for state agencies to perform their work efficiently and effectively.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Albemarle County Board of Supervisors supports the Commonwealth's studies of its information technology systems and services and encourages the General Assembly to provide funding for needed technology modernization and staffing to support that technology throughout state government.

Item No. 8.4. Facilities and Environmental Services (FES) 3rd Quarter CY2021 Report, **was received for information.**

Item No. 8.5. Boards and Commissions Updated Annual Reports, **was received for information.**

Agenda Item No. 18. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Gallaway said the Board was about 30 minutes ahead of schedule. He asked Mr. Doug Walker if this would throw off the timing for the closed meeting with the school board.

Mr. Walker responded that he had to check if they were in the waiting area and available to participate. He asked if Emily Kilroy could confirm if there were members waiting.

Ms. Kilroy said the school board staff were not ready, and that she would work to get the staff to the meeting as soon as they are available.

Mr. Gallaway asked if Mr. Walker would be carrying any matters for the County Executive.

Mr. Walker said he was and that he could present now if it would be a good use of the time.

Mr. Gallaway said if there was no objection, Agenda item 18, "From the County Executive: Report on Matters Not Listed on the Agenda," will be moved up to Agenda item 9 in order to give time to the school board staff.

Mr. Walker introduced himself as the Deputy County Executive. He said he was standing in place of County Executive Richardson in order to stay on schedule with the County Executive's monthly report. He moved to the next slide titled "Energy Management." He said that on the consent agenda was the Facilities and Environmental Services Quarterly report, and he wanted to draw the Board's attention specifically to the "Energy Management Program Update" which included a report on meaningful savings the County had been able to realize in building operation through this program. He said the program tracks and optimizes energy consumption in the County buildings. He then described the chart shown on the slide. He said it showed three buildings: the Scottsville Community Center was the green column, the Crozet Library was the yellow column, and the Northside Library was the blue column. He said each building has had a significant drop off in energy consumption since FY17, all due to the Energy Management Program. He continued that at Crozet Library, the issue had been a missing sensor in the building. In Scottsville, he said, minor repairs and operational adjustments were needed. He continued that at Northside, programming adjustments helped realize the savings. He said these efforts not only save the County money, but also advance the climate action goals.

Mr. Walker moved to the next slide titled "Chainsaw Safety." He said he did not have his notes for this slide.

Ms. Kilroy said she could skip the slide if needed.

Mr. Walker said he would be able to talk about it. He acknowledged that many of the County's staff routinely responded to weather emergencies that included downed trees that blocked roads. He said they were dispatched in teams with chainsaws to help VDOT with road clearing efforts. He said it was part of the County's ability to be a force-multiplier for VDOT and that it also helped public safety crews better respond to emergencies that occurred during weather emergencies. He said the example that readily came to his mind was the derecho, but he also mentioned that hurricane events and ice storms have had similar impacts. He said recently a chainsaw safety class took place that was available to County staff and a number of departments in order to help staff be better prepared to operate safely in teams in the event of additional severe weather. He said the photographs on the slide indicate the participation by FES, Parks and Recreation, the Police Department, and the Fire Rescue Department to help prepare for inclement weather, downed trees, and road clearing.

Mr. Walker moved to his next slide, titled "Day in the Park." He said the Day in the Park event had occurred in Simpson Park and that 250 community members joined the Albemarle County Police Department, Parks and Recreation, and other staff. He said it occurred on the last Saturday of September and that it was an amazing day of fun and fellowship.

Mr. Walker moved to his next slide, titled "Southern Convenience Center." He said one participant at the Day in the Park was the Facilities and Environmental Services Division. He said FES shared information about the Southern Convenience Center. He continued that the Board appropriated \$1.10 million in March 2021 to fund the design and construction of a convenience center in Southern Albemarle, a center similar to the operation at the Ivy Materials Utilization Center. He said it was a place

to take household waste, compostable food waste, and recyclables. He said the convenience center will have set hours of operation and will be staffed when open. He said household trash was intended to be affordable at \$2 per 32-gallon bag. He continued the site was planned on land that the County already owned, near the intersection of US Route 20, Plank Road, Esmont Road, and Cole's Rolling Road, about 6 miles north of Scottsville. He said the project was being designed, and the previous night, on October 19th, 2021, the Planning Commission had found the location, character, and extent of the Southern Albemarle Convenience Center public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan.

Mr. Walker moved to his next slide, titled "ACFR Service Milestone." He said a milestone for Albemarle County Fire Rescue was celebrated on October 6th, 2021. He said it was the final piece of an 18-month staffing initiative to address staffing needs across the system. He continued that in addition to a new fire engine at Pantops Station 16, there was a new ambulance at East Rivanna, and an ambulance service now runs from Ivy to Pantops 24 hours a day. He said the service expansions also required personnel to run the calls, so through a \$1.90 million FEMA grant and the approved FY21 and Fiscal 2022 budgets, Albemarle County Fire Rescue hired, trained, and placed into service a total of 22 new positions over the span of 18 months and across three recruit schools. He said the final recruit school class was placed into service in September 2021.

Mr. Walker moved to his next slide, titled "Afghan Refugee Resettlement." He said Mr. Gallaway had mentioned the Afghan refugee resettlement event, and he was using this as another opportunity to amplify this program. He said Mr. Gallaway, on behalf of Albemarle County, was invited to the event to be asked for the community's support in the resettlement of Afghan refugees. He explained that the International Rescue Committee partnered with the U.S. state Department to support approximately 250 refugees that fled Afghanistan in the late summer of 2021. He continued that the IRC, Welcoming Greater Charlottesville, International Neighbors, and student groups at the University of Virginia were working to find housing, employment, and basic supplies to support the new neighbors, many of whom arrived in the U.S. with what they were able to carry. He said the community is encouraged to view the resources on the website, www.wgcville.org, in order to see all the ways the refugees can be welcomed to their new home.

Mr. Walker moved to his next slide, titled "Project Packet." He said the previous Thursday the County welcomed the Governor, as Mr. Gallaway mentioned, for an announcement that a local business, Bonumose, Incorporated, would partner with Hershey to research and develop reduced or zero-sugar chocolate products. He said the company will invest \$27.70 million to expand in the County and will move to a 36,000-square-foot space in the state Farm building in order to expand production capabilities and relocate its existing research and development lab. He said the relocation will create 64 new jobs. He continued that the Board approved funding for a match for two state grants in support of this project. He said it is an exciting economic development opportunity that will grow a local business in Albemarle County at a prime development area location in Pan Tops.

Mr. Walker moved to his next slide, titled "Fall Clean Up Days." He said his last point was a call to action. He said the finale of the Love Albemarle Community Cleanup series was taking place on Saturday, October 30th, 2021, beginning at 8:30 a.m. He said participants should meet at the Yancey Community Center, and then they will depart in teams to various locations around Esmont, Keene, Scottsville, and North Garden. He continued that the cleanup would focus on small roadside litter and that gloves, safety vests, and pickers will be provided. He said that was all he had to present for today, and he was open to any questions or comments from Mr. Gallaway or the Board.

Ms. LaPisto-Kirtley said that the previous weekend, the community of Profit Road and Polo Grounds Road spent the weekend cleaning up litter alongside the road. She said that the community does the roadside cleanup twice a year and that it is beneficial for the communities. She applauded all the communities doing everything that they can to keep the county clean and free of litter.

Ms. Palmer said a while back she had contacted Mr. Walker and the fire department about dispatching a fire engine with a full crew to cut a log off a private road that was difficult to access. She said she was told the fire department would have to send the whole group out because they wanted to keep the group together. She asked if the additional support from the county staff cleanup crews could be used to clear debris from private roads so that the fire department would not have to send a whole crew. She said it seemed like a terrible use of public funds to send out the whole fire department to clear debris. She asked if there was a better way to help people in those situations.

Mr. Walker responded that he could more fully answer the question by taking it back to Albemarle County Fire Rescue leadership. He said that generally, when crews are dispatched, the Fire Rescue tries to keep them intact as crews so that they are able to respond in service with their equipment if need be. He also said that in anticipation of major weather events that would warrant a response, the Fire Rescue will develop response plans in order to keep apparatuses and ambulances available to respond to emergencies while they dispatch crews to help clear the roads. He said there is the opportunity to overstaff, and that is why Fire Rescue, the police department, Parks and Recreation, and FES participated in these efforts so that not all public safety personnel are tied up clearing the roads. He said whether they are able to dispatch smaller crews depended on how much lead time the crews had and how much preparation could occur. He said he could take back to Fire Rescue leadership Ms. Palmer's question about taking a fire engine to clear roads.

Ms. Palmer said it seemed more efficient if Fire Rescue would help citizens by calling out to other departments which would then send a crew to clear the road rather than if the fire department responded.

Mr. Walker said there was also a dilemma of doing public work on private property. He said that however, in the case of a response to an actual emergency, the responder will have to access private property in order to get to where the emergency is located. He continued if a driveway were blocked, it could be reasonably assumed the responder would do whatever could be done to clear the driveway in the response to an actual emergency call, but not as a customer service type response.

Ms. Palmer said she was not trying to get into the specifics of whether it was a private or public road, and that her example was specifically not an emergency situation. She said she wanted to know if this particular program could help the County respond more efficiently to those one-off situations.

Mr. Walker said that having more trained chainsaw teams absolutely put the County in a better position to respond with the right resource, but he would follow up on Ms. Palmer's question.

Ms. McKeel commented that she recalled Albemarle County Police Chief Ron Lantz telling the Board several years ago that he placed a chainsaw in the trunk of every police patrol car because the police often would come upon debris and hazards that could be easily taken care of with a chainsaw rather than calling the fire department. She said Chief Lantz had been thrilled with the result and with how much more efficient the County was with clearing debris. She said at the time she thought it was a good idea.

Ms. Mallek said she enjoyed reading the Facilities and Environmental Services update. She said that on the topic of tree clearing, she hoped that ACFR or the County Executive's Office or someone else would reach out to VDOT about the rural roads that are not compliant with the 10x14' opening required for private roads. She said these are public, VDOT-accepted roads that are behind on tree trimming, and they pose a hazard to the fire engines. She continued that the Board could reach out to VDOT if no one else wanted to. She said that regarding the climate change section about forestry and how the County cannot count its current forests for sequestration, she looked forward to a time when there would be more forests planted, increasing the tree cover. She said once this happens, the County will be able to count the forests for sequestration. She said she was glad to see the waste stream discussed because it had been neglected in 2008 and 2010 when the County did an inventory. She said she thought it would be a place to make a lot of progress. She wanted to emphasize that others should consider the power usage and vampire draw of the computers over the weekend or night or when employees are away from the office.

Ms. Donna Price said she would echo what Ms. Mallek had said. She told Mr. Walker he gave a great report and thanked him.

Mr. Gallaway asked Mr. Henry to clarify information about the Facilities Master Plan study. He said he believed it was slated to be completed in November and that it had another phase. He asked when it would come back to the Board for further discussion.

Mr. Henry responded that he would need to circle back with FES. He said a spring update was reasonable, but he wanted to discuss with his team to provide a better estimate.

Agenda Item No. 9. Closed Meeting.

At 1:28 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 (6), to discuss and consider the investment of public funds in the Rio Magisterial District related to the acquisition of real property where bargaining is involved and where, if made public initially, the financial interest of the County would be adversely affected.

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

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

Agenda Item No. 10. Certify Closed Meeting.

At 2:14 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. 11. Work Session: Joint Work Session with the School Board - FY 23 - FY 27 Capital Improvement Plan.

Mr. Gallaway welcomed the school board staff members who joined the electronic meeting. He said the next item on the agenda was the "Joint Work Session with the School Board on the FY23 to FY27 Capital Improvement Plan." He asked if he would be handing the presentation off to Chief of Budget Andy Bowman.

Mr. Andy Bowman said Mr. Walker would be starting the presentation.

Ms. Price asked if they needed the School Board to call to order.

Mr. Gallaway said that was correct and asked Mr. Graham Paige, School Board Chair, if he would like to call the School Board to order.

Mr. Paige called the special joint meeting of the Albemarle County School Board to order at 2:15 p.m.

Mr. Walker thanked the School Board and the Board of Supervisors and said he believed Superintendent Matthew Haas had a few introductory comments that would not take away from the quality of the presentation that would be in the following discussion. He said he wanted to acknowledge the quality of the ongoing, continued collaboration between the respective staffs and the elected officials, which yielded better products and outcomes. He said he would focus on the CIP process and the steps that would be undertaken, separately and together, to lead to positive outcomes as the budget process approached. He addressed the Board of Supervisors and said that some of the discussion to follow would include characterization of projects that might be familiar to the Board from the previous spring, but a focus of the meeting was to receive the work by, through, and for the School Board, done by the long-range planning advisory committee. He said this would be a first look at some of that work for further consideration throughout the process. He said the County staff appreciated the opportunity to hear feedback, so there would be ample opportunities through the presentation for breaks and comments. He then introduced Superintendent Matthew Haas.

Mr. Haas said he wanted to thank the Board of Supervisors for their leadership over the last year and a half because he did not often get the chance. He said the decisions the Board had made were good decisions in the betterment and safety of the community. He said in many ways, in addition to the usual ways the Board provided resources and collaborative leadership to the school system, the decisions and actions taken by the Board had allowed the schools to stay open and continue to be a place for children, employees, and families. He continued that the Board had made a tangible difference in the lives of the families and communities of Albemarle County. He said he wanted to echo what Mr. Walker had said about the collaborative work that goes on across the two organizations, especially at the senior management level and the executive level within the finance department and the planning departments. He said he felt a level of trust that was at an all-time high, and that this allowed for true collaboration across the organization. He thanked the meeting participants and acknowledged County Executive Jeff Richardson for his leadership. He said he wanted to express his appreciation for the opportunity to bring together the wisdom and experiences of both the School Board and Board of Supervisors to discuss the recommendations from the School Board's long-range planning advisory committee, the School Board's priorities, and prioritization of the recommendations. He said that he was interested to hear the Board of Supervisors' comments, ideas, and thoughts on how to move forward to improve the capital program. He thanked Mr. Walker.

Mr. Bowman introduced himself as Chief of the Budget Division in the County's Department of Finance and Budget and said he was joined by Maya Kumazawa, the Director of Budget and Planning for the schools. He said that a lot of collaboration happens through joint budget issues, and the CIP was one of the strongest examples of this. He said he and Ms. Kumazawa would be presenting and thanked her for her input into the process of crafting the message.

Mr. Bowman began his presentation with a slide entitled "Fiscal Year 2023-2027 Capital Improvement Plan (CIP) Development Desired Outcomes" and said he would go over the desired outcomes for the presentation. He said at a basic level, he wanted to continue the efforts for the two boards to work together. He said the boards would review financial information from the past and present, and they would look at the future 2023-2027 CIP process and what approaching the process would look like moving forward. He continued that the boards would share preliminary project information to set the next steps for the 2023 budget and CIP development process.

Mr. Bowman said he would start by providing an overview of the County's financial positions and how the County had fared since the start of the COVID-19 pandemic. He said he would speak to where the organization is with the capital program and how that will inform the thinking on the upcoming process. He said beyond the broader concepts, he would move to a nuts-and-bolts discussion about the process, looking at the calendar, the roll of the CIP Advisory Committee, and some initial assumptions on the staff's approach to prepare for the committee's work. He continued that he and Ms. Kumazawa would then share preliminary project information. He said a goal is to get through the presentation as concisely as possible in order to allow time for the boards' discussion.

Mr. Bowman next slide, "Discussion Questions for Later in Work Session." He said to preview the discussion, several questions had been provided on the front end for the boards to consider as the information was presented. He said the first question was, "How does your awareness of the County's

past, present, and future inform your thinking about the overall capital program, particularly the process and the initial revenue and project assumptions?” He said the second question was, “As they prepared for the work of the advisory committee, what additional information will you be looking for in the coming months as the CIP Advisory Committee prepares a recommendation and, ultimately, the Board of Supervisors adopts the Fiscal Year 2023–2027 CIP at the end of the budget process in May?”

Mr. Bowman moved to his next slide, “Financial Planning: Where we were, are now, and are going.” He said to make up time, he would start presenting content with an overview of the County’s past, present, and future.

Mr. Bowman moved to his next slide, “Where We Were: Financial Results of 3-6-6 Budget Management.” He said he would start with the past. He said 19 months ago, when the COVID-19 pandemic began and the County neared the end of the FY21 budget development process, the budget was scrapped and redone in a matter of weeks. He said that a plan was created to navigate the unprecedented uncertainty of both the County revenues and the basic delivery of services during a pandemic. He said the approach was called 3-6-6, which referred to the last three months of FY20, first six months of FY21, and the last six months of FY21. He continued that this approach was guided by the idea to watch the situation closely in order to adjust planning along the way. He said high-level results of the 3-6-6 plan were displayed on the slide, but he would not go into detail in the interest of time and would summarize his main takeaways.

Mr. Bowman stated that the pandemic is ongoing, and at the same time, the County’s economy is stabilizing and recovering. He said the data on the County revenues had continued to improve at every milestone reached of the 3-6-6 plan. He said both boards had taken actions during the pandemic to ensure the County’s financial foundation was intact. He continued that the County had met the financial policies and had undergone a process in the summer to reaffirm the three AAA bond ratings, and he said that the County had been able to move initiatives forward as the revenue picture improved and became more certain. He said he did not want to paint a picture that all needs had been met, as much was paused at the beginning of the pandemic, but the County had positioned itself to be flexible as to what the future would look like while maintaining a strong, solid financial foundation. He said in November, he would be sharing with the Board of Supervisors, through their regular meetings, preliminary information about how FY21 ended prior to the audit, and also how the Q1 of FY22 was performing. He said the reports were now being written, but he saw a continued strengthening and stabilization of the local economy.

Mr. Bowman moved to his next slide and said he would discuss the County’s present and future together because he wanted to draw clear connections about how current circumstances are informing staff’s thinking about the FY23–FY27 budget process. He said the first factor to consider was the impact of the global supply chain disruption and increased cost of raw material. He said the County was not immune from these factors, and some projects had received higher bids than when the budgets were initially crafted. He said projects had also experienced schedule delays, whether from the availability or deliverability of materials or the bidding climate. He said the present situation influenced the plan for FY23–FY27.

Mr. Bowman said the County had been working with the schools and facilities management to scrub the budgets and update project costs for items that had not yet gone out to bid in order to foresee issues or to see what appropriations might need adjusted. He noted that another reason to go back and scrub numbers was because the state passed legislation the previous year regarding energy efficiency requirements, and the County wanted to be compliant with those standards which were also in line with the County’s climate action rules. He said that while managing the interim, the County had flexibility due to a one-time capital budget stabilization reserve that the Board of Supervisors created in the summer of 2021 so that if an item that had been approved but the current market conditions required added funding, the County would be able to keep moving forward. He stated that at the end of FY21, the CIP program was projected to be at \$147 million for 65 capital projects, and he said the amount is not a meaningful number by itself, so he would highlight a few data points to provide some more context. He said that \$91 million had been appropriated for capital projects in the past 10 months between what had been unpaused in January and what had been appropriated in FY22 at the start of the fiscal year in July.

Mr. Bowman stated that much of the \$147 million was relatively new funding, and the data was a snapshot of time and that the numbers were always in flux as bills were paid and projects moved through the process from one phase to another. He said his key takeaway from the snapshot was that much of the \$147 million was for projects not yet under construction, and some of the construction would extend beyond one year. He said it could be reasonably expected that a portion of the \$147 million will be reappropriated into FY23. He continued that while the financial support existed to fund the projects, the operational capacity and implementation needed from the organizations would still be required in order to work on the projects as the County approached the FY23–FY27 process. He said that thinking about the influences on the next year, he said timing matters. He continued that while there was capacity in the FY23–FY27 plan for additional projects, the County needed to be aware and mindful of the significant commitments that were still underway.

Mr. Bowman stated that he would show another data point to provide a perspective on the magnitude of the \$147 million figure. He said that staff had studied data for the past eight years, and though the nature of capital changed from year to year in terms of projects, the total implementation between County government and public schools was around \$35 million a year. He said there was some variance in that figure from the upper-40s to the mid-20s. He said his team had discussed internally what might be possible to improve the organization of capital projects. He said that this would need to be a

comprehensive discussion—not only about resources implemented but the business processes and the systems used, and what could be done within the County’s capacity and structure to enable the projects to move forward to help meet community expectations and to discuss different thoughts on the matter.

Mr. Bowman moved to his next slide, entitled “Where are we now? Where are we going?” and said he had two other considerations about the topic. He said that first, the County would be entering a unique time period and would be in a transition phase at some point from 2023 to 2027 because County government would have an updated comprehensive plan. He continued that the work was underway by the Department of Community Development and that there would also be an updated strategic plan. He said that the previous week, the Board of Supervisors provided direction to extend the current strategic plan to FY23, and there would be future processes to update the next plan.

Mr. Bowman acknowledged that the Board of Supervisors and School Board were at different places. He said the School Board had adopted an updated strategic plan over the summer, which guided several projects that would be presented. He said that the staff had thought about the transition period—or the future of the CIP—in two ways. He said that first, the intent of the CIP would not be to develop projects before a strategic plan had been updated, where all financial operational capacity would be committed. He continued that this was so the County would not end up in a situation where it could not implement or change parts of a project to meet a future update of the strategic plan because of the structure of commitments. He said that financial capacity can be planned for, and that, for example, there may be a portion of year 5 that would be reserved as “to be determined” for priority strategic community projects that did not need to be identified in the FY23 process, but the County would have a process to go forward to identify the strategic community projects in the future. He continued that as a real example, there were community conversations ongoing, including during the Board’s afternoon agenda where the Board would be updated on the regional facility assessment for the regional jail. He said that may impact the capital planning, but the County cannot get ahead of its partners regionally or the assessments.

Mr. Bowman said that for the work with the state to happen, the County had to remain mindful of the need to maintain flexibility in the out years of the plan. He said that one consideration of the Board could be to ask when the update would happen if there was a placeholder in the out years. He said that members of the Board, pre-pandemic, would recall how the process typically called for a full five-year review and update to the plan followed by an amendment year of planning that typically had minor adjustments. He said that given the uncertainty and the approach being discussed, it felt appropriate to do a full update of the plan going into FY24 to FY28 and in back-to-back years as more information was gathered and the uncertainty of the pandemic was learned. He said that compared to a presentation he gave a year ago to the joint boards, it was amazing how much had been learned in that time. He said that the County would continue to learn going into the next year’s process.

Mr. Bowman said that the final consideration with where they are now and where they were going was that the CIP process was but one piece of the total County budget. He said there would be pressures in the budget related to changes in service demand from both the public schools and the County government. He said both organizations would have to consider the recruitment and retention of staff who provided services that many community members relied on daily. He continued that both organizations would also have to consider the operating impacts of capital projects and the changing nature of technology expenses, as had been learned when the County physically transitioned the servers from the premises. He went on to say that the split between capital and operating costs should be accommodated, and those discussions would not be discussed today but were rather part of the regular process. He said that the County would have long-range planning discussions in the fall during November or December with the Board of Supervisors to inform long-range financial planning and not just the capital budget. He said that he had presented several concepts, so he would summarize the points he had made.

Mr. Bowman told the boards to consider how the present informed the future; as an example, the County was working to update project costs, taking into consideration the market conditions. He told the boards to consider the start date of future projects in respect to the efforts already underway, and he asked the Board what could be done differently to improve the execution of the current and future projects. He said that the County was in a less uncertain environment than a year ago. He asked the boards to consider how to emphasize the flexibility in planning, particularly in the out years of the plan. He then asked the boards to consider how the capital decisions fit in the context of total operations and the total financial picture. He said that he would transition the presentation to a nuts-and-bolts approach of the FY23 budget development timeline and the capital process.

Mr. Bowman said that regarding the next slide on the “FY 23 Budget Development Timeline,” the budget development process was underway. He said that as Dr. Haas alluded, the School Board had discussions about the long-range space planning in September, and that those discussion were continuing. He said that this meeting was the Joint Board Work Session on the Capital Improvement Plan, and that the next step in the process would be in November and December. He said there would be two meetings with parallel trends—one with the CIP Advisory Committee, and the other with the Board of Supervisors during work sessions on the five-year financial plan. He said the work would continue in February when the schools’ draft funding requests and the County Executive’s recommended budget are released. He said the work continued through March and the spring and would lead to an adoption in May. He said that work sessions, public hearings, and public processes were included.

Mr. Bowman moved to his next slide, entitled “CIP Advisory Committee’s Charge.” He said that the CIP Advisory Committee was a committee that consisted of two Board of Supervisors members, two School Board members, one Planning Commission member, and one community representative. He said

the charge of the CIP was similar to past years. He said the CIP would receive a recommended CIP proposal from the County staff as a starting point. He said the CIP was charged to review and evaluate the recommendation to ensure it aligned with the County's financial policies, the established priorities of the County, and the guiding principles set forth by the boards. He said that based on the starting point, the CIP would then prepare a recommendation for the County Executive's consideration in preparation of the FY23 capital budget and the FY23–FY27 CIP. He said that once the recommendation was made, a report would be sent to the Board of Supervisors, the School Board, the School Superintendent, the Planning Commission, and the County Executive.

Mr. Bowman moved to his next slide, entitled "Recommended CIP Advisory Committee Process and Assumptions." He said he would discuss what the work of the CIP looked like. He said the County staff would start with an initial plan that used a similar framework to the previous years' CIP Advisory Committee process. He said the staff would start the process with the obligations and maintenance and replacement programs before additional projects were considered. He noted that maintenance and replacement funding was not automatic, and staff would perform due diligence to scrub the numbers to ensure the numbers align with the County's maintenance standards and ability to execute.

Mr. Bowman stated that additional projects would be reviewed and prioritized with four criteria, similar to what was used the previous year. He said the first criteria was the connection to the strategic plan and the new reality due to the pandemic; the second was the ability to execute projects considering the capital budget, other barriers to implementation, and how and when the projects might proceed; the third was the ongoing operating cost impacts; and the fourth was an equity statement for the project. He said that County staff and the Department of Finance and Budget partnered with the Office of Equity and Inclusion to help County departments incorporate an equity lens when considering service changes at the start of the budget process. He said capital project service changes would be discussed first, but other service changes applied as the discussion moved to the operating budget.

Mr. Bowman stated that the criteria were not about a high, low, or mathematical score—but about articulating answers to questions. He said questions to consider were, for example, whether services reduced existing disparities and enhance the quality of life, wellbeing, access, and engagement of the community members. He asked if there were particular groups that were more impacted by the programs, either positively or negatively. He asked if there were ways the County could offset the impacts of the project should it be implemented. He thanked the Office of Equity and Inclusion and said discussions had proceeded for months as to how to incorporate the recent community objective into the process. He said the Office of Equity and Inclusion had guided the County since conversations with departments began.

Mr. Bowman said he had talked about assumptions about expenditures, so he would move onto revenue. He said that as part of the evaluation, revenue sources would be explored in the total context of the financial plan. He said a few options were available that had not been available the last time the five-year plan was crafted, before the pandemic. He said the first option was that the state had enabled expanded local authority, and other revenue authority options were available to the Board. He said that the second item was the impact of the recent bond reissuance that occurred in the summer of 2021. He said the County had completed, for the first time in 40 years, a large bond issuance that included refinancing and historically low rates. He said that the restructured debt would create more capacity that had not been available during the previous multi-year plan. He said that County staff had updated revenue assumptions, debt amortization schedules, and other factors that go into calculating the County's debt cost and future capacity. He said he did not have a number today, but that it would be part of the framework for the CIP Advisory Committee.

Mr. Bowman said that American Rescue Plan Act funding was being monitored to determine how it could be leveraged to meet County priorities, whether funding is received directly or indirectly. He said the County ended FY21 with a positive variance. He said this meant that the County would have a general fund balance above the policy-obligated uses. He said the Board would discuss the positive variance in November when the audit completes. He said another option was to monitor the capital bond market environment and the existing ability to use bonds. He said that the third assumption of the revenues was that for planning purposes, no changes were to be made to the real estate tax rate, either for the operating budget or capital budget, for FY23 to FY27. He continued that the third assumption included the pursuit of the strategic funding options he had previously outlined. He said that the third assumption did not mean no additional capacity would be provided to the capital budget. He said as revenues improved, the capital budget would receive a portion of that increase. He said that he assumed a question the Board members might ask is how the process he had outlined compared to the pre-pandemic CIP process.

Mr. Bowman moved to his next slide, entitled "FY 21–25 CIP: Pre-pandemic," which he said was a flashback prior to the pandemic in March of 2020. He said the slide displayed what the recommended CIP looked like. He said it recommended \$211.2 million and included an additional one-cent real estate tax rate from FY21 to FY25 based on the CIP Advisory Committee. He said the FY21–FY25 budget was revised, and because of pandemic uncertainty, the five-year CIP was not adopted.

Mr. Bowman moved to his next slide, entitled "Changes Since March 2020." He said he wanted to highlight what had changed since March 2020, noting that the pandemic had changed which impacted project schedules, lead times, and the ability to execute. He said that the Office of Management and Budget was working with partners to increase scrutiny of the planned capital budgets to figure out what could be possible through execution and delivery to improve the already funded projects. He said the third major factor was the bond issuance in the summer of 2021. He said the record low interest rates

created capacity in two ways. He said the low rates provided interest savings and increased just-in-time borrowing, or borrowing closer to when the funds would be spent rather than carrying unnecessary interest costs. He said the bond issuance allowed the County to reimburse itself for past expenses in prior years, and the reimbursement would grow the capital fund balance available for FY23–FY27. He said that the FY21–FY25 CIP had target annual ongoing funding of \$9 million in cash equity. He said the County had modified that strategy in the last year by leveraging the interest rate environment, utilizing available cash balances, and using other sources such as ARPA funding. He said all of these options should be considered before adjusting the real estate tax rate for the purpose of the initial plan.

Mr. Bowman moved to his next slide, entitled “In Summary,” and said that he would summarize the discussion. He said the County had used a 3-6-6 budget management approach in the development of the 2022 budget. He said the County had maintained its financial foundation and had adjusted its planning accordingly as revenue performance improved. He said that the County leadership noted at the beginning of the meeting how the County staff and both boards had a strong, collaborative foundation of working together. He said as the future was considered, the County would continue to implement \$147 million of the capital program in an uncertain environment of project costs and supply chains. He said the County would bring information to the CIP Advisory Committee to recommend a plan to the County Executive. He said that the Board would ultimately adopt a plan at the end of the budget process, and it would be the first five-year plan for the CIP since FY20. He said the plan would reflect the efforts underway when considering the start dates of future projects. He continued that the plan would emphasize the flexibility for the future as strategic directions would be set and updated in the next five years. He said that capital decisions would be considered in the context of the operational budget as they were every year.

Mr. Bowman moved to his next slide, entitled “FY 23–27 Local Government Projects from March 29 Board of Supervisors Discussion.” He said he would present a brief portion of local government projects and said the slide was another flashback to March 29, 2021. He reported that when the ARPA funding was announced, the Board of Supervisors had additional discussions about priority local government projects. He said that not all of the examples listed on the slide were CIP projects. He said the Board had worked with the Albemarle Broadband Authority to leverage ARPA funding for broadband infrastructure. He noted the slide was not an exhaustive list of what would be considered in the 2023–2027 budget process.

Mr. Bowman reported that this did not influence the work of the schools’ long-range planning committee or the School Board, and the list did not include projects brought forth by County departments to support the theme of quality government operations. He said that the Board of Supervisors would recognize that term from the previous week’s update of the strategic plan, and that the term was the horizontal line that underpinned the nine strategic priorities set by the Board. He said that his intent was not to go into detail about each local government project, but to set the stage as to what will come from the advisory committee. He continued that he wanted to allow as much time to hear more details about the work done by the school division’s long-range planning committee. He said introduced Ms. Maya Kumazawa and said that she would provide an overview of the school’s CIP projects.

Ms. Maya Kumazawa began her presentation with the slide entitled “Strategic Plan: Learning for All.” She said that before she presented the list of recommended projects for the school division, she wanted to provide an overview of how the projects fit within the strategic vision. She stated that after a rigorous community and stakeholder engagement process, the School Board adopted a strategic plan the previous summer. She said that the plan had helped guide the process and priorities for the considering of the CIP. She said that the strategic plan, entitled “Learning for All,” included a vision that learners were engaged in authentic, challenging, and relevant learning experiences to become lifelong contributors and leaders in a dynamic and diverse society. She said that the mission was to work as a team to end the predictive value of race, class, gender, and special capacities for the children’s success through high-quality teaching and learning for all. She said that relationships with families and communities were sought to ensure that every student succeeds, and every student would be known. She said that the specific goals and objectives related to capital priorities were listed on the slide. She said that getting the right resources to educators and students for teaching and learning was key to the school’s success. She said it was believed that the project criteria developed by the long-range planning advisory committee were in close alignment with the schools’ vision and mission.

Ms. Kumazawa moved to her next slide, titled “FY 23–27 School Projects.” She said that using the defined project criteria, the projects listed on the slide were recommended. She said the needs-based request addressed key themes of equity, investment in existing facilities, and new investments needed to support the long-term capacity needs of the growing county. She said that the price tag seemed large; however, it was built upon the accumulated capital needs of the school division over many years. She said that adequate capacity continued to be a need, which was supported by the 10-year enrollment projections and reinforced by both the development and student yield analysis and 30-year population forecasts. She said that for over 15 years, the school division had been in the practice of expanding existing facilities, and when necessary, deploying mobile classrooms in the interim.

Ms. Kumazawa said that as the schools reached a point where expansion was no longer practical, a strategy for land acquisition and the construction of new facilities was recommended. She said that investments in school renovations at all levels, to bring incremental updates division wide were recommended. She continued that in alignment with the strategic plan, to ensure each student had access to high-quality learning environments meant reliable elevator service to ensure safety and access and all times. She said that in addition, the importance of a healthy environment and reliable technology infrastructure had risen as urgent and necessary investments, highlighted by the COVID-19 pandemic.

She said that new investment into indoor air quality systems was recommended along with the construction of a data center. She said that the detailed justification for the projects was included in the 2021 long-range planning advisory committee report, which was also available to the public.

Mr. Bowman moved to the next slide, entitled "Board and School Board Discussion." He said it was now time for Board and School Board discussion, and he would allow Mr. Gallaway to facilitate the discussion. Mr. Bowman moved to his next slide, entitled "Discussion Questions." He said that the slide had the questions that were asked at the beginning of the presentation. He said he wanted to leave the questions up for the beginning of the discussion, and then take them down for the remainder of the presentation. He said he would turn the discussion over to Mr. Gallaway for questions, Board comments, and feedback.

Mr. Gallaway thanked Mr. Bowman. He said that the process to follow would typically have the Board of Supervisors move through its speaking order. He said that the School Board member would have the opportunity to speak, followed by the Supervisor. He noted that Jonno Alcaro would be included in the rotation. He asked if there were any objections.

Mr. Paige said that would work.

Ms. Judy Le of the School Board said she was still processing the presentation and did not have any questions or comments at the moment.

Mr. Gallaway said that the rotation would loop back to her. He said that going first was never an easy position.

Ms. LaPisto-Kirtley of the Board of Supervisors commented that she appreciated the presentation and said there was a lot to consider. She stated that she liked that the County was flexible because they were still in the midst of the pandemic. She said that she liked the ranked priorities and hoped that the monies available to the County would cover the needs. She looked forward to finding out whether or not anything changes. She said she was unsure of what the future would bring and what would happen, so she moved cautiously to be able to give the School Board what it needed in terms of capacity retainment and retention of excellent teachers. She said she did not see a lot of information about professional development, but she assumed it was embedded in the work of the budget process. She said she believed professional development was paramount to retaining and keeping qualified instructors. She said would have more questions later.

Mr. Gallaway said it would help to keep the discussion questions on the screen. He said the questions were no longer on his screen.

Mr. Bowman said he would put the slide back on the screen.

Mr. Gallaway said that board members should put the "raised hand" icon on the screen if a board member had a follow-up to another board member's comment in order to be looped into the conversation.

Mr. Paige of the School Board said he was processing the presentation. He said he did not have any comments or questions related to the discussion questions and that he would loop back in later in the discussion.

Ms. Palmer stated that the space needs of the schools were paramount, as the County had a growing population. She said that the first discussion question, "How does your awareness of the County's past, present, and future inform your thinking about the overall capital program?" made her want to see another capital needs assessment. She said this would typically be a 10-year cycle, and the Board used to get that assessment a long time ago. She said given the space needs of the schools, it would be good to see an assessment. She said that on the topic of initial revenue assumptions and projects, it was a shame that costs were rising—but not much could be done, and the upgrades and updates had to happen. She said that during the Board of Supervisors' strategic planning discussion the previous week, she had asked about the school's interests and how the schools looked at the Berkmar proffered land and was told at the time that she would hear more the next week; she assumed that meant during the current meeting. She said if there was any information about the use of the Berkmar proffered land, she would love to hear it. She said that in the Board of Supervisors' process, her question linked in with the Lambs Lane campus discussion and about what is planned for that area. She said if there were discussions about the land use, she would love to hear about them, and that was the additional information she was looking for. She said she would like to hear from the schools, and the School Board and Board of Supervisors members would be listening carefully to the CIP Advisory Committee's discussions.

Dr. Acuff stated that she had served on the CIP Advisory Committee for most of her eight years serving on the School Board. She said that when she joined, the County had not recovered from the Great Recession, and now it was a pandemic. She emphasized that the schools continued to grow and four were over capacity. She said that fortunately, the problem would be alleviated once the 17,000-square-foot addition to Crozet Elementary was completed next year. She said that Baker-Butler, Mountainview, and Albemarle High School were significantly over capacity; and by 2025, four more schools would be categorized as overcapacity. She said she believed almost 100 trailers were being used as classrooms, and capacity issue was real and needed to be addressed.

Dr. Acuff explained that in 2016, there was a school bond referendum of \$35 million dollars in an attempt to catch up from several years of maintenance-only spending. She said that the referendum was

supported by 76% of voters, and every voting precinct approved the referendum. She said the lowest percentage of approval was 66%, so there was great support in the community overall for funding designated for schools. She said she had hoped there would be a cycle where projects would be bundled, and a bond referendum held to finance the projects. She said it had been 20 years since a new school had been built. She said Baker-Butler was built in 2002 and was already over capacity, and she thought it was unfortunate that the County was always playing catch-up with capacity. She said the County was rarely able to address the needs for facility renovation and modernization, and the average core facility is over 50 years old.

Dr. Acuff continued that this needed to be addressed because learning spaces should be designed for the way schools teach. She said that the referendum from five years ago had delayed the discussion about the future of a new high school, and the process for the high schools went through the School Board rather than through the Board of Supervisors. She said that rather than ask the Board of Supervisors for \$160 million to build a new high school, the proposal recommended an innovative approach of building high school centers and improving and modernizing the existing infrastructure of the high schools. She said that it was unfortunate because the first step of the process, which occurred the previous year, was delayed. She urged her colleagues on the School Board, the CIP Advisory Committee, and the Board of Supervisors to be bold about how they thought about improving the schools. She said she did not think 100 classrooms was anything but a stopgap measure but also did not see those 100 classrooms across 25 schools as temporary.

Ms. McKeel said that the report was excellent and that she appreciated the presentation, as well as the priority rankings. She said she would go through her notes, and if she did not answer either the first or second discussion question, she could be asked again. She said she agreed with Dr. Acuff and other comments made about capacity. She said that during land use proposals, the County often heard from citizens and families about school capacity—and many of the schools were experiencing these challenges. She thought it would behoove the boards to use the County's AAA bond rating to float bonds more often than every 40 years to support school capacity and infrastructure. She said she did not know the way forward, but she did know other communities had successfully used bonds in a similar way. She said she was interested in what changes the School Board and the school administration foresaw coming out of the pandemic, as those could affect capacity, with other changes that could involve education connectivity for families and students. She said she would appreciate if she received copies of the critical reports that the School Board produced so that the Board of Supervisors could consider that information. She said that she was interested in further discussion about the School Board's plans for the two sites proffered for elementary schools along Route 29 North at Brookhill and North Pointe. She said that schools were over capacity, and there were two sites proffered for elementary schools in those communities.

Dr. Acuff said that one of the top priorities was a school in the northern feeder pattern, and the concept was to build the school on the Brookhill proffered site, which was on the list of priorities for \$40 million. She said that Ms. McKeel would receive a copy of the long-range planning report the next day.

Ms. McKeel said she had seen the note, but she did not know if it specified the proffered site.

Dr. Acuff said that the body of the document specified the site.

Ms. McKeel said she wanted to ensure that the proffered sites were utilized because land was expensive in Albemarle, and these sites were along the population centers.

Mr. Oberg said he appreciated the chance for both boards to work collaboratively. He said he wished there were more money and more ability because there was a lot of need in the community. He said he had faith that the smart people on these boards would solve the problem. He said something had to be done and that the can had been kicked down the road for too many years. He said a beautiful, wonderful community had been built; people wanted to move to the County, so they needed to have the infrastructure to take care of them.

Ms. Mallek said she had a few questions and that she appreciated Mr. Bowman's presentation. She said for question number 1, awareness of thinking, what popped into her mind was when they were looking at slide 16 the fourth bullet listed \$147 million out of a \$180 million cap (which was adopted to reflect capacity and appropriate headroom, etc.). She asked if the cap had changed or would evolve.

Mr. Bowman responded that a few financial policies were used as guidelines. He said those were to use 10% of the general fund revenues and 2% of the total assessed values. He said that the CIP Advisory Committee would have a fresh look at the assumptions and examine the impact of bond refinancing. He said the process with the rating agencies did not change the County's capacity for the worse.

Chief Financial Officer Nelsie Birch clarified that referendums in and of themselves did not provide the County with additional capacity. She said that the County had opportunities for lease revenue bonds, which was done the previous year. She said that the plan, consistent with the question asked by Ms. McKeel, was to issue bonds every other year. She said the County would issue additional bonds in two years and continue on a two-year pattern, and the County wanted to incorporate that change into the numbers for the CIP and budget process.

Ms. McKeel said that the response were helpful.

Ms. Mallek asked if a project in the pipeline was in process, such as on slide 12 figure 1A, and it had completed the state application and received County investment, would it continue development or would it be up for grabs under the new CIP Advisory Committee. She asked if those were considered part of the obligations section.

Mr. Bowman said that as the capital budget was built, the foundation was the previous capital program. He said that the Board had the right to change appropriations for projects at any time. He said there could be limitations with contracts, but if the Board expressed interest in reprioritizing projects, it could be discussed with the CIP advisory committee.

Ms. Mallek said that if the County staff were to make such a recommendation, the recommendation would be discussed with the Board first.

Ms. Birch said that if there were unforeseen hurdles when a project was approved and funds appropriated by the Board, the County should bring the project back to the Board and explain why the project could not be completed or would need additional funding. She said the County would want to have those conversations with the Board. She said staff was working on \$145 million worth of outstanding projects. She said any future project would bump up against the outstanding projects. She said she would caution about reengaging the projects unless there was something preventing completion of the projects.

Ms. Mallek said she found those responses reassuring.

Mr. Bowman said that as an example, the previous year, the advisory committee considered a project for the Moores Creek trailhead located at the southern City/County border. He said that at the time, there was state funding for parts of the project, and the advisory committee recommended moving forward with the project but stipulated that if the state funding fell through, the Board would need to get back together to rediscuss the direction of the project.

Ms. Osborne thanked Mr. Bowman for his walk-through history. She said the pandemic had mixed everything up, so she appreciated seeing a timeline of the last 19 months. She said that the space issue was a high priority and could not be avoided at any level. She said the classroom trailers were euphemistically called "learning cottages," but they were trailers, and the kids deserved better. She said that in some places, there was no room for more trailers.

Ms. Price of the Board of Supervisors thanked Mr. Bowman and Ms. Kumazawa for the presentation. She said she had two comments, one about capacity and one about revenue. She said that she and Ms. Osborne had heard frequently over the summer about capacity issues at Mountainview and potential elevator upgrades at Walton and other middle schools. She said she believed it was recognized that there was an incredible demand to increase capacity, and the secondary headline of the day's Daily Progress was "School Board faces hard choices: as Albemarle schools face overcrowding, parents want solutions, not short-term fixes."

Ms. Price stated that the capacity needed to be increased, and community members needed to realize that increased capacity came with expenses. She said that regarding the initial revenue assumptions and projections, she was concerned. She noted that Slide 13 of the presentation said that for planning purposes to assume no tax rate increase on savings that had been achieved through other means. She said that there was a dramatic increase in the price of materials, labor, contract costs, and inflation. She stated that was concerned that the savings and other funds would be offset by the increased costs. She said that no one wanted to discuss or approve a tax rate increase, but it was difficult for her to see how all the needs could be afforded based solely on the savings and the increased cost projections.

Ms. Callsen commented that she appreciated Dr. Acuff's advocacy and experience from being on the CIP Advisory Committee and agreed with her comments. She said that she wanted to reiterate the main points. She said the CIP was a long process and that someone warned her when she started that it can often take 10 years from when a project first is discussed to when it is built. She said she believed the pinnacle for some of the issues was being reached, such as the Mountainview capacity issues. She said she appreciated that that Dr. Acuff had mentioned work done in the past that was efficient, with taxpayer money and spent resources wisely. She said the high school center model was an interesting way to address capacity needs while being efficient with resources.

Mr. Alcaro thanked Mr. Bowman and Ms. Kumazawa for their presentations and Ms. Birch for her clarifications, stating that he applauded the refinanced debt and considered it to be an important item. He said that a School Board member who had retired a few years earlier had told him that part of their strategy was to ensure there was 15 years of capacity, and he had kept that in mind. He said that he was working from a sheet that had capital budget numbers for the schools that dated back to FY11. He said that the numbers had not been high on an annual basis, and the schools continued to fall behind, just as the County had fallen behind on some of its projects. He said that he appreciated Ms. Price's comments about no tax increase, and he found that cost became an issue in the absence of value.

Mr. Alcaro stated that one of the reasons the 2016 referendum was successful was because constituents around the County were engaged with projects of value, and all 26 of the schools were touched by the referendum. He said that if there were a tax increase with no purpose, people would not see a value. He said that a prior three-cent increase in the property tax to fund the CIP could be revisited. He said that there were several things to talk about over the upcoming months, and he invited

Board of Supervisors members to sit in and listen to the next School Board meeting on October 28, at which a consultant from Fielding Nair would present updates. He noted that Fielding Nair was the consultant group that had crafted the proposal for the center project, the renovations for the high schools, and other pieces. He said that there was not yet a target number for CIP projects, and it was tough to make recommendations without knowing the parameters. He said he had an interest in knowing what the cap was for the County and what the debt looked like in more detail.

Mr. Gallaway stated that he wanted to draw attention to pages 14, 15, and 51 of the long-range advisory committee report. He said that there was data on the County's capacity on Page 14 and analysis of the data on Page 15 that included high neighborhood growth based on the schools that they supplied. He said the appendix on Page 51 contained information about the projected housing units, and it would be worthwhile to discuss how the projections were made. He said he did not recall the level of information in the reports while he was on the School Board, but it was important to know if future projects approved were included in the report (including projects that had been approved in the last few months).

Mr. Gallaway said that Belvedere continued to build out single-family detached houses, and he suspected that was in the report. He also believed Lochlyn Hills was mentioned. He said an apartment complex had just been proposed on West Rio Road. He continued that apartment complexes did not have the same impact on the school system the same way as single family detached homes. He said with the small area plan at Route 29 approved and the form-based code approved, it was hoped that the redevelopment of the area would bring residential capacity. He said it was worth it to have a discussion about capacity in the urban ring and on Route 29 North. He said he thought that information would be worth having a conversation about.

Mr. Gallaway said he had asked Mr. Henry earlier today about the facility needs assessment. He said there could be information in the assessment that would impact government and school related operations and facilities. He said Ms. McKeel had been at the forefront of the discussion on the Lambs Lane campus and how those items related to the other side of Berkmar with some proffered property. He said the assessment could inform what could happen, and that would impact capacity issues along with the center plan. He said the assessment could open up a new approach to the Lambs Lane campus. He said he would like to know if there was a new policy or direction guiding the size of the schools, as that had to play into the capacity conversations. He asked if any decisions had been made in regards to that or if the conversations were just getting started.

Mr. Paige said that the school size discussion had been tabled until the beginning of the year.

Mr. Gallaway responded that the school size would have to be part of the conversation in the future, and there would need to be conversations about proffered land—which would have to include local government and schools. He said land could not remain proffered and unused. He said he has heard people say that they did not want short-term solutions to capacity issues, and the shortest-term solution is always redistricting, which no one likes. He said the next shortest was additions because they were easy and cost effective since the County owned the property. He said that the size and location of new schools and buildings had to be considered. He said that Hollymead was a mis-sized school from the start when the capacity and surroundings were considered; Woodbrook had been redistricted before, and now it was over capacity, as is Baker-Butler. He said that the stronger long-term solution was to consider the right size and location for the new schools. He asked if the size of proffered land for the northern feeder elementary school was appropriate to the size needed for the neighborhood. He said this was the kind of information he was interested in hearing.

Mr. Gallaway said he was happy with the CIP process, and in the past, decisions were guided by cutting projects to save money—which did not get the County to where it needed to go. He said he hoped that the capital projects would have longer-term staying power to solve the capacity issues around the county. He said that they would need to have strong conversations about where the revenue comes from to cover the County's projects. He asked Mr. Bowman if he needed any more information from the boards and if there was further conversation or any other comments.

Mr. Bowman responded that there were several questions that were answered, as well as follow-ups that can be provided in the context of the advisory committee and the work ahead in the coming months. He said the staff was happy to stay as long as needed to answer the questions from the boards.

Mr. Gallaway asked if there was any additional presentation.

Mr. Bowman said that the final slide was just a note that the next step in the process was the work of the CIP Advisory Committee and other long-range planning with the Board in November.

Mr. Gallaway asked the boards for any additional comments.

Ms. Le said she had no additional comments, stating that she appreciated what the other Board members had said.

Ms. LaPisto-Kirtley said she wanted to reiterate what Dr. Acuff had said. She said she believed this was the time to stop playing catch-up and invest in the schools whether with bonds or a referendum. She said that the plans for new schools should include renovations for the existing schools. She said the County needed to ensure that the students' and schools' needs were met. She said she believed in letting the public vote on more money for the schools. She said the pandemic showed how important the schools were. She said she believed the County was in a good position to tell people what was needed

for schools.

Mr. Paige thanked Mr. Bowman and Ms. Kumazawa for their presentations. He said it was enlightening. He said that he would like to invite the Board of Supervisors to attend the School Board's work session the following week. He said that four years ago, the School Board had one understanding of the high school center concept, and along the way the idea was never fully communicated to the Board of Supervisors. He said that listening in on the work session would enlighten the Board of Supervisors about the center idea. He said he would like to know the criteria that the Board of Supervisors used to decide whether a bond or a referendum would be used to finance projects. He said that the schools had not been able to catch up to capacity issues for quite some time. He said he thought that it was important to understand the criteria used to decide funding.

Ms. Birch said that a referendum was the authorization from the voters to issue bonds. She said that the difference between a referendum and the lease revenue bonds was that the lease revenue bonds they do through the EDA (such as those they did that past spring) did not go through a referendum. She said that there was a small difference between the interest rates, but in this environment it was immaterial. She said that speaking about referendums and bonds was speaking about the same thing. She said that the plan for the next five years, based on the work of the CIP advisory committee, was to look at how much bonding could be afforded by the County in terms of capacity and ability to repay the debt service. She continued that the next step would then be to discuss whether a referendum should be held or if the County should issue lease revenue bonds. She said that from the County staff's perspective, the outcome was the same. She said there were pros and cons to a referendum. She said one reason to have a referendum would be to hear from the voters. She said that the referendum did not give the County any more power to issue bonds because the power to issue bonds was already in the plan. She said that she would clarify the power to issue bonds as the CIP Advisory Committee worked through the budget process. She asked if that answered Mr. Paige's question.

Mr. Paige said that Ms. Birch answered his question. He said that the already proffered sites were prioritized for use. He said the sites were an important part of the School Board's decisions.

Ms. Palmer said she wanted to thank Ms. Birch. She said the real issue was that it was easier to increase the tax rate with the voters' blessing. She said that the success with the 2016 referendum was extraordinary and that the over 70% of the population was in favor. She said the result made it comfortable to decide to increase the tax rate. She said she appreciated Mr. Gallaway's follow-up list about the proffered sites. She said she would like clarification about one point. She said she had asked about the proffered site off Berkmar from Brookhill and that Dr. Acuff had said that the proffered site would be used for an elementary school. She said she thought there were two proffered sites for Brookhill, and that the elementary school was planned for the site located on Pole Grounds Road and the other site was possibly considered for a high school. She asked if she could receive clarification on the use of the proffered sites and if more information on the sites would be presented.

Mr. Henry said the County Executive Office had met with the Superintendent and discussed both the Lambs Lane campus and the Brookhill proffered site. He said that the Brookhill site was potentially for a school and included 50 or more acres and 35 of those acres were buildable. He said the County had coordinated the effort of some initial programming. He said the County had one proposal in hand and another about to be in hand. He said one proposal would look at the school's VMF (Vehicle Maintenance Facility) and building services functions in order to get programming numbers around that. He said the numbers would help them then look at the Brookhill site to see some "best fit" options for schools functions along with a number of more local government functions. He said the work would happen over the next several months, and the work would be presented to get further input on the best use of the site. He said that Schools would look at a study on Lambs Lane and if that function would move off of the property. He said that was the broad scope of work.

Mr. Alcaro asked if there were two Brookhill proffers. He said he thought one was for buildings and homes and one was on Berkmar Road. He said he believed the site for the homes was about seven or eight acres.

Mr. Henry said he believed Mr. Alcaro was correct. He said the scope of the study from the local government would include the larger site on the western side of Route 29.

Ms. Palmer said that Mr. Henry's comments were helpful.

Dr. Acuff thanked Ms. Palmer for clarifying why a referendum was sometimes necessary. She said that she understood money was money, but sometimes it was easier to allocate it with popular support. She said two sites were proffered up Route 29. She said both were appropriate for elementary school use. She continued one was located at Route 29 and Polo Grounds Road. She said it was too small of an area when proffered, and that it was on the small side of an elementary school. She said the site would work for an elementary school of up to 500 students. She said the site was preferable for the population needs compared to the site further up Route 29 closer to the North Pointe property.

Ms. McKeel said she would like to add that the proffer on the westside of Route 29 specified the use for "a school facility and/or a government facility." She said Dr. Acuff made sure of the specific language. She said the language was what enabled the current discussion. She said it was important to use the sites for the best need given the cost of land in the County. She said she appreciated Ms. Birch's clarification. She said that when she referenced bonds and said 40 years, she meant that it was the first bond referendum in 40 years. She said that she agreed with Ms. Palmer and Dr. Acuff, the referendum

was transparent to the taxpayers. She said that the taxpayers understood what the money would be used for, and she said that the community was centered on education. She said the community would perhaps understand the need for a tax increase to pay for school facilities if necessary. She said there was a difference in the use of referendums because they provided clarity to the community and gained support from the community. She said that she wanted to add on to Mr. Gallaway's point about the size of the schools. She said she remembered in past years the County reducing the proposed size of schools because of the cost. She said the County ended up with a school that was under capacity from when it was built. She said that must be avoided in the future. She said the County had to make sure to build the projects that they needed.

Ms. Mallek said she wanted to add that over the previous 10 years, there had been drastic improvements in the staff's focus in carrying out the projects as designed, demanded, and delivered. She said that was a capacity issue they need to keep in mind as well. She said the last CIP discussion had touched on the topic, and she said she hoped FES would include the ability in upcoming discussions. She said in the early 2000s, projects failed because the management of those projects was not maintained. She said she looked forward to further discussion about the projects.

Ms. Osborne said she appreciated the historical knowledge held by the Board and School Board members about what had been done before. She said she found it enlightening.

Ms. Price said she supported the increase in capacity. She said she agreed that when community sees a project and the funding for the project, the project would have the community's support. She said she knew that there was support for increased capacity in the Scottsville district and throughout the county. She said she intended her previous comment to question whether the County could rely on the savings, in light of increased costs and inflation, to meet the expenses of the future projects.

Ms. Callsen said she thought that a time restraint for the Brookhill proffer was mentioned, but she did not believe there was a time restraint. She said she knew seven acres had been proposed for an elementary school, and 60 acres downgraded to 50 acres had been proposed for a high school. She asked if she was correct that there were no time constraints.

Dr. Acuff said she understood that for the Brookhill proffer and potentially the North Pointe site, it was 10 years after the first certificate of occupancy (CO). She said she was not sure how the process worked with the Berkmar proffered site because there was no CO.

Mr. Walker said that questions about both properties would be answered and followed up with more information.

Mr. Alcaro said he enjoyed the conversation and that he never gets tired listening to intelligent people speak. He said he wanted to thank the staff from both Schools and local government for the work put in and the decisions that had been made. He said he looked forward to the process continuing.

Mr. Gallaway said that the reason the referendum was supported was because the funds had to be used for what was passed by the referendum, but the full amount did not have to be used. He said the community liked to be told what the money was for and what the tax rate increase would be, then asked whether they supported the referendum or not. He said that the community would be assured of where the funds would go. He said he thought it was important to mention that school capacity was one item among roads, parks, greenspace, the Board's Strategic Plan, Climate Action Plan, Housing Albemarle, and many other topics that came up during land-use conversations. He said while the school's needs were supported and it was understood what needed to be done to address capacity, there were other considerations. He said prioritizing and timing were difficult to maneuver, but it was the next step and looked forward to the conversations as the process moved forward. He asked if Mr. Haas had any additional comments.

Mr. Haas said he appreciated being part of the conversation and had learned a lot from the questions asked and the information shared. He thanked Mr. Bowman, Ms. Kumazawa, Ms. Birch, and Mr. Henry for their expertise and their presentations. He said he was a glass-half-full person, so he only saw the bright side of the discussion. He said he had good reason for his view when he saw the projects underway in the schools and around the County. He said that when he visited Red Hill, Scottsville, and Crozet elementary schools over the summer and the previous year, he saw local government, engineers, contractors, architects, and school staff work together on projects. He said those were the best places for a great deal of collaboration and innovation. He said he was proud of the work done to make the schools bigger and higher quality. He said the need to increase the school's capacity in a way that met the student, family, community, and employee needs was recognized. He said that on behalf of his staff, they were ready to engage the boards to accomplish their goals.

Ms. Palmer said Mr. Bowman had a list of criteria for each CIP project, and at the end of the list was equity and how equity related to the project. She said it was discussed that climate change would be considered just as equity was in these plans, and she wanted to consider climate change when looking through the CIP projects.

Mr. Walker said that the intention of the staff with the presentations was to put the elected officials in the best position to do the best work. He said he felt the presentation hit the mark and that there was good conversation. He said staff took good notes, and the discussion would help move forward with other stages in the process. He said the intention would always be to put the boards in the position to do

the best work, and he welcomed feedback on how to improve and develop the presentations.

Mr. Gallaway asked if Ms. Kumazawa and Mr. Bowman had what they needed from the boards.

Mr. Bowman responded that he had no more comments and the discussion had been helpful. He thanked the boards for their time.

Mr. Gallaway thanked Ms. Kumazawa and Mr. Bowman for the reports and said he looked forward to future conversations. He thanked the School Board for joining the meeting. He said Mr. Paige would need to adjourn his board.

Mr. Paige thanked Mr. Gallaway, as well as the staff on the County and School Board level for their preparations. He said he thought the joint sessions were always beneficial to both boards. He asked for any further questions or comments from the School Board.

The School Board adjourned its meeting at 4:00 p.m.

Mr. Gallaway said he was reminded of a comment by Ms. McKeel, who had said that when the school division and the local government work together, really good things happen. He said he was thrilled to have the School Board attend the meeting. He said the Board of Supervisors would take a 10-minute break.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 4:01 p.m. and reconvened at 4:14 p.m.

Agenda Item No. 12. Presentations: Albemarle Charlottesville Regional Jail Facility Assessment.

Mr. Gallaway said the Board was coming back from recess and was ready to move to agenda item 12, a presentation on the Albemarle Charlottesville Regional Jail Facility Assessment. He noted that Ms. McKeel was the appointed member and the chair of that board.

Ms. McKeel stated that she was pleased that the Board would have the opportunity to talk about the Albemarle-Charlottesville Regional Jail (ACRJ), which was a facility often not talked about, and she would give some background that would be helpful to the renovation discussion. She said the ACRJ opened in 1974, and aside from occasional renovations, it had remained largely the same facility. She emphasized that the ACRJ was old and in desperate need of a renovation.

Ms. McKeel stated that the jail was for Albemarle County, the City of Charlottesville, and Nelson County, and the jail board authority had representatives from each locality's administration. She noted that Mr. Walker represented Albemarle County on the jail board, and there was representation from the three sheriffs from the localities. She continued that there were three citizen representatives—one from the City, one from the County, and one at-large representative from the City or the County. She said there was representation from the elected officials—one from the City and one from the County. She said that Nelson County had less representation on the board because Nelson County joined the board much later, and in negotiations, Nelson County did not ask for representation because their jail population was much smaller than the other two localities. S

Ms. McKeel read the ACRJ mission: "To detain both pre-sentenced and sentenced inmates from the Albemarle, Charlottesville, and Nelson jurisdictions who present a physical threat to the community or themselves, sentenced to jail, or at risk of not appearing for court hearings. The facility will be maintained and operated to safely and securely house individuals lawfully arrested and charged with a criminal offence by law enforcement agencies supporting the Albemarle Charlottesville Regional Jail. In addition to housing local inmates, the facility may accept federal and state inmates on a temporary basis."

Ms. McKeel said that in February, the regional jail board had tasked its citizen representatives with writing a mission statement reflecting the work with the renovation, and they had developed a new one: "To receive, consider, and incorporate meaningful community and stakeholder input regarding the anticipated renovations of the physical facilities of the Albemarle Charlottesville Regional Jail, and giving particular attention to inmate capacity, physical and mental wellbeing, gender equality, alternatives to 24/7 incarceration including Home Electronic Incarceration, and reentry programs while respecting the financial contributions of the tax payers."

She said she would introduce Mr. Martin Kumer, the Superintendent of ACRJ, who she thought was the best jail superintendent in the state of Virginia.

Mr. Kumer introduced Tony Bell and Chris Roman, both with Moseley Architects, which the jail board had hired to conduct a community-based corrections plan. He said that this regarded a renovation and a needs study to determine the proper number of beds and whether an expansion was needed. He said he would provide a background on the facility and the population, then turn the presentation over to Mr. Bell and Mr. Roman to discuss the process of the community-based corrections plan and share some feedback from the community.

Mr. Kumer began his presentation on the slide entitled "ACRJ Facility Facts." He reported that the jail was built in 1974, and the original structure had received some additions over the years. He said

every addition had never considered the capacity, and the jail had built under capacity each time. He said the rated capacity of the jail was 329, and the population was 313 people physically inside the jail and approximately 51 people on home electronic incarceration. He said it was perhaps the lowest population he had seen in 25 years of working in the jail and the lowest on record. He explained that a lot of major issues—mechanical, electrical, plumbing, and flooring, among others—had been noticed in the ACRJ and had been stretched beyond their lifespan, and some had been presented to the Board over the previous year.

Mr. Kumer said it had been decided that instead of piecemealing the renovations, the County would hire a consultant to provide a holistic response to do all the renovations at once. He said the County still had a population low enough to enable it to move people around to make room for the renovation. He said that was why Moseley Architects was hired. He said the ACRJ Board had reached out to the community on multiple occasions over the previous months, and the board had held open forums for the public to express what they wanted and did not want from the renovation. He said the public comments aligned with the priorities that the board had identified to Moseley Architects at the beginning of the process, and it appeared the community was on the same page based on the feedback received. He said he would turn the presentation over to Mr. Bell and Mr. Roman to discuss the process and the feedback received.

Mr. Tony Bell began his presentation on a slide entitled “Anticipated Schedule.” He said he would discuss the schedule for both the community-based corrections plan and any project that would result from the implementation of the plan. He said that beginning at the end of the year, the community-based corrections needs assessment and planning study would be submitted to the Department of Corrections; it would then be reviewed by their board and the board of local and regional jails. He said a resolution from the authority members would be sent to the board of local and regional jails by May 1, 2022. He said that shortly thereafter, the board of local and regional jails would approve the community-based corrections plan needs assessment; after that, the board would approve the community-based corrections planning study.

Mr. Bell explained that the needs assessment identified the need, which was the number of beds that the Department of Corrections agreed was the rated capacity of the facility, and the planning study explains how to meet the need. He said if two beds were to be added, the planning study would show how they would be allocated and how the following project would ensue. He said it showed zero bed increase, and it showed renovations and how the project would be implemented. He said the application would be sent to the treasury bond in June 2022, then submitted to the Department of Planning and Budget.

Mr. Bell stated that the focus of the timeline at this point was funding the project. He said the state would reimburse localities by up to 25% for any improvement project for facilities that were improved, so 25 cents of every dollar that localities implemented into facilities would be reimbursed by the state. He said the Governor’s approval would be received on or about December 1, 2022, and the plan would then be sent to the General Assembly to be incorporated in the state budget, which would be approved in the spring of 2023 as part of the legislative session. He explained that after the money had been appropriated and the project approved, the Board would be able to issue an RFP and select an AVE. He said once the funding was approved for the plan, a contract could be executed with an architectural engineering firm.

Mr. Bell said that in June, or earlier with risk, an AVE contract and a design notice to proceed would be awarded. He said that the design would be started, and by November 2023, the Virginia Department of Corrections would begin the value engineering process. He said the process was required to ensure that the project met the original identified needs, was in line with the planning study, and was spending money wisely. He said after the value engineering process, the construction document would be completed and the County’s approval would be secured. He said advertisements for bids would be released in May 2024 and received by the end of May. He said following the bids, a construction contract would be negotiated. He said that he assumed a 14-month construction time, so the construction would be completed in October 2025, and the project would be finished in November 2025. He said that Mr. Roman would discuss the community feedback, and there had been virtual meetings and one in-person meeting.

Mr. Roman began his presentation on the slide entitled “Community Input.” He said that the Miles Agency had met with specific community groups prior to the community meetings. He said that each of the issues identified and presented were important to the communities of Albemarle, Charlottesville, and Nelson. He said the issues from the community coincided with what had been identified as issues architecturally—such as HVAC and mold. He continued that the community further addressed the larger issues that Ms. McKeel had identified in the mission statement and what kind of spaces were missing from the jail.

Mr. Roman moved to his next slide, entitled “Trauma-Informed Design.” He said that trauma-informed design acknowledged and assumed that the individuals served were likely to have experienced trauma, and an environment needed to be provided that reflected this. He said this meant providing a space to differentiate between the home and the workspace. He said someone in jail would not have the choice where to live—they would be stuck in a cell. He said that to have a continuation of some semblance of daily life, to be able to go to work, such as the at warehouse or the commissary, would provide another place to go so that a person would not be stuck in the same facility 24/7.

Mr. Roman stated that additional program and recreational space would be provided, with the

overarching goal to reduce the stress of the inmates. He said it was important to reduce inmate's stress because it protected inmates and jail staff, and less stress lowered the likelihood of an incident. He continued that program and recreational space provided ample locations for stress to be lowered, and increased connection to nature and natural light was also important in reducing stress. He noted that even though inmates were stuck in the jail, the access to nature and natural light would give the inmates the ability to look forward to the rest of the world.

Mr. Roman moved to his next slide and said that some issues included vibrations from the HVAC units and the lack of efficient HVAC ventilation in the day rooms and cells. He said that a picture on his slide depicted one of the day rooms constructed in the 1970s, and the HVAC units do not quite do the trick anymore.

Mr. Roman moved to his next slide and said that different-sized program areas were proposed to facilitate different kinds of social interaction, with spaces to be provided that enabled inmates to have one-on-one discussions with each other. He said there was an overarching goal to reduce stress in order to reduce incidents, and another goal was to reduce recidivism.

Mr. Roman stated that the jail was missing sufficient space and resources for mental health and segregation, and the spaces were insufficient for existing needs. He said that insufficient space was a theme across all building types and industries—and that was no different in a jail. He said if an inmate had a bad day, it was important to provide spaces for the issues to be addressed rather than to allow it to become a bigger issue.

Mr. Roman stated that the jail could be repainted to colors that were appealing, calming, and less harsh, noting an example on the slide of a repainted gym that was not in the ACRJ. He said the colors calmed nerves and reduced the risk of a potential outburst. He moved to his next slide and said large-format images of nature placed on the wall completely changed the dynamic of the space. He said jail staff perspectives were also considered, as the correctional officers were in the jail just as much as the inmates, and their wellbeing was at stake as well.

Mr. Roman moved to his next slide, entitled "Reimagining Detention," which summarized the discussion. He explained that the bar grates and bar grate sliders would be replaced with solid glass partitions, which would provide better visibility inside the jail. He said that the mechanical and electrical systems would be replaced. He continued that the entire jail would receive an upgraded. He said that the use of bars would be reduced because jails were not built with bars anymore. He said toilets and showers would be replaced with efficient fixtures, and gender-neutral and accessibility issues would be addressed. He said that the visitor experience would improve with a front-door uplift. He added that visitors to the jail should be taken care of.

Mr. Roman concluded his presentation and asked if there were any questions.

Mr. Walker stated that he would offer his thoughts as a sitting jail board member, and he had other experience working through new construction processes as well. He stated that the jail renovation would be expensive because of the nature of the construction in a security context and the extent of the renovations needed to bring the facility up to standards. He said the renovation also had to anticipate the future capacity needs. He said that without saying a number, the renovation would be expensive whether it added beds or not. He said that the Board would have to make a decision whether to support the renovation or not. He continued that the jail authority had its own role to play in effecting the move towards the renovation, but the funding was approved by the member jurisdictions, and the City and Nelson County faced similar challenges. He said there was discussion about whether or not to expand. He said the needs assessment would determine whether the jail could accommodate the future projected area demographics with existing beds. He noted that he wanted to make the Board aware that if the jail were constructed too small, there would be a different problem. He said there was a legitimate interest and serious effort to examine alternatives to incarceration. He said that the community, the commonwealth's attorneys, and the criminal justice system were particularly supportive of alternatives to incarceration. He said positive energy surrounded not increasing jail beds.

Mr. Gallaway asked Mr. Bell if he had another slide to display.

Mr. Bell responded that he did, and he pulled up the slide entitled "Dayroom Improvements." He stated that there were two questions—add beds or do not add beds. He said the focus of the discussion had been to improve what existed. He said that the image at the top of the slide was the existing dorm layout, noting that a space in the dorms reserved behind bars for the corrections officer to patrol could be better utilized. He said jail staff and occupants agreed about the space. He continued that removing the bar grate would improve the aesthetics of the space.

Mr. Roman said that the layout shown on the slide was common throughout the jail currently, and the image on the bottom right of the slide showed the improved layout. He said that the new layout improved sight lines by removing the bar grates and adding glass to the main corridor. He said that the entire day room could be observed in the new layout, whereas the existing layout provided bad sight lines because of the barred-off corridor in the dayrooms. He said opening the floor plan, replacing the bars with glass, and redoing the windows would improve the space. He said that the redesign would provide better access to plumbing fixtures and improve maintenance, and the slide showed the improvements that could be done with the existing space.

Ms. LaPisto-Kirtley stated that she was interested in the proposal, as the jail needed renovation

and upgrading, and she liked the idea of looking at solutions that were outside of the box. She said Mr. Walker had mentioned the focus on mental health, which she felt might require a different kind of incarceration than a misdemeanor or a felony. She said that the price tag made her anxious, although the project was long overdue, and she supported any program that helped educate and train inmates.

Ms. Palmer said she had questions about the allocation of funds and asked if the process was based on population or a contract between the City, the County, and Nelson.

Mr. Kumer responded that the funding was based on the percentage of inmates that each locality housed in the jail. He said funding was based on a five-year moving average. He said that the last bond and debt payment was based on a different funding scenario whereby Nelson County paid a smaller, fixed percentage not based on population. He said that he was not sure how the renovation funding would be apportioned, and the jail board would make that decision. He said the City and the County each represented about 40% of the jail population, and Nelson County represented the balance.

Ms. Palmer asked if the three jurisdictions would have varying responses to available alternatives to incarceration and if the residents from each jurisdiction would have the same or different alternative incarceration opportunities.

Mr. Kumer explained that the response could be three distinct alternatives to incarceration or no alternatives at all. He said the decision came down to the individual commonwealth attorneys and judges of the localities. He said that the commonwealth attorneys for Albemarle County and the City of Charlottesville were driven to reduce the ACRJ population safely and effectively.

Ms. Palmer said that there was a longstanding belief that the jail would be difficult to expand because it was built on the County's historical dump site, and she asked if it was problematic to expand the footprint.

Mr. Bell replied that the location of the jail added challenges to expanding the footprint—but those had been overcome in the past, and they were expected to be overcome in the future. He emphasized that the process was to determine the most cost-effective solution and then implement the solution. He said that the primary objectives were safety, security, reduced recidivism, and improved environments for the inmates, detainees, staff, and citizens.

Ms. McKeel commented that she appreciated the presentation and mentioned to the Board that Mr. Kumer happily gave tours of the facility, including to community members and Board members. She said she hoped to find additional space in the jail's footprint to offer the residents of the jail more time outside, and the existing footprint limited the ability to go outside, and community feedback seemed to reflect the same. She stated that the ACRJ board authority was very much like the School Board, with a facility that had to accept everyone that came to the door, without a say or determination in that. She said a goal was to make sure the people who came to the jail were well treated and had a safe environment, and the comparison to the School Board helped her think about the population of the jail.

Ms. Mallek stated that she appreciated Ms. McKeel's comparison to the School Board and the efforts of the school division to help people gain skills and survive once they got out. She commented that the proposed improvements looked like a tremendous increase in humanity, with a psychological, moral, and medical benefit to the jail population. She asked if there was more detail about a formula to determine what the state would fund. She said she wanted clarification about a rumor she heard that the Governor would be asked to make a substantial increase to the per diems, which used to be three times bigger and were now woefully inadequate. She added that she was interested in the capital funding.

Mr. Bell responded that the state would fund 25% of any of the improvements that the localities made. He said that for example, if the locality replaced a lock with the exact same lock, then the state would not reimburse the locality. He continued that if a black and white camera were replaced with a color, IP-addressable camera that improved safety and security, the state would reimburse 25% of the cost to the locality. He said larger recreation yards that met jail standards would be considered an improvement that could be reimbursed at 25% of the cost. He said that even if there were no increases in bed capacity, if the locality made an effort to improve any of its deficiencies, the state would reimburse the locality.

Ms. Price thanked Mr. Kumer, Mr. Roman, and Mr. Bell for the presentations. She commented that she wanted the community to understand that the facility was 47 years old, and there were not many things currently used that were nearly 50 years old. She said humanity was important when discussing the jail, and the County had worked hard to avoid the overcriminalization that had been a trend around the country. She said the legislative priorities reflected the effort to use civil rather than criminal infractions. She said that the ACRJ was a jail—not a prison—and as such, lower-level criminal offenses were handled and not the typical hardened criminals serving lengthy sentences. She said the goal was to provide a humane, safe, and secure facility that reduced the likelihood of recidivism and provided a humane place to detain people, and she fully supported the plan. She said she recognized the cost and that each community that participated in the ACRJ and provided a pro-rata share of the costs. She said she understood the jail to be debt free because the mortgage had been paid. She said that the cost of the renovation would not be insignificant, but it would largely be covered by the amount contributed by the three jurisdictions. She said the process would take about four years, and at that point would be even more necessary. She said she fully supported the process and recognized the presentation was a high-level view of the project.

Mr. Gallaway said that the jail appeared to need to expand solely from a programmatic standpoint, and to achieve programming requirements, it would need to expand even if the capacity did not grow. He commented that he appreciated the update and would reach out to Mr. Kumer for a tour of the jail because he had not toured it before.

Ms. Mallek said that the Board members who were attending VACO should visit “Sonny” at the vendors’ space.

Ms. McKeel asked if Mr. Kumer would add information about the jail population.

Mr. Kumer said that his philosophy over the last seven years had been to reduce the jail population safely and effectively while reducing recidivism. He said he was fortunate to live in a community that embraced the same concept and mindset, as this made his job easier. He said the facility was 50 years old, and the previous philosophy had been to throw away the key; there was no recreational space or classrooms when the jail was built and since had to be begged for, borrowed, and stolen. He said it would be nice to have a facility that met the goals of the jail and that reduced recidivism, crime, and the jail population. He said that those reductions also reduce the costs for the localities. He said the budgets had seen minimal increases because of the lower populations. He said the impacts of the jail would last in the community for generations, and he appreciated the Board’s support. He added that if he could provide any more help, information, or tours to the Board or the constituents, he would be happy to do so.

Ms. Mallek asked if there were still significant numbers of state jurisdiction inmates kept in the ACRJ for months without being transferred, as that would exacerbate the per diem issue.

Mr. Kumer said that approximately 20–22% of the ACRJ population should be serving sentences in a state-responsible prison. He said that was about 50 to 60 people on any given day, like most jails in terms of ratio, and a law change on July 1 would increase the amount of good time allotted to inmates. He said the new releases would increase space in the Department of Corrections and allow the state to transfer the inmates from ACRJ to a state-responsible prison, which would make a difference on the jail population.

Mr. Gallaway thanked Mr. Bell, Mr. Roman, and Mr. Kumer for presenting to the Board.

Ms. McKeel said that it was interesting that schools and capacity had been discussed earlier and that a conversation about jails and criminal justice followed. She said the surest way to lower the jail population was to properly educate children. She said she supported criminal justice reform and said that children needed to be educated so that they have jobs and careers and did not end up in jail.

Ms. Mallek said that the focus needed to be on rehabilitation, not retribution.

Ms. McKeel said it was interesting that education and jails were both discussed.

Agenda Item No. 13. Presentations: Rivanna Water and Sewer Authority Quarterly Report.

Mr. Gallaway introduced Item 13, the Rivanna Water and Sewer Authority (RWSA) Quarterly Report and asked if Mr. Tungate was available to present.

Mr. David Tungate said he was substituting for Bill Mawyer, and he asked if there were any questions on the memorandum sent to the Board in early October.

Mr. Gallaway said that Mr. Tungate should present, and if there were questions on the presentation or the memo, they could be asked at the end.

Mr. Tungate began his presentation on the slide entitled “Water, Sewer, Refuse, and Recycling Programs Update.” He said he wanted to update the Board on both the Rivanna Water and Sewer Authority and the Rivanna Solid Waste Authority.

Mr. Tungate moved to his next slide, entitled “Water Supply Reservoirs.” He said that the County had five drinking water reservoirs. He said the reservoirs were South Fork off Route 29, Sugar Hollow off Sugar Hollow Road near Shenandoah National Park, Ragged Mountain at the Ragged Mountain Natural Area, Beaver Creek in Crozet, and Totier Creek in Scottsville. He said combined, the full capacity of the reservoirs was 3.3 billion gallons of water, with 3 billion gallons of raw water stored.

Mr. Tungate moved to his next slide, entitled “Water Treatment Plant Renovations and Upgrades.” He said there were two water treatment plants under construction and that those were the South Rivanna plant and the Observatory Treatment Plant. He said South Rivanna was off of Route 29 North by Walmart, and the Observatory Treatment Plant was on University of Virginia grounds. He said both projects were scheduled to be completed in 2023. He said it was almost the exact middle of the projects. He said the budget was \$43 million. He continued that \$23 million was for the Observatory plant and \$20 million was for the South Rivanna plant.

Mr. Tungate moved to his next slide, entitled “Sugar Hollow Rubber Crest Gate Replacement.” He said that the rubber crest gate was replaced at the Sugar Hollow Dam. He said that the original rubber crest was placed in service in the mid-1980s and was replaced the previous spring. He said that the

previous week, tests were run on the rubber gate to inflate and deflate it. He said the project should be completed in December. He said the project was on schedule and that the budget was \$2 million.

Mr. Tungate moved to his next slide, entitled "Crozet Wastewater Storage Tank." He stated that a storage tank was being installed near the intersection of Route 250 and Route 240 in Crozet near the Lickinghole Reservoir that would store peak flows of wastewater coming from the Crozet system. He said that the wastewater flows were typically higher in the morning and the evening, and the tank would be drained during the off hours to accommodate the growth in the Crozet area. He said the project would be completed in November 2022, and the budget was \$5.4 million; the building process was unique, and the sides of the tank were formed onsite.

Mr. Tungate moved to his next slide, entitled "Amnesty Events at the Ivy MUC." He said there were amnesty events hosted at the Ivy Material Utilization Center: an e-waste collection day, commercial household hazardous waste collection day, and household hazardous waste collection day in September; fall bulky waste amnesty days were hosted on October 2 for furniture, October 9 for appliances, and October 16 for tires.

Mr. Tungate asked if the Board had any additional questions.

Ms. LaPisto-Kirtley thanked Mr. Tungate for his update and said she hoped the rubber gate worked.

Ms. Palmer said she wanted to clarify that the Lickinghole was sediment based and not used as a reservoir. She said that she thought that the Board should know how much trash was collected at the transfer station. She said discussions were had about how to increase the amount of trash that could be collected with the DEQ permit. She said the Board would likely hear about the increase in the future. She asked if Mr. Tungate had any comments.

Mr. Tungate said that in September 2019, the trash averaged 105 tons per day. He said that in September 2021, the trash averaged 174 tons received per day at the Ivy MUC.

Ms. Palmer said the increase was amazing. She said some days averaged over 200 tons of trash collected. She said that the facility had been successful over the previous year.

Mr. Tungate said the growth was encouraging.

Ms. McKeel asked if the County was a "trashy" community.

Ms. Palmer said that hopefully more people joined the business to give the community better service, but there was a lot of trash. She said that a trash hauler had told her that Albemarle had more wine bottles than any other surrounding county, and she said that was why the glass collection was important.

Ms. McKeel said it was a good thing to be able to say what trash was desired, and she appreciated the presentation.

Ms. Mallek said that Ms. Palmer was right for saying "if they build it they will come." She said that the increase in tonnage reduces the County's cost per ton, and she was proud of that accomplishment. She said she was fascinated by the picture of the concrete panels of the storage tank being built and assumed the construction would be a continuous pour like farm silos.

Ms. Price said Mr. Tungate's presentation was informative. She said that she found the amnesty days to be well received and had been unable to utilize the amnesty days on occasion because the spaces had filled up, and she had asked the County staff to analyze the cost of increasing the frequency of the amnesty days. She said she found the wastewater storage tank fascinating. She said the solution to normalize the morning and evening flows was innovative.

Ms. Palmer said that increasing the number of amnesty days had been discussed before, so getting a figure on the cost would be easy. She said it was a contract with the management company.

Mr. Gallaway asked when the South Rivanna water treatment plant would be completed.

Mr. Tungate said it should be completed in the spring of 2023.

Mr. Gallaway thanked Mr. Tungate for his presentation.

Agenda Item No. 14. Albemarle County Service Authority Quarterly Report.

Mr. Gallaway introduced Item 14, the Albemarle County Service Authority Quarterly report. He introduced Mr. O'Connell.

Mr. Gary O'Connell thanked the Board for the opportunity to give an overview of the report. He said he would summarize a few points about the report and would present briefing slides on the customer communications from the previous year. He said that the major strategic project was a new advanced metering system, and the project was delayed because of global shortages. He said the initial phase

went well and that the County was in the midst of installing antennas. He said he hoped the project would restart by the middle of 2022 to be completed for the 21,000 customers. He said the report contained details about the capital projects, and he would be able to answer any questions about the details, but he would not present on them individually. He mentioned that the budget process was beginning, and the rates would be deeply examined. He said there was the challenge of managing \$200 million in capital projects and major investments in the water treatment plants and facilities at the Service Authority and Rivanna. He said the following day was the event "Imagine a Day Without Water." He said it was a student art contest around the theme of "love the water." He said it was an annual promotion with the water partners to look at conservation and get the students and community involved.

Mr. O'Connell began his presentation on the slide titled "COVID-19 Public Communications." He said he wanted to reflect on the previous year and a half. He said he wanted to show how the Service Authority had educated customers on site-cleaned, reliable Albemarle water in the context of COVID-19. He said that the Authority had continued to output customer messages. He said the messages started in March 2020.

Mr. O'Connell moved to his next slide, titled "ACSA Announces Several Customer-Related Coronavirus Actions." He said the Authority began with many of the safety precautions that the County and other community members had enacted in March of 2020. He said the Authority eliminated disconnections at that time and that was still the Authority's position. He said the Authority had assisted over 270 customers totaling \$180 thousand in customer bills. He said the Authority was applying for an additional round of federal funding to be able to assist an even greater number of customers. He said the messaging efforts included direct mail, bill-and-search emails, social media, the ACSA website, and traditional media sources.

Mr. O'Connell moved to his next slide, titled "A Message from the ACSA." He said the letter on the slide was an initial letter sent by the Authority to customers. He said the Authority wanted to ensure people that COVID-19 was not affecting the drinking water and that the water was safe to drink. He said that the letter was optimistic to say that the situation would be temporary because it was now 18 months later. He said the water was still safe to drink. He said he would later discuss the efforts undergone to ensure the water was safe.

Mr. O'Connell moved to his next slide, titled "ACSA Warns Customers About Scammers." He said at one point there were people scamming customers and the Authority sent out alerts.

Mr. O'Connell moved to his next slide, titled "Customer Newsletters." He said the quarterly newsletters to all the customers had been continued. He said the newsletter was sent along with the bill, and that if a customer had e-pay, then an email was sent with the newsletter and a link to the ACSA website.

Mr. O'Connell moved to his next slide, titled "ACSA Provides Water Safety Tips for Reopening Business." He said that letters with water safety tips were sent to over 300 businesses and institutions. He said that some individual contacts were also established in order to ensure that buildings opened safely.

Mr. O'Connell moved to his next slide, titled "Water Quality Reports." He said that the water quality reports were continued. He said the reports were done every year. He said the reports were detailed and available to the customers. He continued that the reports emphasized safe and clean water. He said over 400,000 tests were conducted to ensure the water was safe to drink. He said there was an advanced water treatment process that used activated carbon to make the water safe.

Mr. O'Connell moved to his next slide, titled "Customer Feedback." He said that in October 2020 there was a customer survey conducted to check in with the customers to get feedback on the services. He said the survey showed a high rate of satisfaction.

Mr. O'Connell moved to his next slide, titled "Newsletters." He said that the newsletters were sent every quarter. He said the slide contained the summer and spring newsletters. He said the letters discussed long-term needs, capital improvements, and the advanced metering project called "My Water." He said the newsletter kept the theme of safe, reliable, and clean water and continued to provide updates on My Water. He said the most recent newsletter was displayed on the second "Newsletters (continued)" slide. He said that the newsletter emphasized high quality, safe drinking water and back to school water tips. He said it also contained information about the Art on Fire project. He said it was expanding from 5 to 10 public art works on Service Authority hydrants. He thanked Ms. McKeel for her efforts to promote Art on Fire.

Mr. O'Connell moved to his next slide, titled "Customer Service Response During Covid." He said he would provide the Board with metrics. He said the Authority had received thousands of calls and thousands of work orders. He said the Authority attempted to stay available 24/7, 365 days a year. He said he believed the Authority had been successful.

Mr. O'Connell moved to his next slide, titled "COVID Customer Communications through Social Media." He said social media had regularly been used to spread safe drinking water themes in recognition of the CDC recommendations. He said that Facebook and twitter were used particularly. He said the following slides contained some of the social media postings.

Mr. O'Connell moved to his next slide, titled "Covid Updates for Community Partners." He said the

quarterly reports to the Board of Supervisors were to provide big and small updates as well as alerts about future events and projects. He thanked the Board for the opportunity to present and asked if there were any questions.

Ms. LaPisto-Kirtley thanked Mr. O'Connell.

Ms. Palmer said she appreciated the outreach to the community done by ACSA. She said she hoped people read the ACSA information.

Ms. McKeel said that the County had great tasting water. She said that 2000 of the 4000 calls received by the Authority were from herself. She thanked Mr. O'Connell for his patience. She said she also wanted to thank Mr. O'Connell for the customer outreach done by email and for taking the time to get email addresses from the communities where projects were being constructed. She said she knew that the community appreciated it as well.

Mr. O'Connell said that the online bill payment system allowed for better email listings. He said it was now easier to reach out to customers in better ways in order to keep them informed.

Ms. McKeel said that once people were informed, it reduced calls and concerns.

Ms. Mallek said she agreed communication was worth the time. She said that the previous Monday, the EPA had announced the beginning of a regulatory process for the PFAs family of chemicals. She asked if there was local testing for PFAs chemicals in the water.

Mr. O'Connell said there had been testing of the reservoirs and the treatment plants. He said there was no detectable PFAs in the supply. He said the new regulations could have an impact downstream in the wastewater treatment because of what could be flushed down toilets. He said in terms of drinking water, there were no concerns about PFAs. He said the water was safe to drink and that there were no PFAs.

Ms. Palmer said Mr. Tungate was an expert. She said he recently gave the Board a presentation. She said the Rivanna Board was following the presentation closely because of the treatment at the Rivanna plants.

Ms. Price thanked Mr. O'Connell for his presentation. She said that imagining a day without water was one of the scariest things. She said air and water were absolute requirements. She said she was appreciative of the Authority's work to keep customers informed and on the capital improvement plans to prepare for the future. She said droughts and floods were expected with climate change. She said the ACSA's work was important.

Mr. Gallaway thanked Mr. O'Connell for his report.

Agenda Item No. 15. Closed Meeting.

At 5:29 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 the annual performance of the County Attorney and the appointment of his successor upon his pending retirement in 2022.

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

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

Agenda Item No. 16. Certify Closed Meeting.

At 6:06 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. Price **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 17. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Gallaway confirmed with the Clerk that no one was signed up to speak on this item, and he

closed "Matters from the Public." He said that agenda item 18, "From the County Executive," had been handled earlier.

Agenda Item No. 19. **Ordinance to Implement a Cigarette Tax.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation, to add Article 15, Cigarette Tax, to implement provisions for the collection of a cigarette tax in the County to be effective on and after January 1, 2022. Article 15 would include §§ 15-1500 (Definitions), 15-1501 (Levy and rate) (the proposed tax imposed would be at a rate of \$0.02 per cigarette sold, stored, or received), 15-1502 (Methods of collection), 15-1503 (Registered agents), 15-1504 (Requirements for retail dealers), 15-1505 (Presumption of illegality; seizure of contraband goods, sealing/seizing of machines), 15-1506 (Illegal acts), 15-1507 (Jeopardy assessment), 15-1508 (Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property), 15-1509 (Disposal of seized property), 15-1510 (Extensions), 15-1511 (Penalty for violation of article), 15-1512 (Each violation a separate offense), 15-1513 (Severability), and 15-1514 (Application within towns).

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

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

Albemarle County participated in several informational meetings with the Thomas Jefferson Planning District Commission (TJPDC) staff and members of other local jurisdictions about establishing a regional entity to administer this tax.

On March 22, 2021, staff provided an update on the cigarette tax equity impact assessment and provided information regarding TJPDC's discussions with area localities about the potential development of a regional cigarette tax board.

On May 5, 2021, the Board adopted a Resolution of Interest in participating in a regional cigarette tax board because its establishment would promote the uniform administration of local cigarette taxes throughout the region, and on September 1, 2021, the Board held a public hearing and adopted an ordinance to approve the formation of the Blue Ridge Cigarette Tax Board (BRCTB), as well as an agreement establishing the BRCTB and defining its powers, duties, and other procedures.

Since that date, additional counties also have approved formation of the BRCTB. These include Augusta, Fluvanna, Greene, Nelson, and Orange counties. The City of Charlottesville and Madison County are also considering participation. The regional board is modeled on the Northern Virginia Cigarette Tax Board, which serves 19 localities.

On September 15, 2021, the Board authorized scheduling a public hearing to consider the adoption of the proposed ordinance (Attachment A) to implement a Cigarette Tax.

TJPDC has been meeting with the County and the other participating localities to discuss the role of the BRCTB, timeline, shared costs, and activities required to stand up the BRCTB by January 1, 2022. For the first year of operation, the BRCTB's administrative expenses is anticipated to include start-up and one-time expenses currently estimated at \$217,500. These expenses would include stamp development, technology equipment, start-up staffing costs, the purchase of a vehicle for compliance/enforcement activities, tracking software, and the establishment of a \$140,000 reserve.

The proposed Ordinance in Attachment A outlines a tax imposed upon the sale or use of cigarettes within the County, as well as the rate and collection method.

The tax would be imposed at a rate of two cents per cigarette, or 40 cents per 20-cigarette pack, which is the maximum rate counties can levy pursuant to Virginia Code § 58.1-3830. The term "sale" means the transfer of cigarettes from a dealer to another person and includes the use of vending machines. Virginia Code § 58.11000 defines the term "use" as the exercise of any right or power over cigarettes incident to the ownership thereof or by any transaction where possession is given, except that it does not include the sale of cigarettes in the regular course of business. The tax would be reported to the BRCTB by the 10th of the following month.

Staff recommends that the implementation of the Cigarette Tax be effective beginning January 1, 2022, to be consistent with the tax year cycles for local taxes, to provide adequate time for the BRCTB to become operational, and to provide adequate time for communication to wholesalers, retailers and the communities encompassed by the BRCTB.

The FY22 Adopted Budget includes an initial revenue assumption of \$516,000 based on the collection of the cigarette tax beginning on January 1, 2022. Albemarle County's portion of the BRCTB's administrative costs will be dependent on the number of localities that join the BRCTB and cigarette sales within the County. The current estimated administrative costs for the County for the period of January 1, 2022 to June 30, 2022 is \$93,000, which includes an estimated \$69,000 in one-time/start-up costs and

\$24,000 in on-going administrative costs.

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

Ms. Lori Allshouse, the original presenter for the item, said she thought she had two versions of the meeting opened on her computer and that was causing an echo. She said she would leave the meeting and rejoin.

There was a brief pause in the meeting.

Ms. Birch, Chief Financial Officer, apologized for the glitch and said she would step in to present but did not have the presentation in front of her.

Ms. Birch moved to the next slide, entitled "Background." She said that in 2020, the General Assembly granted the authority to tax the sale of cigarettes and had also encouraged that regional cigarette tax boards be formed. She said that the Board had made decisions in December of 2020 and had wanted a regional board investigated, an equity lens considered, and revenue estimates provided. She said the results of those assessments were provided in March 2021. She said the Board adopted a resolution in May 2021 to participate in a cigarette tax board; in September 2021, the Board authorized the cigarette tax board. She said the necessary partners had been gathered to fully form the board, and the proposal before this Board was the authorization to implement a cigarette tax.

Ms. Birch moved to the next slide, entitled "Public Hearing: Consider an Ordinance to Implement a Cigarette Tax (Attachment A)." She said the ordinance outlined the tax imposed upon the sale of cigarettes in the County. She said a rate equivalent to 2 cents per cigarette, or 40 cents for a 20-cigarette pack could be established. She said the tax would begin January 1, 2022. She said it would be implemented, established, and administered through the Blue Ridge Cigarette Tax Board. Ms. Birch asked if Ms. Allshouse would be able to take over the presentation.

Ms. Allshouse said she could. She apologized for the technical difficulties and said she appreciated Ms. Birch stepping in.

Ms. Allshouse began presenting on the slide entitled "Seven Other Jurisdictions Have Joined the Blue Ridge Cigarette Tax Board (BRCTB)." She said the cigarette tax board had been developed, and seven jurisdictions had joined: the City of Charlottesville, Augusta County, Fluvanna County, Greene County, Madison County, Nelson County, and Orange County.

Ms. Allshouse moved to the next slide, entitled "Blue Ridge Cigarette Tax Board (BRCTB)." She said the BRCTB would ensure the cigarette tax was assessed and collected according to the ordinances for each of the jurisdictions and would regulate the disbursement of receipts and the management of funds. She said prior to the disbursement of receipts, the jurisdiction's expenses for administrative costs would be deducted. She said the first meeting was on October 26, 2021. She said at the meeting, the tax board would adopt policies and procedures and appoint an administrator. She said the BRCTB would also receive updates about stamp production and the financial system. She said there were state tax requirements, educational outreach efforts, and coordination with distributors. She said that Mr. Richardson planned to appoint Chief of Revenue Administration Jian Lin to represent Albemarle County on the BRCTB, and she would be an excellent choice because she had been involved since the beginning of the process and has worked with the TJPDC since this tax board was first brought up..

Ms. Allshouse moved to the next slide, titled "Next Steps." She said she would share the next steps if the tax levy were approved after the public hearing. She said on December 1, the County's share of startup costs would be appropriated. She said on January 1, 2022, the tax would begin to be collected.

Mr. Gallaway asked if there were any questions.

Ms. LaPisto-Kirtley said she had no questions but said this was hopefully coming to fruition. She said they had been waiting for this for a long time, and she wanted to get a little bit of information, but perhaps would do so after the public hearing. She said she had no other questions at this time.

Ms. Palmer stated that the Office of Equity and Inclusion had pointed out that this does hit lower-income people more heavily. She said they talked a bit about that, and it had clearly been the subject of some of the emails they had received about this. She stated that she did not think it was brought up in that meeting whether there were any statistics on whether the cigarette tax kept people from starting smoking, including children. She said when they got that report, it also said that the tax did not decrease nor stop their smoking habits. She said her question was if they had any information on statistics on whether the price of the cigarettes affects young people starting to smoke.

Ms. Allshouse responded that she had seen some research, which she could find and provide to the Board. She said it was about youth and that there may be an impact and it could decrease the use of cigarettes. She said the point that the Office of Equity and Inclusion had raised when they talked about this was that there would be more impacts. She said that one of the things they could consider was to identify some of the revenues and direct it to smoking programs and working with health agencies to help reduce smoking.

Ms. Palmer said her next question was about the board being formed, and the other counties that

had committed to it. She asked if the ordinance automatically went into effect if approved at this meeting, or whether there was another piece in this process going forward that the Board had to vote on.

Ms. Allshouse clarified that this was the final vote on the levy, and the ordinance itself identified that it would be collected through the BRCTB.

Ms. Palmer said that if that board did not constitute itself completely or something similar to that, they were not going on their own, and they were definitely staying within that tax board.

Ms. Allshouse confirmed that was the intention.

Ms. Palmer asked if the tax board would need money for enforcement and if Ms. Allshouse could address what that enforcement looked like. She asked what form that would take.

Ms. Allshouse said that David Blount from the Thomas Jefferson Planning District Commission was present and would probably have a good answer to that question.

Ms. Palmer thanked Ms. Allshouse.

Mr. David Blount of the TJPDC explained that another key component of what the Board would be doing as they moved forward would be compliance, enforcement, education, and particularly the initial startup of a new tax in the region on cigarettes. He said there would be a lot of education and awareness among retailers and the community at large that they would want to do. He said they were looking at TJPDC as to how they might do enforcement. He said right now, they were looking at a part-time person, and he thought that that would be someone that would be hired and brought on and trained and equipped to meet with the retailers. He said that the Northern Virginia Cigarette Tax Board typically has two or three visits to each retailer during the course of a year. He said that they were looking to make sure that cigarette packs were properly stamped. He said that he had also been told that those agents or those officers had served to be able to have their eyes open with compliance with business licenses and making sure that those were up to date. He said that it was a component of the overall effort, and he thought it was one that would be taking better shape as they moved into the next couple of months and into the first part of 2022 when the tax actually gets up and running.

Ms. Palmer asked if the thought was for it to be more of an informative role and whether it was up to that person or some other agency to arrest them or to bring charges against an entity that did not pay the tax or was selling cigarettes without the stamp on them.

Mr. Blount explained that the way their ordinance was structured said that certainly the compliance officer would be the boots on the ground for that. He said that anything that was being done in violation of a local ordinance, the compliance officer would be reporting that to the County or to law enforcement if it were a violation of state cigarette laws.

Ms. McKeel stated that she did not have any questions but had one clarification for the benefit of the public. She said that Ms. Allshouse had referenced in her discussion the startup costs, which were in their Board packet, and she asked her to clarify those for everyone.

Ms. Allshouse responded that to stand up a board such as the BRCTB, there would be some costs that they incurred up front, and the budget impact that they had shared with them was the current estimated administrative cost for the County. She said that their portion for the period of January 1 to June 30, 2022 would be about \$93,000, which included about \$70,000 of one-time startup costs and \$24,000 in administrative costs. She said that this was all dependent on who all joined, how the percentages worked, and how they moved forward.

Ms. Mallek said she had no questions at the moment.

Ms. Price thanked Mr. Gallaway, Ms. Birch, and Ms. Allshouse for her presentation. She said that she did have one question, which may go to Mr. Kamptner. She said that looking at the ordinance, Section 15-1500 provided that a dealer meant both retail and wholesale dealer, as though terms are defined as in Virginia Code Section 58.1-1000. She said she looked up that code and also saw that in 2003, Senator Mark Warner signed legislation that would restrict online sales of cigarettes in Virginia and require that the seller provided a copy of their sales information to the state for collection of taxes. She said this was all background to her question, which was if an online seller would be subject to this collection of this tax for delivery to the state if they sold to an address within the BRCTB area.

Mr. Kamptner responded that he did not have an answer for her on that.

Ms. Price said that it had just come up as she had been looking at something.

Ms. LaPisto-Kirtley said she thought it would be an appropriate time to read what she had wanted to read, which was a column that had appeared in the Daily Progress, which was sponsored by Sentara at Martha Jefferson Hospital, Region 10 Community Services Board, Blue Ridge Health District, and the University of Virginia. She said that it stated that tobacco taxes were an excise tax on the sale of cigarettes and roll-your-own tobacco. She said that tobacco taxes were one of the most effective tobacco control interventions to prevent youth from using tobacco products and encourage adults to quit. She said that according to the campaign for tobacco-free kids, raising tobacco taxes made the products too expensive for kids to buy and gave current smokers an incentive to quit.

Mr. Gallaway asked Ms. Allshouse when these regional boards convened in each jurisdiction and determined what the rate would be, whether there was some sort of agreement amongst them or if they equalized across the jurisdictions.

Ms. Allshouse responded that she could answer that they could be different; the City of Charlottesville's tax was 55 cents, and the County's was 40 cents. She said that Mr. Blount probably had more details than she did, but she believed there was at least one other jurisdiction that would have a different price structure for their cigarettes. She asked if Mr. Blount wanted to share any more information on that.

Mr. Blount explained that they did have several jurisdictions that had adopted the rate, and there were going to be some differences in addition to the City of Charlottesville's higher rate. He said that Augusta County, which was a member, set a very low rate at 15 cents per pack. He said that Madison County had already acted, and they too had set a rate at 40 cents. He said they would have several different rates, and he thought it certainly would be nice to have everybody with the same rate—but that would not happen with the City being part of the board anyway. He said that it would make it easier from an administrative standpoint, but as he had told others, it was certainly the prerogative of each individual governing body as to the rate they set.

Mr. Gallaway thanked Mr. Blount and said they would now go to the public hearing portion. He asked if there were any speakers signed up for the item this evening.

Ms. Price read the protocol for speakers.

Mr. Gallaway called the first speaker.

Mr. Sid Patel thanked everyone for having him. He said that as he had previously requested, it was a bad time of the year, starting last year because COVID hit a lot of businesses very harshly, especially small businesses. He said he understood that from their point of view that the money from a cigarette tax increase would result in a lot of revenue for the County. He said that from the other side, it was going to kill a lot of small businesses at the same time. He said that as he understood, the counties tried to do this together, but if somebody lives near another county, they could easily get the cigarette at a cheaper price. He said that he had retail business in the County, with people coming from all over from outside to buy their cigarettes or tobacco because he had good prices. He said that increasing taxing was already increasing the cigarette price. He said that there was a three or four increase from manufacturer every year. He said it was close to 10 to 15 cents each time a year that everybody got their increase from the manufacturer. He said that on top of what they had tried to increase, it was a lot for the tobacco, especially only run by tobacco stores. He said that especially COVID, as he had said. He stated that he also heard that Albemarle County would be receiving \$21.1 million in federal government stimulus funds, under President Biden's \$1.9 trillion ARPA. He said he still did not understand what the reason was for the increase in cigarette tax and why everybody decided to do that also. He said that was all he had to say, and thanks for hearing him. He asked the Board to please not increase the tax.

Mr. Gallaway asked for the next speaker.

Ms. Borgersen said there were no more speakers for this item.

Mr. Gallaway closed public comments and said the matter was now back before the Board.

Ms. LaPisto-Kirtley said she was definitely in favor of this, as it had been shown to work. She said she was going from the medical advice that it does work, and more importantly, it hopefully will stop their youth and children from starting to smoke due to the price of the cigarettes. She stated that that was what happened elsewhere, and she thought it was about time that they did something about it here.

Ms. Palmer said that she was going to vote for this, but she felt it might be helpful to get some clarity on some of these studies as they did have their Office on Diversity and Equity give them and present information that it did not slow down smoking. She said that the reason for this tax, in her understanding, was that it was to generate revenue and also in hopes that it would deter smoking on some level—and clearly, smoking cost the community money collectively. She said that she would stop there, but she did think that at a later date they needed to get some clarity on some of those studies just so that they were aware.

Ms. McKeel stated that she appreciated the presentation, and it would be interesting to get some more clarity. She said that she was supportive at this point of this proposal, for health reasons and a few other reasons. She said that she supposed this was because she was a retired nurse and a retired educator. She stated that she had seen the damage that tobacco had done to their young people and adults. She said that she was a former smoker herself and had quit probably 40 years ago, but she understood how hard it was to stop smoking. She said that another concern was the number of fires that cigarettes cause, and they had to have firefighters stop brush fires from cigarettes being flicked out of the windows. She stated that it was amazing if one watched the call log to see how often they were around gas stations and places where people were driving. She said there were small brush fires that track back to cigarette butts being tossed. She asked at what point they would decide that they would use this revenue.

Ms. Allshouse responded that they planned to have that conversation as part of their FY23 approach to the budget. She said that the revenues would of course start, if things worked as the cigarette board intended, being collected in January. She stated that it would be a while before they knew how much in revenues they should expect from that. She said she thought that would give the Board some time then to hold off on it until FY23 and then they could think about how to expand that funding.

Ms. McKeel said that was helpful and thanked Ms. Allshouse. She said that at that time, she was sure that the Board would like to discuss how to best use that money, looking through an equity lens, and how they would make the money work for the health of their community.

Ms. Mallek said that she too supported this, and she understood that in the state law there were four categories stipulated about where the money should be and how the revenue should be used. She said that she thought they would be putting it in suitable investments to improve the health as well as the safety and environment of their citizens. She said that she knew as someone who sends sales tax revenue to the Department of Taxation for selling beef, this was something that businesspeople were used to doing all the time, and she did not think that this would be an undue burden for sellers.

Ms. Price said that she fully supported this and was not unmindful of the impact that the tax may have on the poor, as any non-graduated tax would have a greater impact on the poor than on wealthier individuals. She said that however, it also had to be noted that the poor generally had worse health outcomes, and further reason they do is because of a higher rate of smoking. She said that she believed that this was appropriate to discourage, not prohibit smoking, because she did not believe in prohibition for these purposes. She said she believed it was a matter of public policy and health policy, and it was imperative that they take action to try and reduce smoking. She said she also concurred with what Ms. McKeel just mentioned about fires that were started by them. She continued that she fully supported that any revenue generated from this should go towards healthcare, smoking cessation programs, and things like that.

Mr. Gallaway said that he was supportive of this as well, and he appreciated Mr. Patel and that he had spoken to the Board on a number of occasions. He said that he did not think that the difference in pricing was going to send people to different jurisdictions to try and get a better rate. He said that he thought that may happen between Albemarle and Charlottesville perhaps, but within the region, it seemed that they were close enough that to drive excessive amounts to purchase these elsewhere was not likely. He said that for the reasons given for health and to deter smoking, he agreed with those previous statements. He said that this Board had talked on numerous occasions of the state of litter and how their medians looked, especially in their entrance corridors. He said a big part of those piles of litter was cigarette butts that were discarded out of cars while people were waiting at the light.

Mr. Gallaway stated that as a former School Board member, he had advocated for localities to have the abilities to assess a cigarette tax, so he was staying true to that. He said that for the locality to have the authority to do so was a way to generate some revenue. He stated that in this case, it had the ability to deter but also bring up revenues that could be used for other purposes in the County. He said that perhaps these revenues, in addition to the things mentioned, could be part of the discussion that it could go to helping some of those cleanup efforts happen due to the smoking of cigarettes. He said that he did not think that this Board meant to be insensitive to the concerns of the small business owner, so he certainly would remain open-minded to see how this impacted things as they moved forward and saw what the reality actually turned out to be. He said that if there were no other comments or questions, he would ask if there were a Supervisor that would like to make a motion.

Ms. LaPisto-Kirtley **moved** that the Board adopt the ordinance as presented in Attachment A to amend Chapter 15, Taxation, of the County Code of Albemarle, Virginia.

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.

ORDINANCE NO. 21-15(4)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, is hereby amended as follows:

By Adding:

Sec. 15-1500	Definitions.
Sec. 15-1501	Levy and rate.
Sec. 15-1502	Methods of collection.
Sec. 15-1503	Registered agents.
Sec. 15-1504	Requirements for retail dealers.
Sec. 15-1505	Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.
Sec. 15-1506	Illegal acts.

Sec. 15-1507	Jeopardy assessment.
Sec. 15-1508	Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.
Sec. 15-1509	Disposal of seized property.
Sec. 15-1510	Extensions.
Sec. 15-1511	Penalty for violation of article.
Sec. 15-1512	Each violation a separate offense.
Sec. 15-1513	Severability.
Sec. 15-1514	Application within towns.

Chapter 15. Taxation

Article 15. Cigarette Tax

Sec. 15-1500 Definitions.

For the purposes of this Article, the following words and phrases have the meanings respectively ascribed to them by this Section, except in those instances where the context clearly indicates a different meaning:

Board or *BRCTB* means the Blue Ridge Cigarette Tax Board, or its administrator, in cases where the Board has delegated its duties or authority to the administrator.

Cigarette has the meaning given in Virginia Code § 58.1-1000.

Cigarette Machine Operator means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

Dealer means both "retail dealer" and "wholesale dealer," as those terms are defined in Virginia Code § 58.1-1000.

Package means any container of cigarettes from which they are consumed by a user. Ordinarily, a package contains 20 cigarettes; however, "package" includes those containers in which fewer or more cigarettes are placed.

Registered agent means any person who pays the tax or makes the report imposed under this article.

Retail dealer has the meaning given in Virginia Code § 58.1-1000.

Sale or *sell* means the transfer of cigarettes from a dealer to another person, for consideration, and includes the use of vending machines.

Stamp has the meaning given in Virginia Code § 58.1-3832(2).

Storage or *store* has the meaning given in Virginia Code § 58.1-1000.

Use has the meaning given in Virginia Code § 58.1-1000.

Wholesale dealer has the meaning given in Virginia Code § 58.1-1000.

(§ 15-1500, Ord. 21-15(4), 10-20-21, effective 1-1-22)

Sec. 15-1501 Levy and rate.

A tax upon the sale or use of cigarettes within the County is hereby imposed, at a rate of \$0.02 for each cigarette sold, stored, or received. The tax payable for each cigarette sold or used within the County shall be paid but once.

(§ 15-1501, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3830.

Sec. 15-1502 Methods of collection.

- A. Upon paying the tax imposed by this article, the taxpayer shall affix a stamp to the package for which the tax was paid, and shall report to the Board, in whatever form the Board provides. Stamps shall be affixed in such a manner that their removal will require continued application of water or steam. The report to the Board shall include the following:
1. The quantity of cigarettes sold or delivered to:
 - a. Each registered agent appointed by the Board for which no tax was collected;
 - b. Each manufacturer's representative;
 - c. Each person during the preceding calendar month;
 2. The quantity of BRCTB-stamped cigarettes on hand on the first and the last day of the preceding month, the quantity of BRCTB stamps received during that month, and the quantity of BRCTB-stamped cigarettes received during that month;
 3. The quantity of cigarettes on hand to which the BRCTB stamp had not been affixed on the first and last day of the preceding month, and the quantity of cigarettes received during that month to which the BRCTB stamp had not been affixed; and
 4. Any other information that the Board deems necessary to administer or enforce this article.

- B. Each registered agent shall report and pay the tax to the Board by the 10th day of the following month and shall provide to the Board copies of all cigarette tax reports submitted to the Virginia Department of Taxation.
- C. If a registered agent is unable to show the Board that it has purchased sufficient stamps, relative to the cigarettes that it sold or used, there is a presumption that those cigarettes were sold or used without the proper tax having been paid. The Board shall impose a penalty of 10 percent and may impose interest of 3/4 percent of the gross tax due per month.
- D. If a registered agent files a false report, fails to file a report, or acts to evade payment of the tax, the Board shall assess the tax and impose a penalty not to exceed 50 percent of the tax due and interest of 3/4 percent of the gross tax due per month. These taxes, penalties, and interest are due within 10 days after the Board issues notice of the deficiency.
- E. A registered agent that receives cigarettes not bearing the BRCTB stamp shall, within one hour of receipt, commence, and diligently complete, affixing the BRCTB stamp to each package.
- F. A registered agent that has notified the Board that it holds cigarettes for sale outside the jurisdiction of the Board, may hold such cigarettes without affixing the stamps required by this article. Any such cigarettes shall be kept separate from the BRCTB cigarettes, in such a manner as to prevent their commingling.
- G. A registered agent that loses untaxed cigarettes, whether by negligence, theft, or any other means, shall pay the tax imposed by this article.
- H. Registered agents shall keep all records of cigarettes sold or used, whether stamped or unstamped, for three years, and shall make all such records available for examination by the Board.

(§ 15-1502, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code §§ 58.1-3830, 3832.

Sec. 15-1503 Registered agents.

- A. Any person required to pay or report the tax under this article shall first file an application with the Board to qualify as a registered agent, in the manner specified by the Board, and provide a surety bond equal to 150 percent of its anticipated average monthly tax liability, made out by a surety company authorized to do business in Virginia. By filing an application, a person appoints the Board as its agent for service of process.

Upon receipt and review of an application and surety bond, the Board shall issue a registered agent permit to sell and use within the County.

- B. When any registered agent's monthly report and payment of the tax is not received when due, a late reporting penalty of 10 percent of the tax due shall be assessed. The penalty shall be imposed on the day after the report and tax are due and, once it is imposed, it becomes a part of the tax. The Board may revoke or suspend any registered agent's permit for failure to timely report or pay the tax, or if the registered agent's surety bond becomes impaired for any reason.
- C. All money collected as taxes under this article are held in trust by the dealer until remitted to the Board.
- D. The Board may conduct audits to determine any variance between the number of stamps purchased and the number of stamps reported to have been purchased. An assessment shall be made for all unaccounted-for stamps. Assessment of registered agents located outside the jurisdiction of the Board shall be based upon the average sale by locality during the audit period. Assessments of registered agents located within the jurisdiction of the Board shall be based upon the tax rate of the jurisdiction in which they are located. A penalty for not reporting shall be assessed, in the same manner and amount as in subsection (b).

(§ 15-1503, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1504 Requirements for retail dealers.

- A. Retail dealers shall purchase cigarettes only from a registered agent and give the registered agent the business trade name and address of the location where the cigarettes will be offered for sale to the public. Retail dealers cannot sell cigarettes that were previously purchased for personal use. Only licensed retail stores may sell cigarettes to the public. To be licensed, a retail store must have a valid Virginia state sales and use tax certificate and valid retail business license. Cigarettes must be purchased and stored separately for each business location. Retail dealers shall retain copies of cigarette purchase invoices and receipts for three years and provide them to the Board upon request. The Board may seize a retail dealer's cigarettes for failure to provide cigarette invoices or receipts, until it is able to verify that the tax has been paid. The Board shall seize cigarettes found without the appropriate stamp.
- B. The Board may make a search of any location at which it reasonably suspects that cigarettes are kept, to ensure that all cigarettes are properly stamped.

(§ 15-1504, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1505 Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.

- A. If any person is found to possess cigarettes without the proper tax stamp affixed, there is a rebuttable presumption that such cigarettes are untaxed in violation of this article.
- B. There is rebuttable presumption that cigarettes in a vending machine were placed there as an offer to sell. If a vending machine contains packages upon which the BRCTB stamp has not been affixed, or contains packages placed in a manner that does not allow inspection of the BRCTB stamp without opening the vending machine, there is a rebuttable presumption that the machine contains untaxed cigarettes in violation of this article.
- C. Cigarettes, vending machines, stamps, and other goods violating this article are contraband goods and may be seized by the Board.
- D. Additionally, the Board may seal a vending machine to prevent continued illegal sale or removal of cigarettes. The removal of a seal from a vending machine is a violation of this article.
- E. The owner of a vending machine shall plainly mark it with the owner's name, address, and telephone number.

(§ 15-1505, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 5-1506 Illegal acts.

It is a violation of this article for any person:

- A. To make any act or omission for the purpose of evading the full or partial payment of the tax imposed by this article, or to fail to obey a lawful order issued under this article;
- B. To falsely make, or cause to be made, an invoice or report; or to alter or counterfeit, or cause to be altered or counterfeited, any stamp; or to knowingly and willfully offer any false invoice or report, or altered or counterfeited stamp;
- C. To sell or offer for sale cigarettes upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid;
- D. To use cigarettes upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid; or
- E. To transport or authorize the transportation of 1,200 cigarettes or more in the county upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid, if they are:
 - 1. Not accompanied by a receipt or other document indicating the true name and address of the seller and purchaser and the brands and quantity of cigarettes;
 - 2. Accompanied by a receipt or other document that is false;
 - 3. Accompanied by a receipt or other document that fails to indicate that:
 - a. The non-Virginia purchaser is authorized by the law of that other jurisdiction to possess the cigarettes, and on which the taxes imposed by that other jurisdiction have been paid; or
 - b. The Virginia purchaser possesses a Virginia Sales and Use Tax Certificate and any license required by the locality of destination;
- F. To refill with cigarettes a stamped package from which cigarettes have been removed;
- G. To reuse or remove a stamp from a package with the intent to use it or cause it to be used again, after it has already been used to evidence the payment of the tax imposed by this article; or
- H. To sell, offer for sale or distribute any loose or single cigarettes.

(§ 15-1506, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1507 Jeopardy assessment.

If the Board determines that the collection of a tax under this article would be jeopardized by delay, it shall assess the tax, along with penalties and interest, and mail or otherwise issue a notice of the assessment to the taxpayer, together with a demand for immediate payment. In such cases, immediate payment is required, regardless of the due date for paying and reporting the tax under this article.

(§ 15-1507, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code §§ 58.1-3832, 58.1-3832.1.

Sec. 15-1508 Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.

- A. Any person aggrieved by a tax, penalty, or interest assessment or by a seal or seizure under this article may request a hearing before the Board, in the manner provided by the Board.

- B. The Board shall send notice within 24 hours of a seizure or sealing to each known holder of an interest in the property seized or sealed. Where the identity of a property interest holder is unknown at time of seizure or sealing, the Board shall post notice to a door or wall of the building that contained the seized or sealed property. The notice shall state the manner of requesting a hearing before the Board, as well as the affirmative defenses available under this section.
- C. A hearing must be requested within 15 days of the date that notice was postmarked. The request must be on the form provided by the Board and set forth the reasons why the Board's action should be reversed. Within five days after receiving a request, the Board shall notify the requester, by the method selected on the request form, of the hearing date and time, where the Board will accept an informal presentation of evidence. The hearing shall be within 15 days of the date of that notification. A request for hearing shall be denied if the assessed tax, penalties, or interest has not been paid, or if the request is untimely. Within five days after the hearing, the Board shall notify the requester of its decision, by the method selected on the request form.
- D. The Board shall grant appropriate relief if it determines that seized or sealed cigarettes were in the possession of a person other than the requester without the requester's consent. If the Board determines that a tax, penalty, or interest was erroneously assessed, it shall refund the amount erroneously assessed and shall return any property seized or sealed to the requester.

(§ 15-1508, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code §§ 58.1-3832, 58.1-3832.1.

Sec. 15-1509 Disposal of seized property.

Any seized property used to evade a tax imposed by this article may be disposed of by sale or other method the Board deems appropriate, after the owner has exhausted its appeals. The credit from any such sale shall not be credited to the owner.

(§ 15-1509, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1510 Extensions.

If the Board determines that good cause exists, it may grant an extension of up to 30 days to report or pay a tax. No interest or penalty shall accrue during such an extension.

(§ 15-1510, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1511 Penalty for violation of article.

A person convicted of violating a provision of this article shall be guilty of a misdemeanor, punished by a fine of not more than \$2,500.00 or imprisonment for not more than 12 months, or both. Such person shall remain liable for any underlying tax, penalty, or interest.

(§ 15-1511, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1512 Each violation a separate offense.

Each violation of this article constitutes a separate offense. Each day that a violation continues constitutes a separate offense.

(§ 15-1512, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1513 Severability.

If any portion of this article is invalidated by a Court of competent jurisdiction, that decision shall not affect the remainder of the article; and the remainder of the article shall continue in full force and effect.

(§ 15-1513, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1514 Application within towns.

The tax imposed by this article shall not apply within the limits of towns. However, if the governing body of a town provides that the county cigarette tax, as well as the town cigarette tax, applies within that town, then the tax imposed by this article shall be imposed within that town.

(§ 15-1514, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3830(B).

This ordinance shall be effective on or after January 1, 2022.

Agenda Item No. 20. **SP202100005 Haupt Property.**

PROJECT: SP202100005 Haupt Property

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S):

085000000003A0; 085000000003A1

LOCATION: 7181 Batesville Road, Afton, VA 22920

PROPOSAL: Request to amend existing special use permit SP198900110 in order to expand the existing day camp use to allow for 1) an increase in the number of participants from 10 to 50; 2) an increase in the number of days of operation from 30 days per year to 45 days per year; and 3) an additional parcel to be added to the special use permit, for a total of approximately 103.56 acres on two parcels of land.

PETITION: Special Use Permit request for a day camp or boarding camp in accordance with Section 10.2.2.20 of the Zoning Ordinance, on two parcels totaling approximately 103.56 acres. No dwelling units proposed.

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

OVERLAY

DISTRICT(S): Flood Hazard Overlay District

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

The Executive Summary states that at its meeting on August 24, 2021, the Planning Commission (PC) conducted a public hearing and voted 7:0 to recommend approval of SP2021-00005, with the conditions and revisions as recommended by staff in the staff report, along with an addition to the conditions that the square footage of the footprint of the proposed pavilion's foundation be identified. Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

The PC raised no objections to this request by the Haupts to amend their originally approved special use permit, SP198900110, which was approved by the Board of Supervisors in February 1990. Three members of the public spoke at the PC public hearing, and several written comments were emailed to the PC. Additional comments from community members that were received after the PC staff report was published are included as Attachment G.

Much of the discussion of the PC centered on contingency plans of the proposed day camp for times of inclement weather, including where camp participants would shelter. In addition to the conditions and revisions recommended by staff in the staff report, the PC recommended that the square footage of the footprint of the proposed pavilion be identified in the proposal, with sufficient capacity to adequately shelter the camp participants in the event of inclement weather.

Since the PC meeting, the applicant has provided a revised project narrative (Attachment D) and concept plan (Attachment E) to address the PC's comments, including noting that the pavilion would need to be 750 square feet to adequately accommodate the 50 participants requested in the application. The narrative notes that the proposed pavilion would be 24' by 32', or 768 square feet. A label has been added to the concept plan that the pavilion would be a maximum of 768 square feet.

Staff has revised the proposed conditions to reflect the PC's discussions (Attachment F). Condition #1 has been updated to reference the revised concept plan and to include the size of the pavilion as a major element of the concept plan with which the applicant must conform. Condition #4 has also been revised by staff to provide greater clarity on what the applicant must provide to staff to ensure that buses and carpools are used for the transportation of camp participants.

Staff recommends that the Board adopt the attached Resolution (Attachment H) to approve SP202100005 with the revised conditions, including the revised concept plan.

Mr. Andy Reitelbach greeted the Board and introduced himself as the senior planner with the Albemarle County Planning Division. He said that this evening they were here for a public hearing for a special use permit application, SP202100005, the Haupt Property Day Camp.

Mr. Reitelbach said that to provide some context of the location of this property, the two parcels that made up the Haupt's property were outlined in yellow on the left side of the screen. He said the village of Batesville was up in the upper right side of the screen, and he had identified Batesville Road and Craigs Store Road. He said there was also a recently approved solar facility from the Central Virginia Electric Cooperative to the southeast of the property. He said that they had all recently approved that back in June, so this area of the County may look familiar for that reason.

Mr. Reitelbach said that by zooming in on the Haupt's property, it could be seen that it was made up of two parcels, 85-3A and 85-3A1 to the east. He said that their residence was in the center-north portion of the property. He said he had identified the main driveway entrance into their property and then identified two ponds on their property as one on either side. He said that Mechums River was the

southern boundary line of their property, with the recently Central Virginia Electric Co-operative (CVEC)-approved solar facility to the southeast.

Mr. Reitelbach stated that the zoning of these two parcels is RA or rural areas. He said that there was also a flood hazard overlay district, which ran along the southern property line with the Mechums River. He said that all other surrounding parcels in the nearby area were also zoned rural areas and the requested use of the day camp is permitted only by special use permit in the rural area zoning district.

Mr. Reitelbach said that in the comprehensive plan, both of the Haupt's properties as well as the surrounding parcels were designated as rural areas. He said that the comprehensive plan recommended preservation and protection of agricultural, forestal, open space, and natural, historic, and scenic resources.

Mr. Reitelbach said that Mr. and Mrs. Haupt were requesting an amendment to a previously approved special use permit for their property, which was SP1989-110. He said that they were proposing to expand their existing permitted day camp use, which included three different items. He said that one was to increase the number of participants allowed from 10 to 50, which would include 42 campers and eight staff. He said that the next item was to increase the number of days of operations that they were permitted from 30 days a year to 45 days a year. He said the last item was to add an additional parcel to the special use permit. He said that currently, only their parcel 85-3A was permitted to run the day camp under SP1989-110, so they were requesting that 85-3A1 be added as well. He said that those two parcels together total approximately 103.5 acres.

Mr. Reitelbach stated that the Haupt's proposed that the camps would operate for five days per week for nine weeks during the summer months of June through August. He said that the staff would be onsite from approximately 8 a.m. in the morning to 5 p.m. in the afternoon, and the campers would have a slightly shorter day from 9 a.m. to 4 p.m. He said that there was no overnight boarding or camping proposed and it would be a day camp only. He stated that the types of improvements that would be done on the property included the Haupt's proposed wooden pavilion for camp activities, to be constructed on the eastern parcel with a maximum footprint of about 768 square feet. He said they were proposing that pavilion be dimensions of 24 feet by 32 feet. He said that minimal grading and clearing was proposed to maintain trails on their property, to maintain the driveway and entrance on their property, and to allow construction of the pavilion.

Mr. Reitelbach stated that this property was located within the Batesville agricultural-forestal district, and the parcels included in the AFD were in yellow on the right side of the map presented. He said this proposal did go before the Agricultural and Forestal District Advisory Committee back in March of 2021. He said that the committee did determine the Haupt's proposal was in accordance with the purposes of the AFD districts. He said that it was important to note that the Nature Conservancy holds a conservation easement on the larger parcel, TMP 85-3A, which was approximately 75 acres in size. He said that there were some supplemental regulations for day camps that he wanted to bring to their attention that were identified in section 5 of the zoning ordinance. He said that they were that appropriate health department approval of any wells and sanitary facilities were required before a day camp can begin operation. He said that any burning or outdoor cooking or campfires required approval by the Albemarle County Fire and Rescue Department before those types of activities can occur.

Mr. Reitelbach stated that his next slide showed the concept plan that had been prepared for the Haupt's proposal, identifying both the existing infrastructure on their site, including the driveways, some buildings, the residence, the parking area, as well as where the future pavilion would be. He said they could see the dashed line roughly in the center of the screen going to the future pavilion with its proposed maximum size of 768 square feet. He said they could also see some of the other proposals where they would walk through their woods, ponds for swimming, and other elements. He said he would talk more about the proposed pavilion, since that was the one new piece of construction proposed in the application, to be located outside of critical slopes but right on the edge of the Mechums River floodplain. He said that the proposed location would be about 200 feet from the property line of the Central Virginia Electrical Cooperative parcel.

Mr. Reitelbach said that in the staff's review of this, there were several factors favorable as well as one factor unfavorable. He said that staff determined that the proposed use is consistent with the Albemarle County Comprehensive Plan. He said that the minimal disturbance of the land did allow for continued ability of agricultural and forestal production, protection of the water supply, and conservation of natural resources. He said that as he had mentioned earlier, it was determined by the Agricultural and Forestal District Advisory Committee to be in accordance with the purposes of the AFDs. He said that the factor unfavorable was that the use would generate additional vehicular trips on the surrounding street network, through the village of Batesville and on Batesville Road. He mentioned that Batesville Road was a gravel road and was not paved; however, there were recommended conditions provided in the special use permit that staff would expect to reduce the trip generation expected from this use.

Mr. Reitelbach said that this proposal was considered by the Planning Commission at a public hearing held on Tuesday, August 24, 2021, and they voted 7-0 to recommend approval of this special use permit with the conditions and revisions recommended by staff in the staff report. He said that the Planning Commission did recommend an additional condition that the square footage of the proposed pavilion's foundation be identified. He said that between the Planning Commission meeting and their meeting this evening, there were several revisions to the application, and the revised concept plan and revised project narrative were provided. He said that this indicated that the proposed pavilion, to adequately accommodate the 50 participants requested, would need to be 758 square feet. He said the

applicants were proposing that it be, as he mentioned earlier, approximately 768 square feet, or 24 feet by 32 feet in dimensions. He said that that label had been placed on the concept plan, providing that maximum square footage. He said that condition number one had been updated to reference that concept plan and to include the size of the pavilion as a major element of the concept plan that the applicants would have to conform with before a zoning clearance could be issued for this use. He said that the fourth condition, which was about using carpools and buses for transportation, had been revised to provide greater clarity on what the applicant must provide to County staff prior to a zoning clearance being issued for this use.

Mr. Reitelbach stated that the recommended condition number one was the usual condition for special use permits, which meant that the use must be in general accord with the concept plan and identify major elements to which they must conform. He said that that did include the location and size of the future pavilion. He said that minor modifications to the plan would be permitted, subject to the approval of the zoning administrator and the director of planning, to ensure compliance with all applicable ordinances and state and federal laws. Mr. Reitelbach reported that the second condition was limiting the hours of operation for during the day, five days per week, Monday through Friday, June through August, and prohibiting any overnight boarding or camping. He said that condition number three sets the maximum number of attendees at 50, which included both camp staff and the students who would attend the camp.

Mr. Reitelbach stated that condition number four was that bus and carpool trips must be the primary means of transportation; they did not have to be the only means of transportation, just the primary means. He said that documentation must also be provided to County staff prior to the issuance of the zoning clearance, identifying how the applicant proposed to use buses and carpool trips. He said that condition number five related to the entrance and that they must meet entrance requirements from VDOT. He said that condition number six indicated that they must meet the approval of the health department for any wells, septic, or outhouse facilities. He said condition number seven was about requiring the applicant to abide by all fire department regulations if they do any outdoor cooking or campfires. He said that condition number eight required outdoor lighting to be full cut-off fixtures and that a lighting plan would have to be reviewed by the zoning administrator if the applicants chose to do any outdoor lighting. He said that number nine was that sound amplification of any type would not be permitted.

Mr. Reitelbach stated that he had suggested motions for this proposal if a Supervisor chose to approve or deny the request, and he thanked the Board and offered to answer questions.

Mr. Gallaway thanked Mr. Reitelbach. He asked if there were any questions.

Ms. LaPisto-Kirtley said she had no questions, but she thanked Mr. Reitelbach.

Ms. Palmer said she had a few questions. She said she had been to the property, and it was lovely. She said that they were proposing very little change to the property, which she very much appreciated. She said she would like to talk a little bit more about the traffic, because that seemed to be the major concern. She said she believed that an original letter to the area residents actually gave a number of how many cars should be arriving there. She said they did not seem to have that in their materials. She said what she would like to do was ask if the entrance that they had to have, which was a non-commercial entrance, was less than 50 cars.

Mr. Reitelbach responded that their existing entrance had been identified by VDOT to meet the requirements of a low-volume entrance.

Ms. Palmer asked if that was 50 cars or less per day.

Mr. Reitelbach confirmed that was correct.

Ms. Palmer asked what the last traffic count on that road was.

Mr. Reitelbach replied that he believed it was approximately 130 trips per day.

Ms. Palmer reiterated that this was per day. She said that in the packet, staff says they would work this out with the applicant, which she liked. She asked if they had a number involved and said that the original letter to the neighbors from the Haupts actually gave a number. She asked how they could do that for the community.

Mr. Reitelbach said that he was not sure that they could ever do a specific number, because there would be differences even throughout the summer as different participants may be able to carpool some days and not other days. He said that however, they did have the requirements that limit the use and the entrance into their property to just 50 per day.

Ms. Palmer said that that would be 25 coming in, which was considerably more than the letter to the residents that was said in the beginning. She said she asked that question because she recently went by another special use permit that they had discussed in depth, and they were ended up buying a bus to use. She said she recognized that buses sometimes break down, but she went by there and the number of cars of individual parents picking up individual kids was incredible. She said it wrapped around the building and was definitely not what they had approved or what they thought would happen. She said that she was just trying to see if they could nail down something better than 25 incoming cars per day.

Mr. Reitelbach stated that Francis MacCall from the zoning division was also in the meeting, so he may have some insight on how zoning could help enforce conditions regarding trip generation.

Mr. Francis MacCall thanked Mr. Reitelbach and Ms. Palmer. He said that it was a difficult condition to enforce numerically, and in terms of having somebody out onsite to try to figure it out, he did not think they had the physical manpower to do that during the 45 days proposed. He said that he thought they treated this like they did with private schools and the traffic generated, knowing that there would be a certain amount of traffic. He said that whether this was done that way, and taking into consideration how they were going to work that out with the zoning clearance, they would have to file to make sure that the County was at least satisfied that there was a reasonable traffic generation, but the exact number was difficult to pinpoint and to try and enforce an exact number.

Ms. Palmer said she understood it was very difficult to enforce, but the expectation was of some number less than that, and she wondered if that would be appropriate to put into the conditions.

Mr. MacCall emphasized trying to count the numbers might be difficult to do. He said that the exact number, something less than this or not greater than whatever it might be.

Ms. Palmer asked if he had no other stronger language to offer that they could do in this, other than they were going to work it out.

Mr. MacCall said that he did not at this time.

Ms. Palmer said she was a little disappointed in that. She said her other question was, in reading the Planning Commission minutes, whether the pavilion could actually be put in the floodplain—and this also surprised her. She said she saw on the map that it was about as far away on that clearing portion of the land as it could be from the river, which was very entrenched and degraded in that particular segment. She asked if Mr. MacCall could speak to whether they could allow a pavilion to be built on a floodplain, because she was surprised to see that.

Mr. MacCall responded that he believed that when they looked at this, the section in the floodplain regulations talked about structures that are accessory to permitted recreational uses. He said their thinking was that this was in that realm, allowing that in the actual floodway fringe, which would be the outer edges of the floodplain. He said it was right there, and it was very tight in that location. He said that technically, it could be moved back a little more if the concern was that it not actually be in the floodplain, and the current ordinance with the floodplain regulations does allow structures like that. He said they were not for human habitation, and they were built in a way that allows for the water flow through the. He said to his understanding, this would be a four-poster with a roof, but no walls or things like that.

Ms. Palmer asked if there was no floor.

Mr. MacCall said they may put a slab in, but he was unsure. He said it had to do with the flow of the water over and taking off anything that might hold water back. He stated that in this particular case, they believed that that four-poster would work and would be within the allowance of what the floodplain regulations are.

Ms. Palmer asked if the placement that they have this in on the map that they had received would be where it is. She asked if it could not move any closer to the river.

Mr. MacCall said he believed that was part of that condition in that the location and size of the future pavilion be as it was on that plan. He said that moving it closer would not be permitted per that condition. He said that was because it would be more of a major modification, which would obviously need an amendment of the special use permit. He said if they wanted to push it a little further backwards, that might be even better—and something like that probably would be considered a minimal modification. He said that did not include moving it to locations of great distance. He said that the applicant may be able to speak to that when they discuss as far as their plans for that particular structure.

Ms. Palmer said she had one more question about the carpooling. She asked if it could be included that greater than 50% of the campers, or greater than a certain percentage, should be coming in on bus or carpool. She asked if that was something without a specific number.

Mr. MacCall explained that if it were a number that she wanted to specify, and with the particular plan that they submitted during the zoning clearance that outlined all of that, it was a matter of trying to figure out and prove if somebody complained and the County had to follow up on a complaint that they were exceeding that 50%. He asked if Mr. Kamptner had a comment.

Mr. Kamptner said that his only comment was that if it were put into a condition, to use a word like “must” instead of “should.” He said that as far as tracking and enforcing, that may be difficult because 50% could vary from day to day.

Ms. Palmer said she was not so interested in the fact that people are going to do something wrong. She said she recognized that they were not quite sure who was going to go into this camp now and into the future. She said she thought that if they did have a problem and they did have a complaint, then zoning can simply ask whether this is happening. She said that they had to try to make it happen, in other words. She said that she did not think that most people who were going to run a nature camp are

going to be that way—they were going to try and make sure that everything worked with the community and the property owners and everything else. She said it was more to her an expectation that people who lease this or buy this property in future years have something to shoot for. She said she would leave it at that for the public hearing, and they might hear from the public some on this question. She said she thought it was the major concern of residents in the area, as they had some expectation of low-traffic count on this windy, gravel road that had a lot of maintenance issues.

Ms. McKeel said she was curious and had a follow-up to Ms. Palmer's conversation. She stated that she knew it was not a private school, but in a way it was a type of school. She pointed out that they saw a lot of schools coming to them and asking for a specific number of slots for applicants, then a few years later they come back and want to increase it, then a few years later they want to increase it again. She said that she would be very concerned if that were the case here. She said she did see that they were going from 10 to 50, which was a pretty big jump, but she did not have a problem with going from 10 to 50. She said she was just wondering if, in another two or three years, they were going to come back and want 100. She said she was just curious as to how staff would handle that. She stated that it seemed like they were in this incremental increase with facilities, and it was a slow increase and the infrastructure might have supported the first or maybe the second, but certainly not the third increase. She asked if there were any thoughts or comments on that.

Mr. MacCall asked if that was directed to him or Mr. Reitelbach.

Ms. McKeel said it was for whomever might answer that better as far as if they had the ability to say within a number of years, or whether they have the ability to say that given the traffic or the road conditions that 50 was it. She said she did not know and was just asking.

Mr. Kamptner clarified that the County cannot do that. He said that what was before them was whatever conditions were in place. He explained that the applicant would need to come in and revise those conditions—and when they come in to amend it, the Board had the discretion at some point to say no, the traffic impacts are too great.

Ms. McKeel said that she always hated when they approved these, because then folks come back with the expectation to make plans, and at the end of the day, they do not always work out. She said she was just curious and thanked Mr. Kamptner.

Ms. Mallek said that she was glad to hear in the staff presentation that the pavilion's proposed location was outside of the floodplain, which she deemed essential. She said that the whole reason for the original 100 feet on each side of the stream setbacks passed in 1980 was that tables, chairs, and other things could get picked up by water and slammed into a neighbor's house. She said the slow increase in numbers was a very good question, but if each increase, like the increase to 50, would require a new special permit, that would give a really good opportunity to say no. She said that people should certainly do that before they make expenditures on increasing something. She stated that she loved the bus delivery requirement and thought it would be very helpful. She said she thought that the compatibility with their use seemed really important, because what many nature camps were doing was teaching about the values of their rural area and preservation and protection. She said a main question she had was about the campfire things and ACFR. She asked if it were a one-time inspection of the fire circle, or whether it was a situation where every time they wanted to have smores or something, they would have to get an inspection.

Mr. Reitelbach responded he was honestly not sure how the fire rescue department looked for that. He said that maybe Mr. MacCall had some more information on how they do that.

Mr. MacCall responded that he did not know for sure but was going to take a quick look at that regulation again, and he read that "provisions subject to fire approval, whether or not the site development plan is required." He said that they would have to check with the fire rescue department if each time that they wanted to do that if they would have to get a permit or not. He said he did not know and that in his experience, he had never run into that issue with any of the day camps needing individual, every-time approval. He said that that the one time seemed reasonable to him, and it was only in that one location. He stated that if it were found that they did a fire somewhere else and it caused a huge problem, they would probably be responsible for some of those things. He said he did not know exactly how it was worded, but staff certainly could find out, if this permit were granted, before the zoning clearance was issued.

Ms. Mallek said that maybe the applicants could address several of her questions when they had their turn, and that would be very helpful. She said it also seemed that they should address that children were going to register, and at the time of registration, they should be able to pick the bus or the carpool so it could be fairly seamless for operators to know that they were meeting the guidelines that 50% of the children were arriving in some kind of combined fashion. She said she looked forward to hearing comments about those things.

Ms. Price commented that she believed she was consistent with the other Supervisors in the thought that the pavilion definitely needed to not be in the floodplain. She said that the whole purpose of the pavilion was safety, so the thought of putting it where it could be in a floodplain was not only incongruous but really almost incomprehensible. She said she believed it should be consistent with whatever setbacks for property lines would be required. She stated that the two parcels were currently owned by the same individuals. She said there was already a chance in the future that they may split off, and they did not want to have a setback issue there. She said that she had some questions that would

probably be more appropriate for the applicants in regard to actions to protect the quiet enjoyment of neighboring properties. She said that she would bring that up now so they would be prepared to address it during their remarks or Board questions.

Mr. Gallaway said he would reserve his questions until after the public hearing and presentation from the applicant. He asked if there was anyone signed up to speak this evening. He apologized and said the applicant would go first. He said the applicant would have 10 minutes to speak and asked who was speaking for the applicant.

Mr. Rick Haupt introduced himself and thanked the Board for allowing him to address this issue. He stated that he would use his few minutes to explain why he and Mrs. Haupt wanted to have a nature camp operating on their land. He said that first of all, they were concerned about their rapidly developing county and the decisions that were being made by the next generation. He said that their concerns were how much development would be made by the next generation, how much development the next generation would allow, how much green space they would demand, and what would be done to reduce their communities' contributions to global climate change. He emphasized that these important decisions would be made consciously and unconsciously by future generations. He said they believed that their County would best be served if these future adults had childhoods grounded in nature.

Mr. Haupt stated that as a fellow resident of Batesville Road, they share their neighbors' concerns about traffic. He said that yes, there would be an increase in traffic at 9 a.m. and at 4 p.m. for nine weeks in the summer. He stated that the tradeoff would be the opportunity for 42 children per week to spend time in the woods, meadows, and two ponds, and a long river on their property. He said it was a tradeoff that they thought would benefit them all in the long run as they support the development of a generation of environmentalists. He said they were grateful to have lived on this beautiful piece of land for 45 years. He said they placed their land in a conservation easement with the Nature Conservancy as one step in preserving it. He said in addition, they would love for their legacy to be that they made it available for children. He said they hoped that the Board would support their request for this special use permit and thanked them for his time.

Mr. Gallaway thanked Mr. Haupt and said they would now go to the public comment portion. He said he had been told that there was no one signed up for the public hearing portion and asked if that were correct.

Ms. Mallek said that someone was in the chat that wanted to know when they were supposed to speak.

Mr. Gallaway said that he would deal with that momentarily and said that his understanding was they were working with the Haults on this project. He said that for some of the questions, based on how it was used at the Planning Commission, the speaker can have some interaction with the Board and they would just treat him like the applicant. He asked Ms. Borgersen to confirm there were no speakers from the public that evening.

Ms. Borgersen confirmed that this was correct.

Mr. Gallaway said that public hearing portion was now closed. He said that what he would do was, before he went back through the Supervisors, the gentleman with Living Earth had the last name Cunningham.

Mr. Nott introduced himself as Hub Nott, one of the founders.

Mr. Gallaway said that there was another name in the minutes.

Mr. Nott explained that Scott Cunningham was their Director of Operations, and he was present tonight as well, but he himself was fine with being the speaker for tonight.

Mr. Gallaway noted that he had made some comments in the chat about the fire aspects. He said that since that was a specific question of Supervisor Palmer, before he went through everyone, he could put those comments on the record.

Mr. Knott thanked everyone for their time and said that he was doing this work because he loved nature, working with kids, and mentoring them. He explained that regarding the fire issue, he had worked with Goochland County. He said it was a different county and they probably had their own regulations, but he had to talk with them about the fire ring that was used. He said that they had to approve it and had a lot of guidelines such as having a fire extinguisher on hand; for them, it was an eight-point guideline. He said he checked in with the Albemarle Fire Department and they had said a similar thing. He said that it was not every time someone wanted to cook a marshmallow that the fire department had to be called, but they wanted to know the applicants had followed certain regulations onsite, such as organic matter pulled back to a certain distance and no gasoline being used, which seemed silly to say but he supposed it needed to be said.

Mr. Knott stated that they had a whole list of guidelines, and then there were times where they would just tell you no fires because of fire dangers like wind. He said that they watched that carefully and knew if a windstorm came through, even if the fire department did not say it was not a good day, their staff were well trained in fire safety, how to put them out, and weather conditions that just were not smart to have a fire in. He said they also knew how to put out a fire when they left, and they made sure the kids

knew that too. He said that they repeat what they see, in his experience with kids and having been a kid himself. He said they just wanted them to be competent to put out fires and how to do it. He said there were five or six different ways they could do it with what they had around them, because they were not always going to walk around the woods with fire extinguishers. He asked the Chair if he should talk about some of the traffic issues now.

Mr. Gallaway said that he would go through the Supervisors, and as they had questions, both he and the Haupts could answer as needed. He asked Mr. Knott to clarify his last name.

Mr. Knott said his name was spelled K-N-O-T-T.

Ms. LaPisto-Kirtley said she would like for Mr. Knott to answer about the carpooling, the cars, and the amount of traffic. She asked what could be done to control that so that the neighbors were not upset. She said that this was actually a really great program for the kids.

Mr. Knott stated that for the past 18 years that they had been in Sugar Hollow, for any camper that came—and with technology it was now a lot easier—they would send a message out to parents and encourage carpooling and connect them with other parents. He said that that was one means, and now online they can make sure that anybody in this ZIP code can connect before camp and work out carpooling. He said that they found that they had a bunch of kids this summer, and it was maybe 21 car trips without a bus. He explained that he had talked to Todd Barnett at Field School and Field Camp, and other camps had asked what they need to have a bus service and what was the most reliable way. He said he knew that they broke down, so if he bought a bus, he would probably buy two buses because the extra was needed. He said their plan and their discussion right now was to have a bus service coming from Crozet as well as one coming from Barracks Road, as a lot of the other camps seem to do, because it was very central in Charlottesville. He said he heard the confusion about whether they can guarantee car numbers, and he said he supposed it came down to their word, and there was always the concern with what happened after he passed from the Earth in the future.

Mr. Knott said the biggest thing he had seen, even in his own hollow, was that if someone did something constantly that was a violation, such as when they had a neighbor rerouting the stream, somebody called it in and the County dealt with it. He said that in the end, that was not the way neighbors wanted to police it, and a lot of this life was trust that the applicant would do this. He said that he thought that the plan that was laid out was that the County, before they even signed off on it, would have a more thorough plan from them that said how they planned to do it and the times they would do it. He said he was unsure of the amount of detail that would be wanted. He said that they were pretty committed to it. He said that ethically, it was the right thing to not have 50 people drive their kids out there. He said he was not sure if that answered Ms. LaPisto-Kirtley's questions or if she wanted something more nuanced on it.

Ms. LaPisto-Kirtley responded that it did. She said it sounded like he was almost setting up a park-and-ride where all the parents could bring their children to the bus, and then the bus takes them to and fro. She said this meant the parents did not have to drive as far.

Mr. Knott said that in Sugar Hollow, everyone did drive out. He said that, however, most parents carpooled. He said that part of their change as an organization going into a non-profit was that only the parents who could afford not be at work at 9 a.m. could drop their kids off, and that was not very fair, because not everyone had that flexibility. He said that part of their goal with the bus was that they had to pick the kids up in town so that parents can get to work, and it was just trying to make it more available to everybody—not just the people who could afford to miss work or leave work early.

Ms. LaPisto-Kirtley said she supposed they would be able to choose where they would pick up students based upon who enrolled and where they live. She asked if this was correct.

Mr. Knott responded that he had talked to some other camps such as Triple-C that had a lot of different pickup locations, and Field Camp mainly did Barracks Road. He said that the Living Earth School was thinking of that area or 5th Street Extended, but they were not 100% sure what the best place in Charlottesville was. He said he was not planning on doing what school buses do and drive down every street in the County and pick up kids and bring them to one spot, because it was not practical. He said that Crozet had plenty of spots to make one general pickup without impacting people, and this could be good for the businesses in those places.

Ms. LaPisto-Kirtley thanked Mr. Knott and said she had no further questions.

Ms. Palmer said she needed to go a little farther on the buses and whatnot. She said that Mr. Knott just said he had a camp this summer that he tried to get everyone to carpool and had 21 cars. She asked how many total kids they had for those 21 cars.

He said he believed it was 48.

Ms. Palmer said she managed to get the letter that the Haupts had sent to the neighbors, dated April 17. She read that it said the eight staff members of the 50 potential cars would come from the west, and that 20 of the campers would arrive from Charlottesville, and the other 22 would be urged to carpool. She said this way they hoped to have the numbers down to a smallish bus and less than 10 cars arriving in the Batesville direction. She asked if this was something that they were planning to try to do or a number that they were trying to hit of 10 cars plus staff.

Mr. Knott responded that this was the goal, and the overarching goal was to constantly reduce it. He said he knew there were a lot of families that they had in Batesville, and to have them to drive to Charlottesville or to Crozet to drop their kids off was not realistic. He stated that the goal would be to have most kids carpool and to keep it down to under 10 cars a day, but it could not be trips because it would be 10 trips in and 10 trips out.

Ms. Palmer said she recognized that Mr. Knott was going to try as hard as he possibly could to do this, and this was not about trying to police the situation. She said that it was about trying to give the neighbors some assurance that going forward, after Mr. Knott left, that there would be some expectation of the number of cars. She asked if there were something he could offer that he would feel comfortable putting into a condition. She said she did understand staff's issue about policing it and recognized they could not do that from a practical standpoint. She said she was just looking at what could be given to the neighbors for reassurance for the future.

Mr. Knott responded that he would like to say he could give a number, but it was not his property, and he technically was a renter from the Haupts—so to put a number on this would be hard for him, and they would need to be in agreement or feel strongly about it. He said that he felt qualified in saying that 50% of the people being bused in would be a good number to pick, and that was just one number that came to mind. He said that again, it was not his property, he was just kind of supporting the process because he was hoping to use it.

Ms. Palmer said that that was kind of what she was asking for and wondered if they could do a percentage to give the neighbors some expectations. She said that maybe if the Haupts agreed to that and staff could work it out, it seemed like a reasonable thing to ask them to do. She said that was all the questions she had for Mr. Knott. \

Ms. Palmer commented that she thought it was a good use of the property. She stated that she appreciated everyone's efforts in this, and she thought everybody was doing a good job. She said she thought it was a lovely thing to do and she was in favor of the application; she just wanted to make sure that road and that traffic had an expectation.

Mr. Gallaway asked if Mr. or Mrs. Haupt had any response to the car situation that Ms. Palmer had raised.

Ms. Margaret Haupt stated that she would only add that she had been a walker on Batesville Road for 45 years, and she was probably as much as anyone aware of how annoying it was to have cars flying down the road. She said she wholeheartedly supported all efforts for carpooling and a bus and for anything that they can do. She said that she was honest enough and realistic enough to know that they could not give a number because it would vary from day to day and from week to week. She said that she trusted that Mr. Knott was very committed to this, and she knew that she and Mr. Haupt were. She added that they would like to limit the traffic on the road as much as possible.

Mr. Haupt said he would like to say that the section of Batesville Road that they would be using would be less than one mile to the entrance to the property. He said it was not a long section of road.

Mrs. Haupt said the distance to their driveway was 1.2 miles.

Ms. McKeel asked if it would be both boys and girls attending the camp.

Mrs. Haupt confirmed that it would be both.

Ms. McKeel said she was interested in the Planning Commission report, as it stated that the number of 50 was suggested by staff and that the applicant did not come up that number.

Mr. Knott responded that perhaps the Haupts would have something to add, but once the number goes above 50, the health department guidelines begin to change. He said that would all start changing infrastructure needs, traffic, potentially the road would require new entrances as well. He said that for those at Living Earth, the day camps typically run at 48 kids. He said that this would drop it down a little bit due to the 50-person limit. He said that if 50 was exceeded, the health department would begin to want other information on infrastructure that would have more impact on the property than would be preferred for a property like this.

Ms. McKeel said that maybe that was what staff shared and why 50 was decided on.

Mr. Knott said that it had been over a year since, but probably.

Ms. McKeel asked if the location of the pond—whether on the edge of the property, on the property, or partially on the property—had been resolved.

Mrs. Haupt replied that it had been, and both of the ponds were fully on their property.

Ms. McKeel said that maybe she had missed it, and she apologized. She said she hated to repeat, but both of the ponds are on the Haupt's property.

Mr. Haupt confirmed that they were totally on their property.

Ms. McKeel said she did agree with the other Supervisors about not building in the floodplain. She said that she would make a comment because they had referenced the Field School a few times. She stated that she was not sure what the Field School discussed about concerns with buses, but it was said publicly several times that the reason they wanted to move to Garth Road was because they wanted to do away with their buses. She said the Garth Road location was much more urban and convenient, and they could stop having to use buses.

Mr. Knott explained that it was mostly concerning the summer camp, for which they were fairly committed to using buses as their primary mode of getting kids around.

Ms. McKeel said she was just curious if that had been shared.

Mr. Knott replied yes.

Ms. McKeel said that it was concerning to her, but that was another issue.

Ms. Mallek said that she had already asked all her questions.

Ms. Price said her only question was what actions might be appropriate or necessary to protect the private enjoyment of the adjacent landowners' use of their property. She said that 50 people on a parcel of land could potentially create a fair amount of noise, as well as the potential for trespassing. She said she was not necessarily proposing that the property be fenced, as she recognized the expense of that. She said that they did get some inquiries from adjacent property owners about the risks that they feel in terms of increase in their liability insurance and things like that. She asked if that could be addressed.

Mrs. Haupt responded that she would try to address that.

Mr. Haupt said that he would start. He said that there were 105 acres and where they would be participating would be kind of in the middle of this, so he could not imagine that noise would be an issue at all, except for one neighbor to the west, who had totally supported this venture. He said that he did not think that noise would be an issue and would be shocked if it were.

Ms. Haupt said they were aware of the concerns of the neighbors right across the river, the Fellows. She said they had spoken to them, written to them, and assured them that no camp activities would occur in the meadow across from them. She said that this was not really a hardship, because in the middle of the summer one would not really want to be out in the open in a meadow, and the kids would be in the ponds or in the woods. She stated that they had lived here for 45 years with these same neighbors, had tried always to be good neighbors, and felt they had been. She said they had been blessed with wonderful neighbors around them, and that was really important to them, and they would not want to do anything that would disrupt. She said that they live out there too for the peace and quiet.

Ms. Price thanked Ms. Haupt and said she thought that she had answered the question. She said that the basic response was that the activities would not be taking place on the property line, which was what their concern was. She said it appeared they had a sufficient number of counselors. She added that she appreciated it and supported the application.

Mr. Haupt said thank you.

Mr. Gallaway commented that he did not think that they were really wanting 50 kids standing and screaming at them the whole day, so he imagined the programming was a little different than that, or else they probably would not live where they did. He said that he appreciated that Rio District Commissioner Daniel Bailey had asked a lot of questions about safety relative to storms. He said that seemed to be what led to the pavilion requirement and the size and space of the pavilion for shelter. He commented that he did not need to rehash any of that, but he did have questions about protection from lightning storms and lightning strikes. He said there seemed to be conversation about where the shelter was and that it may put someone out of rain coming down, but it was unclear if it protected against lightning. Mr. Gallaway said that Mr. Knott was definitely more involved than he was, and he asked if what they were proposing for this pavilion was going to be safe if a storm comes up and protect the children from all the elements.

Mr. Knott explained that one option as far as driving rain was located at the bottom of the valley on the edge of the valley with the forest, and it would not be the tallest thing around. He said that this was one of the go-tos, that one did not want to be on top of the trees. He said that it was not on the ridgeline, like the Haupt's' house was, it would be down low, which was a good safety feature for it. He said that if it were grounded, that increased that benefit. He said he could see that for the side on the direction where the weather was coming from, which was typically south or southwest, having canvas walls was debatable as to whether they would stop a lightning strike, but lightning was pretty potent and could get to a lot of places. He said that he was trying to think of what else would be there, and there were certain things they had to do when a lightning storm came. He said he also understood about the flooding if there were picnic tables there.

Mr. Knott stated that when he and Ms. Haupt were looking at it, they decided there was room just on the edge of the floodplain, and if there were things left there in the summer they would be moved or chained so they did not float down the river. He said that he hated when he paddled rivers to see plastic

chairs thrown in every tree, especially when they were broken and could not be reused. He said that he thought there were means to work with it as an open-sided shelter, if it had electrical grounding to it and had tables or places where kids could get their feet off the ground, whether it was rubber mats or something. He said that a gravel floor, or even a concrete pad if it were not grounded, would not stop a lightning strike going through the ground, so it had to be done right. He said that would be his interest, because he was responsible for these 50 kids and was looking their parents in the eyes. He said the number one thing he told his staff was to bring them back alive and second to have fun—and they had a good track record. He stated that it would be designed in a safe way, and there were engineers who knew better about what little things they could do to make it safer for the kids.

Mr. Gallaway said that he did not know the area or the roads in and out of this area, but he did know that when they had significant rainfall, flooding can happen. He said that the school districts have had to cancel school because roads were impassible and asked if a major storm event came through, access to and from the site could become problematic due to flooding.

Mr. Knott responded that the Haupts may be able to address this better because they had probably weathered a few more storms, but in his experience in his hollow in Afton, if a storm flooded a river, he would be stuck, other than going on foot. He said that on this property, a half-mile or three-quarters of a mile down, the river did cross the road, so if it in theory came up the road, that side would be impassible—but there were a lot of other roads coming west into the property that would allow other access. He said the roads seemed to follow pretty high ground for the most part, and he did not think they would ever be in a situation where they were trapped.

Mr. Haupt said they've had one flood. He said the Darden Business School came out one Saturday and could not get across the bridge down the road because the water was high, but that was the only time, and this proposal was not in the floodplain.

Mr. Gallaway said that his question was driven by concern, and he could imagine that they had communications in place just as there would be for any other event. He said that if flooding were going to be a concern, it was not going to be an overnight camp, so kids have to go to and from home. He said that was something where there should be contingency plans in place, or they should just call off camp that day if there were a concern.

Mr. Knott said they had not had to cancel camp very much in 20 years, but there were two or three incidences where they knew the rain event from a hurricane was going to be significant enough that it was not worth doing camp that day. He said that most parents were understanding and glad that the kids were not out in three inches of downpour. He said if they had to call it off, they had to call it off, and that was just what they did. He said if they had a bus and knew it was coming, they could leave early.

Mr. Gallaway stated that he was supportive of this project. He said the whole guiding concept was that they were hoping to educate folks on appreciation of the type of place the Haupts had lived for 40 years and be informed from their experience as they make their own decisions. He said he thought that this was going to foster continued good neighborliness and doing the things that were right by the neighbors and the people accessing the land. He said he was supportive of the project.

Ms. Palmer said that she could make a motion because it was in her district. She noted that Mr. Kamptner had an additional finding, and they should listen to that first before she said anything.

Mr. Kamptner said that it was something to add to the resolution. He said that there was one recital there right now, and he would recommend adding a semicolon and the word "and" at the end of number four in the first recital where it refers comprehensive plan, and then add a new recital. He said this was to address the fact that this property was within the agricultural-forestal district and there was a provision in chapter three of the county code, the agricultural-forestal chapter, that required a specific determination by the Board if it was going to approve a special use in land that it was subject to within a district. He said he would add a second recital that would read, "Whereas upon the recommendation of the Agricultural-Forestal District Advisory Committee, the Board determined that the camp and the proposed pavilion allowed by the special use permit, were consistent with the purposes of Chapter 3, The Agricultural-Forestal District, the Albemarle County Code."

Ms. Palmer asked if that could be put up, because she did not think she could repeat it without seeing it. She asked if Mr. Kamptner would read it and she would move it.

Mr. Kamptner said that if he shared his screen, she would not be able to see the motion.

Ms. Palmer said she had the motion up herself on her other computer. She said if Mr. Kamptner wanted to share his screen, she would do that.

Mr. Kamptner said he would email it to Ms. Palmer.

Ms. Palmer said that was okay.

Mr. Kamptner said he sent it by email.

Ms. Palmer asked if she needed to enumerate the revised conditions before she put the amendment in. She said nothing was changed from what was in the packet, regardless of her trying.

Mr. Gallaway said to read the motion that was proposed, and to just say with the addition of the emailed statement.

Mr. Kamptner said that yes, that was what should be said.

Ms. Palmer **moved** that the Board adopt the ordinance as presented in Attachment H to approve SP202100005 with the revised conditions, including the revised concept plan.

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.

**RESOLUTION TO APPROVE
SP202100005 HAUPT PROPERTY**

WHEREAS, upon consideration of the staff report prepared for SP 202100005 Haupt Property and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(20) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the applicable provisions of Albemarle County Code § 18-5, and with the public health, safety, and general welfare (including equity);
4. be consistent with the Comprehensive Plan; and

WHEREAS, upon the recommendation of the Agricultural and Forestal Districts Advisory Committee, the Board determines that the camp and the proposed pavilion allowed by the special use permit are consistent with the purposes of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202100005 Haupt Property, subject to the conditions attached hereto.

* * * *

SP202100005 Haupt Property Special Use Permit Conditions

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, "SP202100005 Haupt Property Day Camp, Day Camp Map," prepared by B. Clark Gathright, LLC, dated September 25, 2021. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - Location of the camp entrance
 - Location of the staff parking and drop-off/turnaround areas
 - Location and size of the future pavilion
 - Location of outhouses/privies
 - Minimum grading and clearing possible may be allowed to locate sanitary facilities and pavilion as shown on the Haupt Property Day Camp concept plan

Minor modifications to the plan which do not conflict with the elements above, with the approval of the Zoning Administrator and the Director of Planning, may be made to ensure compliance with the Zoning Ordinance and State and Federal laws.

2. The hours of operation: five days per week, Monday through Friday, for a maximum of 45 days per year, from June through August, beginning no earlier than 8:00 AM and ending no later than 5:00 PM. Overnight boarding or camping is not permitted.
3. No more than 50 people are permitted at each daily session of this camp use, including both camp staff and camp attendees.
4. Bus and carpool trips must be the primary means of transportation for camp staff and attendees. Documentation must be provided to Community Development staff prior to the issuance of a

Zoning Clearance with a plan identifying how buses and carpools will be used to transport camp participants.

5. Daily trip generation from this use must not exceed the requirements of VDOT for a low volume commercial entrance. VDOT approval of such an entrance is required prior to issuance of a Zoning Clearance.
6. Health Department approval is required for all well, septic, and outhouse facilities prior to issuance of a Zoning Clearance.
7. Prior approval by the Fire Department will be required prior to all outdoor cooking and/or campfires.
8. All outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot-candles must be submitted to the Zoning Administrator or their designee for approval.
9. Sound amplification of any type is not permitted.

Agenda Item No. 21. **CPA202100001 Crozet Master Plan.** 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 Board of Supervisors adopted a Resolution of Intent to update the Crozet Master Plan on September 4, 2019. The two-year Planning process included four phases:

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

On September 14, 2021, the Planning Commission adopted a resolution recommending approval of the updated Crozet Master Plan CPA202100001 by a vote of 7:0 (See Attachment B) with the changes summarized in the Discussion below.

At the September 14 Planning Commission public hearing, staff presented the draft 2021 Crozet Master Plan to the Commission. The Commission recommended the following changes to the Future Land Use Chapter of the Plan:

- Change the Land Use Designation on the Future Land Use Plan (Land Use page 16) on properties bounded by Tabor Street, High Street, Dunvegan Lane, and Crozet Avenue from Middle Density Residential to Neighborhood Density Residential
- Remove the narrative on Land Use page 25 referencing the Middle Density Land Use Designation on the properties described above.

The updated 2021 Crozet Master Plan reflecting the Commission's recommendation is provided in Attachment D.

The Commission also discussed Western Park and whether that project should have all project phases listed as a Catalyst project in the Implementation Chapter. The Commissioners decided against recommending this change to the Board, but instead wanted to convey the importance of Western Park and suggested that the Board consider whether it thought this change was appropriate.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve CPA202100001.

Ms. Michaela Accardi, senior planner with the Community Development Department, introduced herself and said she was joined by her colleagues Tori Kannellopoulous, senior planner; and Rachel Falkenstein, planning manager. Ms. Accardi said that this was a public hearing for the Crozet Master Plan and would begin with a brief staff presentation, which included an overview of the planning process to date, the current planning document, and recent revisions to the document. She said following staff's presentation, there would be opportunities for public comment and discussion.

Ms. Accardi reported that the Crozet Master Plan update began in September 2019 and had occurred in four phases over the past two years. She said she would go over the phases in more detail, but on the current slide, she wanted to share that the process had been an iterative one, meaning that each phase of the work built upon the previous with ongoing staff research, community engagement, and evolving draft content based on input and feedback. She said that at the start of this project, County staff sought to provide a variety of opportunities and methods for all types of participants. She said this was a particularly challenging goal in the face of the COVID-19 pandemic, as it was no longer possible to directly meet people where they were and to have face-to-face conversations. She said that beginning in March 2020, the engagement process shifted to all-virtual methods and involved the use of an online engagement hub called publicinput.com.

Ms. Accardi said the first phase of the Crozet Master Plan update, "Community Visioning," began

in August of 2019 and was completed in December 2019. She said that the objective of this first phase of work was to revisit and evaluate the 2010 Crozet Master Plan's guiding principles, and Crozet's growth and development over the last decade. She said that as part of this work, community engagement opportunities were centered around identifying community members' hopes, concerns, and priorities for the future Crozet. She said the 2010 Crozet Master Plan and the 2017 community survey were used as a starting point for this work. She said the engagement themes were used to identify focus areas in phase two and to update the 2010 guiding principles.

Ms. Accardi said that phase two, "Focus Area Input and Design Strategies," took place from January until August of 2020. She said the objective of this phase was to co-create strategies to address challenges and goals within each of the focus areas identified during phase one. She said these focus areas ultimately became chapters in the draft Crozet Master Plan before the Board this evening. She said this included transportation, land use, conservation, and implementation. She said that during this phase, County staff facilitated conversations with community members from different neighborhoods in Crozet, housing developers, small business owners, and local organizations. She said that from August 2020 through March 2021, County staff developed conceptual recommendations based on research, planning best practices, and community input. She said in this phase, the conceptual recommendations were refined through community workshops and work sessions with the Crozet Community Advisory Committee (CCAC). She said this resulted in the production of draft maps and recommendations that created the foundation of the draft chapters before them this evening. She said the draft land use content generated significant discussion amongst community members during this phase. She said that there was lack of clear consensus throughout this phase, so additional meetings were held with the CCAC as well as work sessions with the Planning Commission and Board of Supervisors.

Ms. Accardi said that during the fourth and final phase, "Plan Draft, Review, and Adoption," which took place from March 2021 to October 2021, the feedback of the previous phase was incorporated on draft recommendations and developed the overall master plan document. She said eight master plan recommendations were prioritized, along with an evaluation of estimates on timing and cost from relevant County staff and local partners. She said that finally, during this phase, there were work sessions and public hearings with the Planning Commission and the Board of Supervisors.

Ms. Accardi said that throughout all four phases, community engagement methods were used, including workshops. She said these were held in person during phases one and two, and then virtually in subsequent phases. She said that they were designed to begin with education and information-sharing about planning and development content, followed by interactive small-group discussions, or content sorted by different topics when it was held virtually. She said there were monthly CAC meetings held throughout this project. She said the CAC was comprised of members appointed by the Board of Supervisors to discuss, provide feedback, and indicate preferences on County programs and policies, such as the Crozet Master Plan. She said that in an effort for County staff to be available for informal and face-to-face conversations, community pop-ups were held in various locations or virtually throughout the process. She said these took the form of coffee talks, virtual office hours, an interactive map of the Crozet 5K, and taking the County's mobile engagement office to various locations.

Mr. Accardi reported that there were focused conversations during phases one and two that were intended to reflect on specific topics that evolved from community input, including housing, architecture, and preservation. She noted that the publicinput.com engagement hub hosted and documented virtual engagement for this project; with virtual community workshops, questionnaires, and opportunities to review draft documents and project resources uploaded to the website. She said that engagement events and opportunities were advertised through several methods, including the County website, calendar, email list, flyers through homeowners' associations and other community groups, and occasionally local newspapers, news stations, local meetings, and events related to the plan. She said this concluded the overview of the planning process, and Ms. Kanellopoulos would provide an overview of the draft document.

Ms. Tori Kanellopoulos stated that the Transportation, Land Use, and Conservation chapters of the plan each began with the overview and the background for that topic, including challenges and opportunities. She said that each chapter included more detailed narrative, maps, and plans to support the recommendations in the chapter. She said that finally, the Implementation chapter brings those three recommendations together to recommend projects, plans, and policies.

Ms. Kanellopoulos said that they wanted to give a reminder of the guiding principles for these chapters, which were at the beginning and end of each, and the goal of the recommendations in the chapters support these guiding principles.

Ms. Kanellopoulos said the Introduction chapter had a brief summary about community engagement and the drafting the plan, with more detailed information in the appendix. She said it included historic context, with a history of people, development, industries, and schools in Crozet. She said that data and demographics, including those reflecting recent growth, were also included. She noted that key challenges and opportunities highlighted some of the major themes that were then included in subsequent plan chapters, such as Downtown and Economic Revitalization, Housing Choice and Affordability, Infrastructure, and Natural Resource Protection.

Ms. Kanellopoulos said the transportation chapter included the future bike and pedestrian network and future street network. She said it had the street typologies that provided recommendations for the design of streets to accommodate pedestrians, bicyclists, and drivers. She said that it had intersection improvements, which were focused on downtown and Route 250. She said that it also

included opportunities for future transit improvements and recommendations from the downtown parking study.

Ms. Kanellopoulos said that the slide showed the future bike and pedestrian network connecting neighborhoods, centers, and districts, providing connections to the nearby rural area when feasible. She said it showed existing and future trails, shared-use paths, sidewalks, bike lanes, and rural shared roads. She said that specific recommendations were included in the Implementation chapter, such as the shared-use path along Route 240 and priority sidewalk projects around Crozet Park and downtown.

Ms. Kanellopoulos said that the future street network included planned and recommended future connections, which were shown with dotted lines, such as Eastern Avenue. She said that it included smaller connections where local streets may currently stub out and may be able to fully connect in the future. She said there were specific examples included in the chapter text.

Ms. Kanellopoulos said that the Land Use chapter had the future land use plan, which included centers, districts, and land use categories. She said these categories had recommended uses, densities, building form and massing, and prioritized design principles. She said there was a focus in the chapter on the downtown center, which was the only town center and an area of significant importance for community members. She said there was a section on housing choice in Crozet, which supported the land use guiding principle and encouraged new housing units that were compatible with the existing scale and were smaller and more affordable unit types. She said the section on other areas in Crozet covered those not in the centers and districts but that were still areas of importance based on community feedback, such as rural edges.

Ms. Kanellopoulos stated that the future land use plan showed the four districts and four centers and walk-sheds around the centers. She said that all plan chapters had recommendations for these centers and districts to be areas of activity with local or regional importance. She said that land use categories were applied to each parcel, and the recommended future land use of a property was considered if a rezoning or special use permit application was submitted for the property.

Ms. Kanellopoulos said that the Conservation chapter had the parks and green systems plan, which included parks and trails with supporting recommendations. She said there were also recommendations for other County-owned properties that were not major parks or schools. She said there were sections on biodiversity, natural resources, and green systems. She said there was also a section on cultural and scenic resources, including opportunities for connections to the nearby rural area.

Ms. Kanellopoulos said that the parks and green systems plan showed connections between recreational areas, schools, neighborhoods, and centers, and also areas with sensitive environmental features to preserve, including slopes, floodplains, and stream buffers. She said it also showed the existing and future trails, public lands which provided public access for recreation and open space, and school recreational areas.

Ms. Kanellopoulos said that the Implementation chapter began with an overview of the types of projects, how projects are categorized, and funding opportunities. She said there were also the catalyst projects, which reflected community priorities and were expected to be completed or have substantial progress within the next 10 years. She said that following that were the future projects that were expected to be completed in the next 10-20 years. She said that each project had a description, cost estimate within a range, and a realization timeframe. She stated that there was also a list of ongoing projects at the end of the chapter that were expected to happen with future development, or redevelopment, or to occur with regular and ongoing County programs and maintenance.

Ms. Kanellopoulos said that this map on the slide showed the catalyst projects in the plan. She said these included projects such as Eastern Avenue connection and the downtown neighborhoods architectural and cultural resources study.

Ms. Kanellopoulos said the future projects included projects such as transportation improvements in downtown and along Route 250, Lickinghole Creek Trail and rural shared road upgrades.

Ms. Kanellopoulos said that the appendix included a glossary of terms and more detailed summary of community engagement, continued from that Introduction chapter. She said there was also additional guidance on the middle density residential land use category, including recommended heights, building footprints, and unit sizes by housing type. She said it also included the full downtown Crozet parking study and the EPR transportation study that were done. She said she would now turn the presentation over to Ms. Falkenstein to talk about some of the changes from the 2010 plan and some more recent updates to the 2021 plan.

Ms. Falkenstein stated that she would begin by talking about how the draft 2021 plan differed and was similar to the 2010 plan. She said that overall, she would categorize the land use changes to the 2021 plan as relatively minor. She said that the majority of the proposed changes provided greater consistency with other County master plans in trying to bring property in Crozet into better consistency with development potential on existing properties. She said that the overall growth projections within the 2021 plan remained very similar to those in 2010. She stated that lastly, it was their hope that the 2021 plan reflected overarching engagement views that they heard throughout the process that Ms. Accardi shared earlier, themes related to appropriately scaled growth, infrastructure investment, and centering downtown as the area's commercial and cultural hub.

Ms. Falkenstein said that this slide showed a side-by-side of the future land use plan from 2010 and the 2021 draft future land use plan that was recommended by the Planning Commission that was in Attachment E. She said that they could see in the side-by-side that the land use patterns in 2010 were largely carried forward into the 2021 plan. She said that most properties were retaining the same or similar land uses. She stated that there was a significant green network that was retained in the draft 2021 plan. She said that commercial, mixed use, and centers of activities were carried forward. She stated that the surrounding land uses and existing neighborhoods continue to be predominantly neighborhood density residential, which was colored yellow on the map. She said that there were some areas on the periphery that were a pale-yellow color, which were neighborhood density residential.

Ms. Falkenstein said that she would now go through a summary of the major changes they had implemented to the overall master plan. She said that as she had previously mentioned, many of the changes were intended to achieve greater clarity or consistency with other more recently updated master plans, such as the Pantops Master Plan. She said they had updated the names and the guidance associated with centers and districts and applied those to the 2021 Crozet Master Plan. She said that they had updated some of their land use categories to be consistent with more recent master plans. She said that included their mixed-use land use categories, and the light industrial land uses category to broaden the uses allowed there. She said that office was now called office/flex/light industrial/research and development. She said they had also updated their green space land use category to include two categories: public parks and green systems. She said this was to capture the different expectations between publicly recreational spaces and green spaces, which were more intended for resource preservation.

Ms. Falkenstein said that they acquired a new land use category called middle density residential, which she was going to talk about in more detail. She said that they also updated the format of their Implementation chapter to include categories of implementation, as well as timing and cost estimates, to be more consistent with recent updated plans. She said they had incorporated some goals and guidance from the climate action plan that was recently adopted by the Board into the document. She said they also updated the graphics, the design, and the style of the document to be in consistency with other newer kinds of master plans.

Ms. Falkenstein stated that she wanted to spend a little time on the middle density residential land use designation, which was a new category that they were bringing into the Crozet Master Plan, and it had received quite a bit of discussion in the latter half of the master planning process. She said that this was a new kind of land use category, not just for Crozet but for the County as a whole. She stated that Crozet was the first area where it was proposed to have this land use category applied, but the intent was for it to be able to be applied to other areas in the future as they do future comprehensive plan and master plan updates. She said that the intention of the category was to provide housing types that were smaller unit types, and maybe on smaller or shared lots. She said that because of this, they would be naturally more affordable than traditional single-family homes. She stated that the rationale for the creation of this new category was to address the growing need for affordability in the County.

Ms. Falkenstein explained that the County was in need of housing that meets the definition of affordable in their housing policy, but there was also a need for market-rate units that offer a variety of affordability options, especially housing choices that were affordable to middle-income families or young professionals, or those who were maybe looking for a smaller home, which would provide an opportunity for them to age in place. She said it was known that affordability was a challenge within Crozet; this was heard in the feedback that was done during the early engagement visioning, and they also knew it from the data. She said the recent equity profile completed for Albemarle County found that 50% of renting households in Crozet are cost burdened or severely cost burdened. She said they also knew that the median home value in Crozet is \$22,000 higher than the County as a whole.

Ms. Falkenstein stated that this middle density land use category was intended to provide that middle housing type for the community. She said the recommended density was 6 to 12 units an acre, but up to 18 units per acre were allowed with additional middle density or affordable housing types. She said there was guidance in the master plan, in the appendix, about what was meant by middle density housing type. She said that in summary, these were types that were in scale with single family neighborhoods, small to medium multiplexes that were similar in size to single-family homes, but might have smaller units within it, accessory units, or smaller cottages.

Ms. Falkenstein said that the development of the middle density concept evolved over the course of the planning process. She stated that staff initially developed the content back in July of 2020, based on feedback from CAC community members at a July meeting. She stated that the guidance related to the density and application of middle density evolved since that time, based on feedback from CAC meetings, individual work sessions, and Board of Supervisors work sessions.

Ms. Falkenstein said that this slide showed the application of the middle density land use category and reflected the Planning Commission's recommended land use map that was in Attachment E. She said that this map highlighted some properties where it was applied in that draft. She said that the majority of the properties that were currently recommended for middle density residential were those that were previously designated for urban density residential in the 2010 plan. She said this urban density residential category in Crozet, recommended 6 to 12 units per acre, which was similar in density to middle density residential. She said that the only application of middle density residential shown on this draft that was not previously recommended for urban density residential was a property known as White Gate Farm, which was on Route 240 just to the west of Wickham Pond. She said there was another property called The View that was already developed.

Ms. Falkenstein said that on September 14, the Planning Commission held a public hearing on staff's recommended draft master plan. She stated the staff report and draft master plan that staff recommended to the Commission was provided in the materials in Attachment A. She said that one additional property that was designated for middle density residential was called the Tabor block. She said it was shown on the map on the right of the screen, outlined in the blue box. She said this was the block bounded by Tabor Street, Crozet Avenue, Dunvegan Lane, and High Street. She said it was just under 16 acres in size, and the current zoning of the property was R2 residential. She stated that the 2010 master plan had this property designated as neighborhood density residential, notated by the color yellow on the map. She said that carried a recommendation of 3 to 6 units per acre. She stated that staff's recommendation for this property was to be designated middle density residential, the kind she had just summarized, which was 6 to 18 units per acre.

Ms. Falkenstein stated that the draft also had some supporting text recommendations about protection of historic homes and mature trees should a rezoning of this property occur in the future. She stated that staff rationale for the recommendation was that the site was walkable to downtown, additional households could support downtown growth and commercial uses, and it was a good walkable location. She said they did hear from some community members and some Board and Commission members who wanted to see more opportunities for middle density housing within Crozet, and that was part of why staff recommended this. She said that redevelopment on this property could have the potential to accelerate implementation of some of the bicycle pedestrian recommendations in the plan.

Ms. Falkenstein stated that there were contributing historic structures on the property. She said there were six structures that were contributing structures, and there were some mature canopy trees. She stated that the narrative that staff recommended included guidance about protecting these resources should a rezoning be proposed on the property. She said they had heard from some of the community about meeting infrastructure and school capacity improvements before the change could happen. She stated that there was also some concern that there were not strong enough historic protection measures in place for the historic homes. She said that some wanted to see these in place before that change would be made. She stated that they also heard from the property owners that they did not support the change or plan to redevelop the property. She said the Planning Commission recommendation was reflected in Attachment E, as she had mentioned. She stated that they recommended to retain the neighborhood density residential designation on the property and to remove the related text recommendations. She continued that this was a unanimous recommendation from them.

Ms. Falkenstein said that on the slide, she had a few other minor recommendations from the Planning Commission. She said that one was to clarify the intent of the public land. She said that it was one of their green space categories to indicate that it does not always have to be publicly owned, but land that was intended to be publicly accessible. She said it could be a private property with public access easements. She said they made that clarification and change. She stated that the Commission also recommended an increase in the priority in the Implementation chapter of the architectural and cultural resources study. She stated that was land use recommendation 2A, and they had moved that up from number 11 to number 4 on the catalyst projects.

Ms. Falkenstein stated that there were a few minor cleanup edits that staff made after the Planning Commission public hearing. She said that one was related to the location of the stream buffer on the White Gate Farm property, and the top image showed the updated buffer. She said they had an engineer representing the property owners submit a stream survey showing the actual location of the stream. She stated that they and their engineering staff reviewed it and had updated the buffer accordingly. She stated that there had also been some minor edits and clarifications on climate action recommendations—nothing substantive, but small changes in wording recommended by staff on the climate action team. She noted that a market study that was done in Crozet as a recommendation from Economic Development staff was referenced in the Introduction and the Appendix chapters of the draft.

Ms. Falkenstein reported that they had the draft recommended by the Planning Commission online and have heard from a few community members who shared feedback. She stated that there was continued concern about the middle density land use designation, both the category itself and its application on the map. She said that there was discussion about Western Park and a desire for all project phases to be catalyst phase projects in the draft. She said that the Planning Commission did support this recommendation but did not recommend the change in the draft because they felt that was something for the Board to consider as it was in need to be considered in the context of a larger County budget.

Ms. Falkenstein stated that a local property owner downtown had expressed concern about the loss of parking on their property if some of the infrastructure improvements were implemented, specifically downtown to improve traffic there. She said they had a meeting with the church property between Carter Street and Crozet Avenue and shared with them that the intent would certainly be, when the project was ready to move forward, to work with them to identify solutions if there were parking to be lost with that project. She said they could not get specific yet because it is thought that the downtown parking landscape will look very different once that area is redeveloped. She stated that there were parking solutions in the plan to address how downtown parking could continue to evolve in the future. She said that they had heard from the importance of accessibility for walkers and cyclists, especially along Route 250 and around the school properties, and that had been a continued theme throughout the planning process.

Ms. Falkenstein stated that she would share that there were three motions for their consideration.

She stated that the first motion was for approval based on the Planning Commission's recommendation, and the October 20 draft was provided in Attachment D. She said there also was an option to approve with changes, and an option for denial.

Ms. LaPisto-Kirtley asked if they could please let her know what the range for neighborhood density was. She said they had addressed urban density. She said that they said that 3-6 was neighborhood residential. She asked for clarification that if someone did not want to develop their property, then this would never apply to that.

Ms. Falkenstein responded that this was correct, and nothing in this would force someone to change their current use of the property. She noted that this was for future development.

Ms. LaPisto-Kirtley said she would save the rest of her questions for after the public hearing.

Ms. Palmer asked if Ms. Falkenstein had said that middle density was similar to urban density. She asked if she could give them the numbers on the two different ones.

Ms. Falkenstein responded that urban density in Crozet was 6 to 12 units per acre. She said in other development areas, it had a different density, but they were talking about Crozet. She said the middle density residential was a bit of a tiered recommendation. She said it was 6 to 12 per acre would be if someone wanted to do a normal development, it was also written to allow up to 18 units per acre if someone wanted to provide additional affordable units by the County's definition of what an affordable unit is, or additional middle density housing types, which were the smaller housing types that she had mentioned such as cottages or multiplexes that would naturally be more affordable due to the size of the units.

Ms. Palmer indicated that she was very happy to see that the Planning Commission had discussed the historic buildings ordinance. She said that she knew they had talked about having an ordinance to protect historic buildings from the beginning of her service on the Board, and there had just been more important things to do and it had never gotten on the list to get done. She said she very much appreciated the comment of getting that ordinance done over the next five years—hopefully at some point before the master plan was revisited. She said that way, if the community decided, along with the Board, Commission, and everyone else involved in the next master plan thought that was an appropriate density to put in that spot for all the reasons she had identified this time, it would make sense. She said that it was also good to hear the description of middle density here, and she knew that they had gotten some people's emails that suggested that it was a way to get more population density in, but she did not think that was the case. She added that it was a great idea to hold off on the Tabor section on the middle density, and she appreciated that change.

Ms. McKeel said it was a great presentation, and they managed to get a thick document into something that was very workable for their meeting, which she appreciated. She said she really liked the idea of middle density, and it would seem to her that middle density at the Tabor block provided much more walkability downtown as well as the option for a developer or someone to put in multi-use paths or sidewalk infrastructure. She asked if that was correct.

Ms. Falkenstein said that was correct. She said that was their rationale for that was if someone were to develop that property, there would certainly be an expectation that they would provide sidewalks and any recommended bike facilities. She said the recommendation to connect Dunvegan Road to High Street could be something furthered if that property were developed.

Ms. McKeel said it was something that made a lot of sense to her because of the area. She asked if staff had any other thoughts about that middle density, specifically around the Tabor block area that they might have.

Ms. Falkenstein said she thought she summarized the main rationale for that recommendation in the presentation, but she was happy to answer more specifics if she had them.

Ms. McKeel said she would wait for questions from other Supervisors.

Ms. Mallek said that it was the very first time that it had been heard that this middle density description was something for the whole County. She said that she thought that made everybody in the community, at least, feel better about it. She asked if it could be safely assumed that if it were approved here in the draft, especially as recommended by the Planning Commission, that it would be a feature for other districts in the future. She said she wanted to make sure she heard that correctly and she was not just wishing.

Ms. Falkenstein confirmed that was correct, and it was their intent when they were developing the category that it would be applied to other areas in the future.

Ms. Mallek said her next question was regarding questions someone had just asked about the Tabor block. She said that she and community members very much appreciated the detailed work that the Planning Commission did on this, and their understandings of the concerns of the people who live there. She said that during the discussion when this was presented and in discussions that community members had with the people who build, there was this wish list of sidewalks and paths and interior street connections, and it was very clear with the lots as they existed that there was no way to achieve the wish, which was that the six historic houses and the historic trees be preserved, and any of those other things

that they would benefit from could coexist. She said that that was just not geographically and spatially possible, which she thought was why there was such considerable concern in addition to the other reasons that had been presented to them in letters and things.

Ms. Mallek stated that if the guidance for middle density had definitive requirements like checkboxes in addition to the general description about the different housing choices that one would add to get to 18. She said that everyone wanted to talk about the Bamboo Grove as an example of what everybody was looking for, because they were small units, close together with a little shared green space and fit into a six-or-some-acre pocket. She said there were many small pockets in downtown Crozet, but there were not large pieces that then get 196 apartments on them as was just completed in Old Trail, or the 126 at the View that was just leasing out right now. She said those were just massive buildings and do not fit in well in these older neighborhoods. She asked how detailed the stipulations were going to be, or if there were going to be accessory conditions that were sort of boilerplate for these that staff would have to find for these increases to be approved.

Ms. Falkenstein responded that the appendix of the master plan, starting on page 21, had a section called middle density residential guidance. She said it went through the different housing types, provided a graphic rendering of what it could potentially look like, some photographs, and then guidance around building height, massing, and square footage. She explained that when staff would be reviewing a proposal for a middle density property, they would look to this housing guidance to see if what they were proposing was consistent. She said that staff would make the recommendation based on whether they found it to be consistent or not be consistent, and the guidance was fairly specific on what the types and the size and scale were.

Ms. Mallek said her follow-up question to that would be if they were able in terms of authority to consider the width of the street, bringing people to and from. She said they could picture St. George Street, which was fourteen feet wide and there were no sidewalks, but there was a little sidewalk on private property on one side. She said that the confined area of the older, very small lots, in a very compressed downtown, was not the same. She asked if those kinds of off-the-property limitations would also be considered in something that was going to be higher density.

Ms. Falkenstein replied that broadly speaking, when considering a rezoning application, they considered impacts. She said that traffic and safety were things that they would look at. She said that would come into play if the street network could withstand the added density and added traffic that was expected, that would be part of the review. She said that more broadly, that was their process currently, and that would not be different for the middle density designation.

Ms. Mallek said she was very glad to hear that now because in 2006, that was certainly not the case. She said that when Westhall and all of those other neighborhoods north of the Crozet Park were put in, they were all having access through tiny little roads with no sidewalks at all. She said that what Ms. Falkenstein had described was a really great step forward. She thanked them for mentioning the Western Park. She said she thought one of the reasons the community was so supportive of improving that and speeding it along was that the residents of Old Trail with every purchase had been putting in money, and now she thought there was something like \$300,000 that had been incurred over the last 15 years or more toward that parks infrastructure. She said she thought that, as well as the need for the 8,000 new people who have moved to Crozet since 2006 for places to play and push baby carriages.

Ms. Price said that she would save most of her questions or comments for after the public hearing. She said she did want to briefly say thank you to Ms. Accardi, Ms. Falkenstein, and Ms. Kanellopoulos for their presentation. She said she was very pleased to see that the middle density housing, while this may be the first plan for which it was being proposed, was contemplated and would be able to be seen throughout the development areas of the County. She said she ultimately saw this as being a critical piece of continuity of community.

Mr. Gallaway said he would wait for his questions until after the public hearing but did want to say up front that the document itself, based on the content within the visual nature of it, was phenomenal. He continued that he had now served on several boards, and staff had done a great job putting the document together in that way to set the bar higher for future master plans, just in the structure and the makeup and what was to be expected from the document itself.

Mr. Gallaway opened the public hearing.

Mr. Tom Loach introduced himself and said he was from the Whitehall District. He said that never in his 30 years of working on growth and development issues in Crozet had he seen such unexplained behavior on the part of Albemarle County. He said that not only did the Crozet Master Plan update start five years late, but when it did start, the County staff absconded with the current Master Plan and replaced it with something of their own creation, containing something called middle-density zoning. He said that as they all knew, there was no middle-density zoning. He said it had never had a vote before the Planning Commission or the Board of Supervisors, and it had never even had the courtesy of a public hearing. He stated that it appeared that staff was inventing new land policy and implementing on their own. He said this was not the way that County government was supposed to work and was in fact quite the opposite.

Mr. Loach stated that in 2017, the Board support the CCAC request for reduction in density of properties on the Crozet southern border, based on the Crozet Master Plan, which called for reduction in

density along the border. He asked why now the property along the northern border of the growth area should be treated differently. He said that the Village of Rivanna Master Plan read that the “density would radiate from the village center to the lowest density at the edges of the area.” He said that the Crozet Master Plan read that “most of the periphery of Crozet’s development area recommends the lowest-density development.” He said that the languages could not be more identical.

Mr. Loach said that at a recent Breezy Hill meeting, it was stated that if this proposal was one in of the other development areas, he may support it. He said that Crozet certainly needed that and that being the case, the community of Crozet would be grateful to accept your motion and vote to lower the density on the land that borders Crozet to the same density as was approved for Breezy Hill. He stated that this County had voted against 130 homes but accepted 80 homes based on the Village of Rivanna Master Plan. He said that again, the community of Crozet would be grateful to accept the vote to set the densities on the border properties of Crozet to the same density they voted for Breezy Hill. He said that the bottom line was that after the Breezy Hill decision, there was no way they could implement high-density zoning upon the borders of Crozet without relegating the residents of Crozet to second-class citizenship.

Mr. Loach stated that one more point was that the 2010 master plan update removed land from the southern border and added it to the northern border. He said that the following was a recommendation from County staff: “The goal for this property, which has been shown to be neighborhood density, is to permit a total number of units allowed to be at the RA zoning clustered and served by. The purpose of this adjustment was to reduce the amount of new development in the Beaver Creek watershed.” He said that in summary, they now had precedent for lower density set in both Crozet and the Village of Rivanna, as well as the facts that County staff recommended lower density on land adjacent to the Beaver Creek watershed area to protect the drinking water of Crozet. He said he wondered if any of the Supervisors had been faced with the same situation but chose not to protect their drinking water over additional density. He said that the truth was that had the County come to Crozet with an open hand instead of a clenched fist, he was sure the process would have been much different. He said that if the County had come to Crozet with explanations instead of edicts, many of them would not have felt the master planning update had a predetermined outcome before it even started. He said if there was a problem, Crozet was willing to do what was done since 1993 and work with the County. He suggested that they regroup and take a fresh look at this time.

Ms. Valerie Long introduced herself and said she is a resident of Crozet and the Whitehall District, stating that she was expressing her support for the plan as it currently was prepared. She said the staff had worked very hard on this, particularly given all the challenges with COVID and the virtual meetings. She said that she was a member of the CCAC, but she was speaking tonight purely in her capacity as a local resident. She said that the plan, as Ms. Falkenstein had indicated, actually had relatively few changes, and most of the land uses had just been carried forward. She said she wanted to add for clarification in the event it was helpful that the middle density recommendation or designation was not really new—it just had a new name. She said that under the existing plan, what was called urban density in Crozet was 6 to 12 units, and middle density was just a new name for that category. She said it did increase it slightly up to 18 units per acre, subject to the conditions that Ms. Falkenstein indicated, if it provided smaller housing or affordable units. She said that was not really a change other than the difference between 12 and 18, which was fairly nominal. She said that this did add a new category that was more similar to the urban density designation that could be seen in other master plans and other components of the Comprehensive Plan. She said she just wanted to add that for clarification. She said it was not much of a change, and as Ms. Falkenstein had indicated, the only undeveloped area in Crozet that was now designated for middle density was the White Gate Farm property; all of the other ones were already developed. She thanked the Board and said she hoped they would adopt the plan tonight.

The Clerk said there were no more speakers.

Mr. Gallaway closed the public hearing and brought the matter before the Board for additional questions, comments, and discussion.

Ms. LaPisto-Kirtley said she was in favor of middle density. She said she thought this was something that would radiate out to all of their other master plans. She said they needed something like this, because from what she understood, before there were categories that would range from around 6 to 36. She asked Ms. Falkenstein if that was correct.

Ms. Falkenstein said that urban density, right now, in other development areas, was 6 to 34 units an acre.

Ms. LaPisto-Kirtley stated that they needed something like this, and she supported it because they could use it in other Albemarle master plans. She said it was better for the residents and the community to know that it was limited to this amount, and it was also better for the developers so they were not going with a huge amount. She said she did not agree with removing the Tabor property, because it was in their downtown area and was ripe for being able to have sidewalks and infrastructure, and if the owner did not want to develop it, then it did not get developed. She said that if it did get developed, it was at a prime location to be able to have affordable housing and to have people living closer to the center. She asked if the six historic buildings in the Tabor area that Ms. Mallek had mentioned were all equivalent as far as historic. She asked if some were really historic and others not as historic.

Ms. Mallek said that all six were described as contributing structures to the downtown Crozet Historic District, which was state recognized.

Ms. McKeel asked if staff could respond to that as well.

Ms. Falkenstein confirmed that there were six contributing structures. She said she could not speak to the quality and the era of when they were constructed, but there was a report with that information that she could print out later.

Ms. LaPisto-Kirtley asked if they were historic-like structures, not necessarily 200 or 100 years old.

Ms. Falkenstein reiterated that she was not prepared to speak as to when they were built, but there were some sizeable homes on the property that were considered historic.

Ms. LaPisto-Kirtley said that if the property owners did not want to develop that, they would not have to. She said her question was if they approved the middle density for everything in this area and everything else that was proposed, whether a historic status would be given to those homes afterwards that would have to be followed.

Ms. Falkenstein said that she thought what Ms. LaPisto-Kirtley was asking was if they could go in later and adopt a historic preservation ordinance or some type of regulation to protect the historic homes. She asked if that was what Ms. LaPisto-Kirtley was asking.

Ms. LaPisto-Kirtley confirmed that it was.

Ms. Falkenstein said there was nothing that said they could not do that if they designated this as middle density.

Ms. LaPisto-Kirtley stated that her Planning Commissioner was in favor of middle density, but they thought that there was such an outcry that maybe it could be implemented later. She said that the problem with later was exactly what happened with the Village of Rivanna when they put in "no further development until 250 was widened or improved," which was advisory only. She said it was hard to go back later, and she would rather get it right in the beginning. She said that the middle density for the entire area can be used in other master plans and could be beneficial, so she was supportive of doing it all the way.

Ms. Palmer commented that she did not think there was an equivalent description between putting in no development until infrastructure on 250 east was completed. She said that these master plans can change from time to time, as they do them every five years. She stated that she thought that having the historic preservation for buildings and the ordinance that would govern that in place prior was a reasonable assurance to the community for a significant piece of greenery right in the downtown area. She said she saw no reason that all could not be changed in five years, and she had no problem with the middle density everywhere else. She said that she just thought it made a lot of sense to give this some time for the next master plan, and there was nothing in there that said it could not be done. She stated that it would give the community some more time to think about it and look at it, and she was very much against changing that.

Ms. Palmer stated that she thought staff had done a wonderful job on this master plan, and it was very impressive. She stated that it was a shame that they did have some folks who were not particularly happy about it, but that was usually the case. She said that Mr. Loach had brought up the increased density on the edges of the master plan, and she believed that one of the spots he was looking at was the north edge of the master plan, with some middle density with an "N" on it on the map. She asked if Ms., Falkenstein could explain why the middle density was there at the edge of the development area.

Ms. Falkenstein explained that the area spanned into two neighborhoods; one undeveloped area and one neighborhood. She said the neighborhood was Wickham Pond, and that area of middle density was previously urban density, so that was just updating that area. She said that the property adjacent to it had a couple of structures on it but was mostly vacant, partially wooded, and field. She said it was previously a green space, and the property owner came to them a few years ago and asked for them to change the designation to allow them to develop. She said that they asked for something consistent with the neighboring property, Wickham Pond, and were told it would be looked at with the master plan update. She said they did that and thought it would be a good opportunity to apply the middle density to an area that was not developed, so they might actually see something get built in the near future that was consistent with middle density. She said that they did carry forward in the Wickham Pond development to this property, so it was kind of split between middle density and neighborhood density residential.

Ms. Palmer said that typically, they had a tendency to decrease the density as they got to the edge of the development area. She said she knew this road well and she traveled it regularly. She said that everything on one side was basically rural, and on the other side it was heavily developed. She asked if Ms. Falkenstein could comment on whether they put middle density there because there was so much development on that road to begin with, or comment on the usual expectation of having density decrease as they go out to the edges of a development area.

Ms. Falkenstein responded that this was not always the case in Albemarle County, as they had

what was called a “hard edge” with their rural area, and it did not typically taper down between rural area and development area. She noted that there were especially some areas of Route 29 where it transitioned straight from a development area to a rural area. She said that was part of the recommendations of their broader comprehensive plan, and there was a planning best practice that was a nationwide planning best practice to see development taper down from an intense core area down to lower intensity. She said if you especially think about proximity of uses, one would not want necessarily really tall buildings, or really high-intensity, noisy uses right next to quiet neighborhoods, so that was a planning practice that was used. She said it was applied in some of their development areas, but it was not necessarily something they apply adjacent to the rural areas in the County.

Ms. Palmer asked if she could expand a little bit more as to why they would pick certain areas to not have that taper and other areas where they would. She asked if there was some kind of criteria they used as a planner to make a decision.

Ms. Falkenstein replied that she would say it was contextual. She explained that it was based on the uses, the property, and the goals of a particular plan or development. She said in thinking about Rio/29, something they had recently considered and worked on, they had a high intensity core towards the middle of the Rio/29 area, and that was where the tallest buildings were supposed to be. She stated that it was also heard through the engagement process, and again, it was kind of that planning best practice where there were some existing improvements around the Rio/29 area that did not want to see tall buildings in their backyards, so they applied the taper down to Rio/29 with the tall, higher-intensity core, and then the lower-intensity edge area adjacent to the single-family neighborhoods.

Ms. Palmer asked if Ms. Falkenstein had heard feedback when they were going out into the Crozet community on this particular area. She said that obviously they had heard some feedback, with Mr. Loach’s comments, and she asked if there had been a lot of feedback about putting middle density into this particular spot.

Ms. Falkenstein responded that there was quite a bit of discussion about this property. She summarized that the feedback was mixed, with quite a few people against the application but some support of it too—in recognition that this property, although it was on the edge of the development area, was between the Wickham Pond neighborhood and also adjacent to the employment district. She said this was an area where there were some jobs within Crozet and could provide an opportunity for housing adjacent to those jobs. She reiterated that the feedback was mixed, and while she would not say that there was really strong support, there was some support; she acknowledged that there were a lot of people who were against it.

Ms. Palmer thanked Ms. Falkenstein for that explanation.

Ms. McKeel thanked Ms. Falkenstein for the explanation about the edges, as the Board had heard different things at different times. She stated that she did not really have any questions, but she was pleased about the middle density suggestion. She stated that it was an acceptable and slight increase, but she thought it did provide a variety of affordable units that they needed. She said she was thinking of it as a pilot, and they were going to be able to use it in other parts of the County, which was great. She said that she was supportive of the Tabor block middle density, as it was walkable and went through the downtown area. She stated it would allow for people to get to jobs and would allow for some sidewalks and infrastructure.

Ms. Mallek said she would start by following up with Ms. Falkenstein with a question about the northern neighborhoods. She said she thought there was great support in the community with the White Gate neighborhood density. She said this support was not unanimous but certainly strong, because it was south of Route 240 and had Wickham on one side and the employment district on the other. She said that however, the Old Dominion property was one that was on the north side of 240 that also had a yellow designation on it. She said that one had raised considerable concern because it sloped straight down to the main feeder stream to the Beaver Creek Reservoir. She said that she believed there was a proposal that came forward while waiting for this master plan to be adopted that had more than 120 townhouses on a small lot there. She said that was very difficult to manage when talking about runoff and other issues. She said that she thought that those two were different in a way, but both were less troublesome to the community as a whole than Tabor Street.

Ms. Mallek stated that in addition to the historic district and the basic infeasibility of doing what they thought they wanted to do, there was lack of ordinance protection and the rules to make this ideal situation function. She commented that it arrived in May and there was one day of public consideration, whereas they had spent a challenging but very productive 18 months before that under very challenging conditions, using internet and lots of extra work on the part of staff. She said that she thought that the Planning Commission understood that and felt that it would detract somewhat from the rest of the plan to have that one column in there, when it was dropped out of the blue at the very end. She said that there seemed to be no reason that section could not be mentioned and have the historic block brought back for consideration in the future. She noted that this had been done in many master plans around the area to say there was a future consideration list and some items they knew they were going to look at again when the next renewal comes. She said that adopting the Planning Commission’s recommendation had her wholehearted support, and she hoped it had others’ as well for that reason, so they could wrap this up with a very positive outcome. She said she thought they had gotten quite a few emails from people that did have that similar concern, so she would ask that they consider that strongly.

Ms. Price stated that not every development area was identical, and in looking at the urban area

in Albemarle County, for example, Route 20 to Scottsville Road between Avon Street heading up to I-64, on the west side, was highly developed, and on the east side was rural farmland. She said that Crozet was not quite as densely populated as their urban ring, but that was different from the Village of Rivanna. She said she thought each local area would have to be looked at in certain respects, but at the same time, she was very pleased to see the County working towards this middle density housing. She said she had made a comment earlier about how she saw it as a continuity of community, and she would explain why.

Ms. Price said to imagine an individual or young couple just starting out on their professional career who cannot afford a big, detached family home in the suburbs and do not really need it, so they looked for a small place to live. She said that was called affordable housing, but very often now, affordable housing had gotten a derogatory connotation to it, as if it necessarily meant poor or uneducated people moving into the neighborhood. She said that was not always the case, and it may be a young couple starting out, who then have kids and want a larger house. She said when their kids get bigger, they may move to a larger house after that, and after the kids grow up and they were empty nesters, they may want to downsize. She said maybe they were a widow or widower who could not afford to keep the house but did not want to leave the community. She stated that if there was a variety of housing within that community, people were able to grow, stay, and stay near friends at different stages of life. She stated that she would like to see more developments have this wide variety of housing types built within the development, rather than just looking at a master plan, but also recognizing that if talking about smaller acreage, they could not afford all of that necessarily. She said that she saw variety of housing as providing continuity of community.

Ms. Price pointed out that she was not simply convinced that by making the Tabor Street property middle density would mean that those houses could not be saved. She said that she had seen in many places around the country, such as the Southern Diocese of the Episcopal Church of Virginia, who sold the bishop's residence on the Elizabeth River. She said they saved the main house, and they put smaller houses around the property. She explained that the Cavalier Hotel in Virginia Beach did the same thing and saved the historic hotel and put houses around it; and Bully Rock, a farm out of Havre de Grace, Maryland, saved a historic structure and built houses around it. She noted that Southwood was having a variety of housing types, and she really thought there were a variety of possibilities if the community were given the tools that allowed them to do that. She said she supported keeping in the Tabor property. She said that she generally believed that this type of density should be more towards the center of a community rather than on the border, but each situation had to be looked at and there may be exceptions to it. She said that middle density housing provided greater pedestrian and bike accessibility, which really improved the livability of an area like that. She emphasized that she really saw a lot of positives with this—and it did not impose that this must take place, it simply allowed that possibility. She said she was also very supportive of the commentary received with regard to the western park. She said that much like the Haupt property that had just been approved, anything that could be done to improve outdoor activities for the community made for a better place. She said she supported the master plan, including the Tabor Street property.

Mr. Gallaway asked Ms. Falkenstein to put the map back up that showed the different colors, and he would probably build questions around that.

Ms. Falkenstein said Ms. Accardi was the one on sharing her screen.

Ms. Accardi said she would have that up in a moment and wanted to clarify that Mr. Gallaway was referring to the future land use map.

Mr. Gallaway said he knew there were different versions, but for this question it did not matter. He said that there were questions about the middle density and the density down to the right of the map where the employment district was. He asked what the strategies were behind the other areas that were identified as middle density.

Ms. Falkenstein said that the other areas were mostly already built out, and they were carrying forward those properties that were, in 2010, designated urban density residential and switched them over to middle density. She said the only exception was the Summit Apartments in Old Trail. She said they retained the urban density designation, and the density was upped to reflect the other urban density residentials across the County to 6 to 34 units per acre. She said that was already built and reflected the existing density.

Mr. Gallaway asked for clarification that the red area on the map was the downtown area, and the Tabor Street area was currently R2.

Ms. Falkenstein said that was correct.

Mr. Gallaway asked for clarification that the yellow color was for neighborhood density, which was 3 to 6 units.

Ms. Falkenstein said that was correct.

Mr. Gallaway said that by right, if they wanted to do something other than R2, it would come before them as some sort of upzone or rezoning request, even if they wanted to do anything above the number of three. He asked if the R2 was two units.

Ms. Falkenstein confirmed that this was correct, and anything above two units per acre would require a change in zoning; anything two units or below would be by right, and they could do it without Board approval.

Mr. Gallaway said that the comments or questions about not having a historic ordinance in place meant that right now, if that rezoning were done, or he supposed if even since it was just their own property, if they wanted to rip a house down and build something new, they could do that under by right. He said if they did not change for the rezoning, he supposed they could do it even if a rezoning went through.

Ms. Falkenstein confirmed that if they did it by right, they could definitely tear it down. She said there were no protections of historic properties in the County currently.

Mr. Gallaway said that the conversation around that having a guiding ordinance in the County was speaking to that matter, not the density piece, and it was a separate issue. He said that the current property owners did not sound interested in doing that, but they could do it if they wanted to, and it had nothing to do with changing the density of the property.

Ms. Falkenstein responded that this was correct, and they could do that because it had nothing to do with density and would be a focus on preservation of historic structures. She said that if someone did want to come in and rezone a property, however, the Board had a bit of leeway to protect the historic properties. She said there could be proffers or conditions associated with the rezoning or special use permit that they would be required to protect those structures as part of their approval. She said staff's original recommendation was that there be narrative in the text to say that if a rezoning were to occur on this property, the historic structures should be protected.

Mr. Gallaway said that whether it was neighborhood density residential or middle density or commercial, anything above the current R2 status, if an application came in asking for the upzoning, then they could help protect the historic integrity of those buildings. He asked if that was what Ms. Falkenstein had just said.

Ms. Falkenstein confirmed this and said it could be part of the rezoning approval tied to the properties.

Mr. Gallaway commented that it seemed like some of the conversation around the upped density of the classification of these types of properties was being tied into not doing that because of the historic nature of the buildings. He emphasized that they were really two separate items, and it did not matter what the classification was. He stated that it sounded like there was actually more control as a Board over protecting the historic buildings or structures only if a rezoning comes forward, and the only way they could not do anything was if the current property owner ripped it down or left it as is. He added that he wanted to separate those two seemingly connected arguments. He said that in his opinion, this Board could have some say, providing there was no guiding County ordinance on historic structures. He said that even if someone came in under neighborhood density residential, there could still be influence on that. He said it was not one of the primary concerns, but if it were a concern of someone for it to be middle density versus neighborhood density, it seemed that in either case, there would be that layer as a Board to help protect and preserve the historic structures. He asked if he was misreading that.

Ms. Falkenstein responded that he was not, and that was correct. She said it was staff's take on it especially if there were language in the master plan about the importance of protecting both the structures onsite and the canopy trees, and she noted that there were some nice, mature canopy trees on this property that were believed to be worthy of protection. She said that having that language in the plan would be something that would be something where they would review any future rezoning proposals against and make the recommendation, and the Board certainly could make the recommendation as well.

Mr. Gallaway said the real issue there was that they did not want to go from neighborhood density to middle density for this area. He said it was right next to the downtown area where they had R2 currently next to it. He said they just had comments about why they were putting this density out on the edges, but they cannot even get the density into the center where the downtown area was. He said it was a frustrating conundrum for him, he had to admit, but he was trying to work his way through that. He continued that in the plan, it was said that there would be a survey done on the naturally occurring affordable housing. He asked if they had any sense of what the naturally occurring affordable housing was now. He said they had not done the survey yet, in the two years that the plan had been worked on, and he asked if there was some sense of what exists currently, like an actual inventory.

Ms. Mallek said she did not have numbers, but she certainly could describe some of the neighborhoods, and some of them had come out to look around themselves, and she could not wait for the inventory to count them. She stated that one of the recommendations from both the Planning Commission and the CAC was to move the NOAS survey from seven to eight years out up to right away to have that information as soon as possible. She said there was tremendous historic housing choice right now. She said there were neighborhoods of workmen's housing built around the lumber yard downtown, just east of the Tabor block. She said there were other small houses on small clusters of very narrow streets that had little houses, big houses, garage apartments, and small cottages all mixed in together. She said these had developed organically, which has happened a lot of the time, and it achieved a tremendous sense of community.

Ms. Mallek stated that what the speakers in the community were most concerned about was the

massive teardown of these types of structures and then putting up 47 townhouses, which was what was described in the Tabor block when it was being proposed for this higher density. She said that was likely what would be achieved there. She said that would impact all the existing smaller and older 70-year-old houses all around there to the east and south—and those were the starter homes that Ms. Price was talking about, where people could start in an 800-square-foot house over by J.B. Barnes and then move into one that was 1,200 square feet if the children were bigger or add onto it if the lot were big enough. She said that she looked forward to that actual inventory, which they had been talking about for a long time.

Ms. Mallek stated that there were multiple neighborhoods, multiple mobile home parks, and the newer, larger homes that all came in after the rezoning crush between 2004 and the end of 2007 when there were over 4000 dwelling units that were rezoned into the growth area in Crozet, in that four-year period. She said there had been more than 1,000 since then. She said the population had grown about 8,000 people since 2005, and that was a lot of change, which was why the community had been asking for this one block to be given five more years to have J.B. Barnes come forward and be finished. She said there were hundreds of residential units also in the eastern section of that phase two that had not even been counted in the proposals, but the grand majority of those would be multi-unit buildings and upstairs apartments over commercial buildings, and maybe some single-family ones, only around the fringes where they were coming up against the older single-family houses from 70 years ago.

Mr. Gallaway said he believed he had his question answered, and it sounded like whether it was the neighborhood density residential or the middle density, the current property owners were planning not to do any density and were going to keep it as it was. He commented that this was curious to him. He said the alternative argument to what he had been hearing about waiting to do it in the next go-around, to Ms. Mallek's point, was that there probably were areas that were going to develop out sooner. He said if that did happen, and something had too much density, such as if Tabor Street had middle density and other things built out around it, it may be found in five years that that was the time when they remove it. He said it could be an either/or argument, in his opinion.

Mr. Gallaway stated that he was going to make a few comments about process. He commended staff because they had had to contend with some unfair treatment that should be directed at this Board and not at staff, and he appreciated their professionalism in being able to do that. He said that when staff was given direction from the Board, they do not choose things to do on their own or choose to not do things. He said that when the Board gave direction, they gave direction, and they certainly were given direction on this middle density conversation. He said that any comments directed at staff were misguided and misdirected. He said that should come to at least four of them, maybe not all six, but there were certainly some of them that that should be coming at, not at the staff. He said that he wanted staff to hear that and, again, he appreciated their professionalism in dealing with that.

Mr. Gallaway stated that as far as things being eleventh hour, at what point in any process that they did was a new idea to be precluded if it was not there at the start. He said the Board was not involved at the beginning, and there was a reason it went out to the public for feedback and comment and all those processes that were in place. He said that as this Board had done on countless rezonings and special use permits, they had put a lot of new things in right at the last minute during the public hearing—and that was the process. He said that he felt frustrated when there were new ideas and the Board began to get involved, because there were different districts being represented, and there were different ideas and viewpoints about the County and how this whole scheme should be achieved on their part. He said that when those ideas were put in all of a sudden, they were being heavy-handed or were dropping things in at the eleventh hour. He said that he heard a lot of criticism at times, but they were in this position and knew that they were going to get things like that; sometimes he had to respond, and he was going to respond to it this time. He said that was frustrating, but it was definitely not to be directed at staff.

Ms. Palmer said she had one more item about this Tabor property, as this was really bothering her. She said she certainly thought that staff did a wonderful job and that they did exactly what they were supposed to do. She said that it was above and beyond any master plan effort that she had seen since she had been on the Board, so she did not think there was a question in any of their minds that staff had done a good job. She said that as someone who lived 10 minutes away from Crozet and as someone who did live in Crozet and one of the folks who left it because of the development, she was very familiar with this property. She said she understood why the community wanted more time. She said that she thought that was what they were asking, not to try to say that there was great logic to get the historic ordinance in place first, she thought there was a lot to be said for bringing the majority of the community along. She said she hoped they would, with this particular piece of property, give them the better benefit of the doubt and wait until the next planning time. She said she did not think it was going to be hard if people decided to put it in. She said she was concerned, given what Ms. Mallek had said about actually getting the stuff in there. She said if one were not familiar with or walked through that property many times, she would ask them all to give the community the benefit of the doubt with that particular piece of property.

Mr. Gallaway asked if there were additional comments or questions.

Ms. LaPisto-Kirtley said she appreciated what Ms. Palmer had said. She asked if she was correct in assuming the majority of the Tabor property was owned by one family, or a large part of it.

Ms. Falkenstein confirmed that this was correct. She said the majority of the parcels were in an LLC, and in her understanding, one family owned that collectively.

Ms. LaPisto-Kirtley stated that could be partly middle density, and the person who lived there did not have to go for it, ever. She said she liked what Chair Gallaway had said, regarding being able to still have an influence over the historic homes, and the mature trees, should it ever come up for development in that area. She said she did think it was a great area to be able to improve, and it was near the center of everything. She said that once again, nobody had to develop it, but it was there in the future because it was a great location to do that, and she did not see why not. She commented that staff did a great job and she wanted to commend them.

Mr. Gallaway asked if there were any other questions or comments.

Ms. McKeel said she was trying to figure out what they had for the motion.

Mr. Gallaway said that the three motions should be reviewed.

Ms. McKeel said she was going to make a motion, but she realized that she may need some clarity on what was being moved.

Ms. Falkenstein said they would be voting to adopt a resolution if the motion was for approval. She said the first one was to adopt the resolution with the recommended plan with the 10/20 draft recommended by the Planning Commission, which was Attachment D. She stated that the second one was if the Board wanted to make any changes to that document in Attachment D, and the changes would have to be listed. She said the last was a motion for denial, and the reasons for denial would need to be stated.

Ms. LaPisto-Kirtley asked for a point of clarification. She asked if the basic change between the first and second motions were that number one excluded the Tabor property block and number two could have the Tabor block added.

Ms. Falkenstein clarified that if the designation wanted to be changed on the Tabor property to middle density, the motion would be the middle one, and they would have to list out that they wanted to make that change. She suggested that if they were changing the land use designation on the property, they would want to bring back the narrative and language in the text that was supporting that land use recommendation. She said that sort of language was about protecting the historic structures and the trees.

Mr. Gallaway asked if there were any further questions.

Ms. Price asked Ms. Falkenstein where they would find the language she had just referenced that would need to be brought back in.

Ms. Falkenstein said that could be found on a slide and they could bring that up. She said she was unsure if Mr. Kamptner had any recommendations, but that language was also on Page 25 of the draft that staff had recommended to the Planning Commission. She said perhaps if it were the Board's desire, the motion would reference that text.

Ms. McKeel asked what document Page 25 was in.

Ms. Falkenstein responded that it was the Land Use chapter. She said the screenshot showed it on the very bottom right, and there were a couple paragraphs of text.

Mr. Kamptner said to Ms. Falkenstein that that text was from the August 20 working draft.

Ms. Falkenstein confirmed that this was correct.

Ms. McKeel said she would be happy to make the motion, but she was not exactly sure how to make the motion at this point, because they were piecing it together. She asked if Mr. Kamptner could make the motion, she would be happy to move it. She said she was trying to get at what they had been after as the Tabor block as middle density. She said that they would read the middle motion, and she asked for clarification as to what the language would be.

Mr. Kamptner asked if Ms. Falkenstein could pull up the motion slide.

Ms. McKeel said maybe because it was late at night, her brain was trying to comprehend the motion.

Mr. Kamptner confirmed that the middle motion would be read, and the language was still kind of a rough draft, but with the following change: to change the land use designation of the land bounded by Tabor, High, Dunvegan streets in Crozet Avenue from neighborhood density to middle density, and to incorporate the corresponding text on Page 25 of the August 20, 2021 working draft of the Crozet Master Plan.

Ms. Mallek asked if she could have the privilege of making the motion, even though she was hoping for the first one. She said she did want to make sure that the community knew that she wanted that master plan to be adopted today, to respect the work that everyone had put into it.

Ms. McKeel agreed and said she was just trying to figure out what the motion should be.

Ms. Mallek **moved** to approve what Mr. Kamptner had stated.

Ms. LaPisto-Kirtley asked for a point of clarification. She asked if that would also include the historic buildings and the mature trees to be able to be saved.

Mr. Kamptner clarified that this was included in the language he had provided.

Ms. LaPisto-Kirtley said that was what she had thought.

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, and Ms. Price.

NAYS: Palmer.

Mr. Gallaway said he was unsure of what happened to Ms. Palmer.

Mr. Gallaway thanked Ms. Accardi, Ms. Kanellopoulos, and Ms. Falkenstein for their work. He said it was amazing when he looked back over the past couple of months some of the big projects that were coming off of their desk, such as form-based code and now this effort. He said that it was not to say that it would free them up from not seeing other big projects on their desks.

Mr. Gallaway said they could hear Ms. Palmer. He asked if she wanted to record that last vote. She seemed to be having technical difficulties being heard.

Mr. Gallaway asked if Ms. Price had a question.

Ms. Price said she did not have a question, but she appreciated him recognizing her. She said she wanted to, like the other Supervisors, really express great appreciation for the work her staff had done. She said that also, once again, their County Attorney Greg Kamptner on no notice at all, had been able to take complex discussions and turn them into comprehensible motions, and she wanted to thank him for the work he had done all these for the County.

Mr. Kamptner thanked Ms. Price. He said that one point of clarification was that there was a motion to approve, and he assumed that that text that was part of the motion would be incorporated into the resolution that the Board adopted.

Ms. Price said that was her understanding.

Mr. Gallaway said he wanted to ask Mr. Kamptner about the rules here. He said it did seem like a technicality booted Ms. Palmer. He asked if she wanted to record a vote on this, and it was going to take a little time to get on, if that was possible, or if it should be recorded as 5-0 and they should move on.

Mr. Kamptner said that if she can vote tonight before the Board adjourned, it could be left open.

Ms. Palmer said she disconnected, but she was back on now. She asked if they had voted, because she could not hear anything.

Mr. Gallaway said it was voted with five yes votes. He said the Clerk can call her name and she was still able to record a vote.

Ms. Palmer voted no.

Ms. Mallek said she wanted to follow up on Mr. Kamptner so that they made sure that all of these details, the paragraphs pulled out of the August draft, were listed and absolutely put into the resolution. She said that without those, they would lose whatever they were hanging their hat on here. She asked for reassurance that that was what was voted on. She asked if they should come back and adopt it after they see it all written down at the next meeting so they had it all in there.

Mr. Gallaway said he believed it had been recorded that it would be in writing. He said that perhaps if something were there that troubled one of them, it could be brought back up.

Ms. Mallek said she could not after today. She said they would have to rescind it right now and then make the changes the next time. She said they would not be allowed to do it a second day.

Mr. Gallaway asked if it could be put into writing tonight by Mr. Kamptner, and then they could put eyes on it later.

Mr. Kamptner asked Ms. Falkenstein asked if that text was extractable.

Ms. Falkenstein said it could be pulled up in the document it was created in and could be emailed, although it may take a minute or two.

Mr. Kamptner said they may be here for another couple of hours.

Ms. Mallek said it had to be by 10, so it was fine.

Mr. Gallaway said they were going to move on with the other items, and then they could come back to that tonight to make sure the wording was right.

Ms. Mallek said everyone voted on it.

Mr. Kamptner said that he had the text up. He asked if Ms. Falkenstein if she, Ms. Accardi, or Ms. Kanellopoulos could send that language to make sure he did not leave anything out, but he had it right there.

Mr. Gallaway said if they did not mind, they could work behind the scenes. He thanked them for doing that, and they would get these other two public hearings knocked off the docket. He said the next item tonight was number 22, road naming and property numbering ordinance and manual.

Agenda Item No. 22. Proposed Amendments to Road Naming and Property Numbering Ordinance and Manual.

The Executive Summary states that County Code Chapter 7, Article 2 provides standards and specifications for road naming, road signage, and property numbering. In 1992, the County adopted the Road Naming and Property Numbering Ordinance and Manual to improve delivery of emergency services and to assure consistent addressing and road naming standards and procedures. The most recent amendment on March 18, 2020, included updates for the agent, addressable structures, and signage (based on the Manual on Uniform Traffic Control Devices).

The proposed amendments include reorganization, clarifications, and updates to improve the understanding and administration of road naming and property numbering, including proposed stylistic clarifications from the County Attorney's Office. Among other proposed revisions:

1. Proposed County Code § 7-200(C) would fix a current definitional gap and codify the longstanding practice of applying the regulations to private roads with at least three addressable structures, regardless of whether those roads were approved by the County through the Subdivision Ordinance.
2. County Code § 7-204(D) would include a provision to co-locate road name signs on existing sign posts whenever practical. This specific revision reflects input received from the Board when the ordinance was set for public hearing.
3. County Code § 7-210 would update the designation from the County Executive to the Agent as the individual responsible for enforcing the regulations. This amendment would conform to prior ordinance amendments in which the Agent was designated to enforce the regulations.
4. A proposed reference in the Manual (Part I, § 4(m)) to Virginia Code § 33.2-213 would disqualify proposed road names that would be a) profane, obscene, or vulgar; b) sexually explicit or graphic; c) excretory related; d) descriptive of intimate body parts or genitals; e) descriptive of illegal activities or substances; f) condoning
5. A proposed amendment to the Manual (Part I, § 6) would increase the number of landowners whose consent was required for administrative approval of a road name from a simple majority to at least a two-thirds majority. Proposed road name(s) lacking the required two-thirds consensus would trigger Board review.
6. The draft Manual (Part II, § 2(d)) would continue to allow the assignment of half-numbers, but only when there is no available address to assign. A proposed addition to the Manual would emphasize that the use of half-numbers is not consistent with best practice and is strongly discouraged.

The proposed draft ordinance is Attachment A, and the proposed draft Manual is Attachment B. The examples in Attachment C demonstrate the need for clarifying the definition of road to include driveways for the purposes of road naming and addressing.

There are no anticipated budget impacts.

Staff recommends that the Board adopt the proposed Road Naming and Property Numbering Ordinance (Attachment A) and the Resolution (Attachment D) approving the proposed draft Manual (Attachment B).

Ms. Ruth Emerick addressed the Board and introduced herself as the GIS (Geographic Information Systems) program manager in the Community Development Department. She said she was there to talk about some proposed changes to the road naming and property numbering ordinance and manual.

Ms. Emerick reported that County Code Chapter 7, Article 2 provided the standards and

specifications used for road naming, road signage, and property numbering. She stated that in 1992, the County adopted the road naming and property numbering ordinance and manual to improve the ability of emergency services and postal mail and packages by assuring consistent addressing and road naming standards and procedures. She said that this moved their addressing from rural route and box to street name and housing number addresses consistently across both the rural and urban areas of the County. She said in the most recent amendment to the manual was in March of 2020 and included updates for the agent, clarifying the definition of an addressable structure and updates on signage requirements based on the new Manual Uniform Traffic Control Devices (MUTCD).

Ms. Emerick stated that the proposed amendments included reorganization, clarifications, and updates to improve the understanding and administration of road naming and property numbering. She said this included putting stylistic clarifications from the County attorney's office. She stated that some of the most notable proposed revisions included closing a definitional gap and codifying the long-standing practice of applying these regulations to private roads with at least three addressable structures, regardless of whether those roads were approved by the County through the subdivision ordinance. She stated that specifically, this covered when a vehicular access was considered a driveway instead of a road, but it served three or more addressable structures. She said she had some examples of this later in her presentation.

Ms. Emerick stated they had included a provision to collocate road name signs on existing signposts whenever practical. She said this revision reflected input received from the Board when the ordinance was set for public hearing. She said also included was a reference in the manual to Virginia code that would disqualify proposed road names that were profane, obscene or vulgar, sexually explicit or graphic, excretory related, descriptive of intimate body parts or genitals, descriptive of illegal activities or substances, condoning or encouraging violence, or socially, racially, or ethnically offensive or disparaging. She said that objectionable road names had been requested in the past, one of which was currently in use, called Pinch 'Em Slyly Place off of Route 20, which may be familiar to them.

Ms. Emerick said that there was a proposed amendment to the manual that included an increase in the number of landowners. She said this consent was required for administrative approval of a road name. She said this went from a simple majority, which was more than 50%, to at least two-thirds majority. She said that any proposed road names lacking the two-third consensus would trigger a Board review automatically. She said a recent example was Pole Cat Creek Lane, which had a 51% majority, but 49% strongly were against the road name, and there was no administrative remedy. She said this would allow, in the future, for the Board to weigh in on such a situation. She said the draft manual continued to allow the assignment of half numbers when there was no available address to assign. She said a proposed addition to the manual would emphasize that the use of half numbers was not consistent with best practices and was strongly discouraged. She said they would take a look at some examples that demonstrate the need for clarifying the definition of a road to include driveways for the purposes of road naming and addressing. She said these were included in Attachment C.

Ms. Emerick said that Royal Acres was a subdivision that occurred prior to the County having a requirement of County review and approval of the subdivision's roads. She said that therefore, the roads were considered neither private nor public. She said that vehicular access would be considered a driveway. She said the current ordinance and manual did not require road names for many parcels in this subdivision. She said that there were 20 parcels they could see here that had not yet been developed. She said that they had run out of available numbers along the named road, highlighted in yellow, and assuming the primary access way would be along the green highlight on the map. She said that since there were no unused even numbers between the existing addresses of 3382 and 3384. She said they would not be able to require a road name in order to give addresses, should development occur. She said this would delay certificates of occupancy, since a 911 address required, and this would negatively impact emergency response.

Ms. Emerick said she had another example, Blue Ridge Acres, which was also subdivided prior to the requirement of County review and approval of the roads. She said the existing named roads, Brookville Road, New York Trace and Little York Heights were highlighted in yellow on the map. She said there were not enough numbers to assign addresses for the 34 parcels that were currently undeveloped off the green-highlighted potential driveways. She said there was great potential for confusion if they could not require road names. She said that even with creative solutions for addressing, this would result in unsafe addressing practices and potentially cause delayed emergency response. She said this did not support the County road naming and property numbering ordinance's purpose of providing efficient delivery of emergency services. She said to think if it were someone's house, if they could imagine trying to give directions with rectangle driveways and non-sequential addresses.

Ms. Emerick said that after questions, she would put up a slide with motions.

Ms. LaPisto-Kirtley said she did not have a question, but she did have a statement. She said when she campaigned, there were many homes she could not find. She said she remembered one that was a driveway that split right and left, and there was a piece of wood stapled to a tree with the address for one certain home on the left. She said she could not believe it. She stated that this update was long overdue. She said there were a number of homes she could not find due to the addresses and lack of numbers.

Ms. Emerick thanked Ms. LaPisto-Kirtley.

Ms. Palmer said that a lot of this was obviously needed. She said she thought it was said or in

the packet that if they had a neighborhood in which somebody who wanted to put an accessory structure had an extra development right and decided to put another house there, they could still use half a number or something like that rather than renumbering everything on the street. She said she knew they had run into that, and it created a lot of pain and anguish in some of the neighborhoods.

Ms. Emerick confirmed that the half-number address was still a valid option if there were no available numbers to assign.

Ms. Palmer said that Ms. Emerick knew this way more than she did, but for the rest of the Board that maybe joined in the last couple of years and had not gone through one of these neighborhood renumbering controversies, their emergency services did use a GPS that did not always get them exactly where they needed to go in some cases in the rural areas. She said that when they did their numbering and road naming a few decades ago, there was not the same ability with GPS for emergency services, and that was something that had changed a bit. She asked if Ms. Emerick could comment on the ability of the emergency services to find these places that were not properly numbered.

Ms. Emerick responded that their emergency response folks were using their GIS data to help respond to the location of emergencies. She said that they were actually in the middle of implementing an extra numeration 911 system at the ECC (Emergency Communications Center) to further support that effort. She said it was important to remember that the technology was great as long as it was working, but there were lots of areas in the County where they would not have data available on their device, or there may be a software malfunction or something, so they were relying on signage and being able to find something because the addresses made sense. She said it was both, but technology absolutely had played a huge role in making it easier to find addresses than previously.

Ms. McKeel stated that she appreciated the staff's work on this. She said she knew there were a couple of Supervisors who had had issues in their districts with this, so it was really good to get this taken care of. She said she specifically appreciated what she called the "sign diet" of noting in the document and ordinance that they were collocating whatever possible to keep the amount of signage down. She said it was really wonderful for the neighbors and the neighborhoods to not have a clutter of different signs.

Ms. Mallek said this whole issue had been very painful. She said she had appreciated Ms. Emerick's help over many years with different neighborhoods who had terrible struggles with this, especially for people who had lived in a place for 50 years and were very resentful about having to change the name of their place. She said that changes were required when E-911 came in decades ago. She stated that one example was Buck Mountain Road, which began currently in the center of Earlysville, at the junction of Advance Mills Road and Earlysville Road. She said it used to go all the way around the mountain foothills to Railroad Avenue in Crozet. She said it had since been divided into Buck Road, Whitehall Road, Garth Road, and Millington Road, with Buck Mountain Road at the very end. She said that each one of those smaller segments was certainly available to be very familiar with those spots along there. She said more recently, their residents had difficulty getting insurance, getting a bank loan, or getting the CO as someone had already mentioned, for a piece of property because of the inability to get agreement amongst neighbors about numbers. She said that while this would continue to be painful for some, she thought it was a really great improvement to take forward.

Ms. Price thanked Ms. Emerick, Mr. Walker, and Mr. Herrick and the Community Development and County Attorney's Offices for the work done on this. She stated that she thought it dramatically improved the process, and it put a degree of adult supervision oversight over the road-naming process that had been lacking. She said she really thought it would be much better for their community.

Mr. Gallaway said he did not have any questions. He thanked Ms. Emerick. He said they would now go to the public comment portion.

The Clerk confirmed there were no speakers signed up for this item.

Mr. Gallaway closed the public comment portion and said the matter was back before the Board for additional questions, comments, or a motion.

Ms. Price **moved** to adopt Attachment D for the road naming and property numbering manual.

Mr. Gallaway asked Ms. Emerick if the motions were to be made separately.

Mr. Herrick said there would need to be separate motions for the proposed ordinance and the proposed manual as well.

Ms. Price apologized.

Ms. Price **moved** that the Board adopt the proposed Road Naming and Property Numbering Ordinance (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.

ORDINANCE NO. 21-7(3)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, ARTICLE 2, NAMING ROADS AND NUMBERING PROPERTIES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 7, Health and Safety, Article 2, Naming Roads and Numbering Properties, is hereby reordained and amended as follows:

By Amending:

- 7-200 Purpose.
- 7-202 Manual.
- 7-203 Maps.
- 7-204 Responsibility for placing and maintaining road signs.
- 7-206 Numbers to be displayed.
- 7-207 Responsibility for cost of signs and numbering.
- 7-208 Site plan, subdivision plat, and building permit requirements.
- 7-210 Violation and penalty.

CHAPTER 7. HEALTH AND SAFETY

ARTICLE 2. NAMING ROADS AND NUMBERING PROPERTIES

Sec. 7-200 Purpose

The purpose of this article is as follows:

- A. *Efficiency and uniformity.* In order to provide for more efficient delivery of emergency and other services and to provide for uniformity in road naming and assigning of property numbers, this system for naming roads and numbering properties within the County is established.
- B. *All roads named, all addressable structures numbered.* This article is intended to ensure: (i) that all roads within the County that serve or are designed to serve three or more addressable structures are named and (ii) that all addressable structures within the County are assigned property numbers.
- C. *Definitions.* The following definitions apply in the administration of this article:
 - 1. *“Road”* means any public street, private street, or driveway used as the primary means of vehicular access to an addressable structure.
 - 2. *“Public street”* means a street maintained by the Virginia Department of Transportation (VDOT) as part of the primary or secondary system of highways.
 - 3. *“Private street”* means any street or other way or means of vehicular access approved as a “private street” or “private road” under any Albemarle County ordinance regulating the subdivision of land, that is not designed, constructed, bonded or approved to be maintained by VDOT as part of the secondary system of state highways, regardless of ownership.
 - 4. *“Driveway”* means any means of vehicular access that is not a public or private street.
(§ 16.01-1, 7-8-92; 10-13-93; Code 1988, § 16.01-1; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-201 Designation of agent.

The Director of the Department of Community Development is hereby designated the agent under Virginia Code § 15.2-2019 for the purpose of assigning road names and structure addresses, and for developing and maintaining a manual, and any associated maps, as provided in County Code §§ 7-202 and 7-203.

(§ 16.01-2, 7-8-92; 10-13-93; Code 1988, § 16.01-2; Ord. A(1), 8-5-98; Ord. 09-7(1), 7-1-09; Ord. 20-7(1), 3-18-20, effective 5-1-20)

State law reference-Va. Code § 15.2-2019.

Sec. 7-202 Manual.

- A. *Contents of the manual.* The agent will develop a manual prescribing: (i) a system for naming roads and numbering addressable structures within the County; (ii) the design of road signs; (iii) standards for site preparation for those signs; and (iv) standards for maintaining those signs.
- B. *Manual subject to approval by the Board; amendments.* The manual is subject to approval by the

Board of Supervisors. Any amendments to the manual must also be approved by the Board.

- C. *Procedures and standards are mandatory.* Compliance with the procedures and standards in the manual are mandatory upon its approval by the Board of Supervisors.

(§ 16.01-3, 7-8-92; 10-13-93; Code 1988, § 16.01-3; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-203 Maps.

The agent will prepare and maintain current maps showing all roads that are named pursuant to this article, the names of the roads, and the numbers of the addressable structures.

(§ 16.01-4, 7-8-92; 10-13-93; Code 1988, § 16.01-4; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-204 Responsibility for placing and maintaining road signs.

The responsibility for placing and maintaining road signs required by this article is as follows:

- A. *County Engineer.* The County Engineer is to place signs at each intersection and at other locations deemed necessary by the agent on:
1. Each road that (a) serves or is designed to serve three or more addressable structures and (b) is not approved as a part of a subdivision or site plan;
 2. Each road funded by the County or the Virginia Department of Transportation; and
 3. Each existing road serving more than two parcels but not more than two addressable structures, but not until the road serves three addressable structures; provided that if a subdivision or site plan is approved that would be served by the road, then the subdivider or developer is responsible for placing the signs pursuant to subsection (B).
- B. *Subdivider or developer.* The subdivider or developer is to place signs at each intersection and at other locations deemed necessary by the agent on:
1. Each road approved as part of a subdivision plat or site plan;
 2. Each existing road in an existing subdivision or development that is bonded for future acceptance into the secondary State highway system; and
 3. Each existing road for which placing signs becomes the responsibility of the subdivider or developer, as provided in subsection (A)(3).
- C. *Maintenance.* The subdivider or developer must maintain signs that it is required to place until the roads are taken into the secondary State highway system, or are taken over for maintenance by the homeowners as required pursuant to a private road maintenance agreement. Thereafter, the signs on roads in the secondary State highway system will be maintained by the County except where a special installation has been allowed under the manual.
- D. *Location.* Where practical and permitted, road name signs should be co-located on existing sign posts.

(§§ 16.01-1, 16.01-5, 7-8-92; 10-13-93; Code 1988, §§ 16.01-1, 16.01-5; Ord. 98-A(1), 8-5-98; Ord. 02-7(1), 1-9-02; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-205 Content of road signs.

Each road sign placed pursuant to this article must display the name of the road or roads, and any other information the agent deems necessary, including, but not limited to, secondary or other road numbers prescribed by the Virginia Department of Transportation.

(Chap. 16.01, § 16.01-5, 7-8-92; 10-13-93; Code 1988, § 16.01-5; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20)

State law reference-Va. Code § 15.2-2019.

Sec. 7-206 Numbers to be displayed.

The owner or other person responsible for each addressable structure must display the assigned number in a manner that is easily readable in accordance with the manual within 30 days after the address effective date as established by the United States Postal Service. The County will not issue a certificate of occupancy to an addressable structure that is (a) built after the United States Postal Service's established address effective date and (b) served by a named road, until the number is displayed in accordance with this article.

(§ 16.01-6, 7-8-92; 10-13-93; Code 1988, § 16.01-6; Ord. 98-A(1), 6-17-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-207 Responsibility for cost of signs and numbering.

- A. *When the County pays for signs.* The County will pay the cost to fabricate and place each sign it is required to install pursuant to County Code § 7-204(A).
- B. *When the subdivider or developer pays for signs.* The subdivider or developer must pay the cost to fabricate and place each sign it is required to install pursuant to County Code § 7-204(B).
- C. *The owner pays for numbers.* The owner of each addressable structure must pay the cost to fabricate and install each set of numbers for a structure.

(§ 16.01-1, 7-8-92; 10-13-93; Code 1988, § 16.01-1; Ord. 98-A(1), 6-17-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-208 Site plan, subdivision plat, and building permit requirements.

A final subdivision plat or final site plan that shows any road required to be named will not be approved by the County unless the subdivision plat or site plan displays on its face the approved name of each road. A building permit will not be issued by the County for any structure within the area shown on a subdivision plat or site plan until road signs have been installed by the subdivider or developer.

(§ 16.01-7, 7-8-92; 10-13-93; Code 1988, § 16.01-7; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-209 Official address.

Each road name approved and each structure number assigned for a property pursuant to this article is the official address of the property for all purposes.

(§ 16.01-8, 7-8-92; 10-13-93; Code 1988, § 16.01-8; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20)

State law reference-Va. Code § 15.2-2019.

Sec. 7-210 Violation and penalty.

A willful violation of this article by any person is punishable as a class 1 misdemeanor. In addition to the penalty specified above, the agent may seek any other lawful remedy, including injunctive relief, to correct or abate a violation of this article.

(Ord. of 7-8-92; Ord. of 10-13-93; Code 1988, § 16.01-9; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law references-Va. Code §§ 15.2-1429, 15.2-2019

Ms. Price **moved** that the Board adopt Resolution (Attachment D) approving the proposed draft Manual (Attachment B).

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.

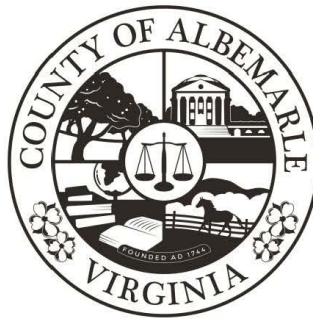
RESOLUTION

WHEREAS, the Albemarle County Road Naming and Property Numbering Manual ("Manual") has been adopted by the Board of Supervisors; and

WHEREAS, the Board desires to amend the Manual.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends the Albemarle County Road Naming and Property Numbering Manual, as set forth on the attached document, attached hereto and incorporated herein.

Albemarle County



Road Naming and Property Numbering Manual

Adopted August 5, 1992
Revised and Readopted October 13, 1993
Revised and Readopted January 6, 1999
Revised and Readopted December 5, 2001
Revised and Readopted February 8, 2017
Revised and Readopted January 15, 2020
Revised and Readopted October 20, 2021

**ALBEMARLE COUNTY
ROAD NAMING AND PROPERTY NUMBERING MANUAL**

INTRODUCTION

This Manual prescribes a system for the naming of roads; the numbering of properties and structures; and the erection and maintenance of associated signage as provided for in County Code § 7-200 et seq.

The Director of the Department of Community Development or his/her designee will interpret and administer this Manual.

DEFINITIONS

Addressable Structure: Any building used for human habitation, or gathering, or for the production or sale of goods or services.

Agent: The Albemarle County Director of Community Development.

Computer Aided Dispatch (CAD) System: A computer system used to manage incoming 911 calls at the Charlottesville-University of Virginia-Albemarle County Emergency Communications Center.

Designator: Suffix used to indicate the road type.

Driveway: Any means of vehicular access that is not a public or private street.

Geographic Information System (GIS): A system used for the management, analysis, and display of geographic knowledge that is represented using a series of information sets including mapping, data, and processing and workflow models.

Private street: Any street or other way or means of vehicular access approved as a “private street” or “private road” under any Albemarle County ordinance regulating the subdivision of land, that is not designed, constructed, bonded or approved to be maintained by VDOT as part of the secondary system of state highways, regardless of ownership.

Public street: A street maintained by the Virginia Department of Transportation (VDOT) as part of the primary or secondary system of highways.

Road: Any public street, private street, or driveway used as the primary means of vehicular access to an addressable structure.

PART I. ROAD NAMING

1. Roads Requiring Names

All roads within the County that serve or are designed to serve three or more addressable structures must be named.

2. Review and Approval of Proposed Road Names

The agent will review all proposed road names for conformance with the guidelines established herein. If a proposed road name is found to be in accordance with all provisions of Part I of this Manual, the agent will approve the name.

3. Maintenance of Master Road Names Directory and Road Names Map

All approved road names will be listed in the County's GIS maintained in the offices of the agent.

4. Road Name Guidelines

The following guidelines apply, provided the agent may modify, vary, or waive any guideline in Part I, Section 4, provided that such a modification, variation, or waiver is consistent with County Code Section 7-200.

Procedures and standards

- a. A proposed road name may not duplicate an existing or reserved road name within a United States Postal Service zip code in Albemarle County or the City of Charlottesville. An exception may be made for dead end streets that have the same name as the road from which they originate (e.g., if "Amberfield Court" originates from "Amberfield Drive").
- b. Road names are limited to three words, not including the road type designator.
- c. A road name may not exceed 16 characters, including spaces. The designator's abbreviation does not count towards this limit.
- d. A road name may not include numbers, dashes, apostrophes, or other non-alphabetical characters.
- e. Compass points such as NORTH and EAST may not be used in road names.
- f. Articles (the, a, an) may not be used to begin road names.
- g. Road names may not duplicate facilities or generic descriptions of road features (e.g., "Bowling Alley," "Tennis Court," "Dirt Road").

- h. Road names derived from community names or geographic features are limited to roads in close proximity to such communities or geographic features.
- i. No proposed road name may begin with a word that appears as the first word in five or more official road names. Homophones and homographs are considered the same word for the purposes of this restriction. The restriction also includes roads where the first word is concatenated to subsequent words or contains different punctuation marks (e.g., Greensleeves Rd is considered to start with the “Green” or “Star’s” is considered the same as “Stars”).
- j. No proposed name may be a homophone or homograph of an official road name or easily confused with an official road name (e.g., “Forrestview” and “Forestvue” are homophones and “bow” in “Bow and Curtsie Ln” and “Bow Tie Dr” is a homograph).
- k. When a proposed road is a continuation of or in alignment with an approved road, it must utilize the same road name as the approved road. A new road name will be required if the proposed road is disconnected from the existing road by an offset greater than 60 feet.
- l. When a proposed road name is spelled in a way that could lead to confusion during emergency response, the agent will suggest an alternative road name. Examples include words with very few vowels or non-standard spellings (e.g., “Checkrz Ln” or “Nite Owl Rd”).
- m. Proposed road names must not be ineligible for naming rights under *Virginia Code* § 33.2-213.

5. Road Type Designators

Road type designators must be consistent with the roadway's expected traffic use, width of right-of-way, and physical design/location.

The following guidelines apply, provided the agent may modify, vary, or waive any guideline in Part 1, Section 5.

ALBEMARLE COUNTY
STREET AND ROAD TYPE DESIGNATIONS

<i>ALY</i>	<i>Alley</i>	A narrow or minor road in a community.
<i>AVE</i>	<i>Avenue</i>	A major road in a community.
<i>BND</i>	<i>Bend</i>	Generally a minor road in subdivision.
<i>BLF</i>	<i>Bluff</i>	Generally along high ground.
<i>BLVD</i>	<i>Boulevard</i>	Wide road with median and landscaping.
<i>BR</i>	<i>Branch</i>	Generally a narrow minor road either coming off a major

		road (it may reconnect with the original road it split from), or connecting two or more minor roads.
BRK	Brook	A narrow or minor road running along or near a past or present waterway.
CYN	Canyon	A narrow road lined on both sides by tall landforms or buildings.
CTR	Center	Shopping, commercial areas.
CIR	Circle	A road that returns to itself.
CMN	Common	See "Square".
CV	Cove	Generally a minor road in a subdivision.
CT	Court	Generally shorter, permanent dead ends or cul-de-sacs.
CRK	Creek	See "Brook".
CRES	Crescent	Generally shorter, permanent dead ends or cul-de-sacs.
CRST	Crest	Generally short curved minor roads.
XING	Crossing	A road that crosses a geographic feature such as a creek or mountain pass or, a short road that serves as a connector between two other roads.
XRD	Crossroad	A road that runs through one or more major intersections, or a road that runs through multiple intersections with minor roads.
DR	Drive	A winding arterial/collector.
EST	Estate	Single ownership (three or more dwellings).
EXT	Extended (Extension)	A road or street that extends a previously existing road to serve as a connector between main roads, communities, commercial areas, or a combination of these.
FARM	Farm**	Single ownership (three or more dwellings).
FRD	Ford	A road that crosses a past or present or present waterway.
GLN	Glen	Generally a road that runs through or along a narrow valley.
GRN	Green(e)	See "Square".
GRV	Grove	Generally a minor road in a subdivision.
HTS	Heights	Generally along high ground.
HL	Hill	Generally along high ground.
HWY	Highway	Federal or state designated primary road.
HOLW	Hollow	Generally a road that runs through or along a geographic area characterized by one or more natural depressions.
KNL	Knoll	Generally along high ground.
LN	Lane	Generally a narrow road.
LOOP	Loop	A drive that begins and ends on the same road.
MNR	Manor	Single ownership (three or more dwellings).
MDW	Meadow	Generally a minor road running through an area of low-lying grassland.
MEWS	Mews	A road or street lined on either side by dwellings converted from stables or dwellings built to look like stables, or a road running through an area with groups of stables.
ML	Mill	A minor road or street running to or near a past or present mill, factory, processing plant, workshop, or other similar structure.
MTN	Mountain	Generally along high ground at an elevation greater than

<i>PARK</i>	<i>Park</i>	that for a hill.
<i>PKWY</i>	<i>Parkway</i>	Reserved for entranceways to public parks.
<i>PASS</i>	<i>Pass</i>	A scenic or landscaped road.
<i>PSGE</i>	<i>Passage</i>	See “Trail” or “Path”. A narrow minor road lined on either side by buildings or geologic formations that serves as a connector between two other roads.
<i>PATH</i>	<i>Path</i>	A short and/or narrow road.
<i>PL</i>	<i>Place</i>	A dead end or cul-de-sac road from which other cul-de-sacs originate.
<i>PNES</i>	<i>Pines</i>	A narrow road running through an area dominated, in the past or present, by pine trees or pineapple plants.
<i>PLZ</i>	<i>Plaza</i>	See “Square”.
<i>PT</i>	<i>Point</i>	Generally along high ground.
<i>REACH</i>	<i>Reach**</i>	Generally a minor road in a subdivision.
<i>RNCH</i>	<i>Ranch</i>	A road leading to or running alongside a large farm(s).
<i>RST</i>	<i>Rest</i>	A short or narrow road with a dead end or cul-de-sac.
<i>RDG</i>	<i>Ridge</i>	Generally along high ground.
<i>RIV</i>	<i>River</i>	See “Brook”.
<i>RD</i>	<i>Road</i>	Generally an arterial/collector road connecting to the primary system.
<i>ROW</i>	<i>Row</i>	A short street that parallels another road.
<i>RUN</i>	<i>Run</i>	See “Trail” or “Path”.
<i>SPG</i>	<i>Spring</i>	See “Brook”.
<i>SPUR</i>	<i>Spur</i>	Usually a short minor road coming off a longer, major road that neither connects with another major road nor reconnects with the original road it branched from.
<i>SQ</i>	<i>Square</i>	Generally a central area with buildings clustered around it.
<i>STA</i>	<i>Station</i>	A road or street connecting to a stopping place with one or more buildings, like a commercial hub.
<i>ST</i>	<i>Street</i>	A community or subdivision road.
<i>TER</i>	<i>Terrace</i>	Generally a minor road in a subdivision.
<i>TRCE</i>	<i>Trace</i>	Generally a minor road in a subdivision.
<i>TRL</i>	<i>Trail</i>	Generally reserved for roads through uninhabited areas.
<i>TPKE</i>	<i>Turnpike</i>	Reserved for historic turnpikes.
<i>VLV</i>	<i>Valley</i>	Generally a minor road running through an area of low lying grassland located between hills.
<i>VW</i>	<i>View</i>	See “Parkway”.
<i>WALK</i>	<i>Walk</i>	See “Trail” or “Path”.
<i>WAY</i>	<i>Way</i>	A minor road or street often which dead ends.

Four and five-letter designators may be spelled out completely in suffix space on sign.
****You may use Farm and Reach, but only if spelled out completely.**

6. Road Naming Process

a. Policy on Participation in Road Naming

- (1) The process of naming roads is limited to the owners of property abutting the road in question.
- (2) Where the road abuts several properties, the abutting owners will be given the first opportunity to propose the name.
- (3) If there is no participation from the abutting owners, or they cannot agree on a road name, the agent will name the road in accordance with County procedures.

b. Processing Requests for Road Names

Requests to name unnamed roads or to re-name roads must be made in writing to the agent and must include the following information:

- (1) A list of the parcel numbers for the properties abutting the unnamed road in question along with the proposed name of the road.
- (2) A list of all owners of property abutting the road in question together with certification, to the satisfaction of the agent, that all such owners were notified of the proposed name.
- (3) Signatures of at least two-thirds of the owners of parcels abutting the unnamed road in agreement of a common road name. When determining the percentage of owners in agreement, an owner owning more than one parcel abutting the road in question is equivalent to an owner owning one parcel.

Upon validating that at least two-thirds of the owners of parcels abutting the road in question have signed the petition in favor of a common road name, and that the proposed name is otherwise consistent with Part I of this Manual, the agent will approve the road name.

- (4) The agent may administratively approve a change to the name of an existing named road to correct errors. In all other cases, including when a two-thirds majority is not in agreement, the agent will forward the road name change request to the Board of Supervisors for approval.

c. Road Name Reservation Process

Road names may be reserved during the preliminary plan or plat review process by a written request to the agent. Names will remain reserved for five (5) years unless the project is disapproved, abandoned, or otherwise voided. Once a final subdivision plat or site plan is approved, any reserved road names not used in the final plat or plan will no longer be reserved.

d. Road Naming in the Subdivision and Site Development Review Process

- (1) A developer may contact the agent prior to submission of a subdivision plat or site plan to determine the viability of proposed names. Road names may be reserved as provided in Section 6.c.
- (2) Proposed road names must appear on all final site plans and subdivision plats, where applicable.
- (3) No final site plan or final subdivision plat may be approved by the agent until all travelways in the project requiring road names are assigned agent-approved road names.
- (4) Names approved on a preliminary plan/plat will be reserved for five (5) years and must be shown on the final plan/plat.

7. Final Authority of Board of Supervisors to Assign Road Names

The Board of Supervisors may name or rename any road at any time.

PART II. NUMBERING

1. Assignment of Numbers by Agent

- a. All numbers for properties and addressable structures will be assigned by the agent or his/her designee following the procedures and guidelines contained in this Manual, provided that the agent may waive, vary, or modify any guideline in Part II. Numbers assigned by any other person or entity will not be recognized.
- b. Numbers will be assigned to any new addressable structure. Numbers will not be officially assigned until the final site plan or subdivision plat has been approved, if applicable. Numbers will be assigned for unoccupied structures (e.g. personal wireless facilities) when requested by individuals for structures that do not require site plan or subdivision approval. For those structures that will be occupied, numbers will not be assigned prior to an approved footing inspection.
- c. Number Range of Road Established
 - (1) A numbering grid overlay established number ranges for many existing roads. Extensions of these roads will continue where the numbering concluded using procedures described in this section. For new roads, the low end of the number range will be at the point where the new road intersects an existing named road. Numbering increases from that point. The range values should be different from the range values of streets that the road may cross. (e.g., if an existing road has a range value in the 3000's, the new road that intersects the existing road should have a range value with three digits.) The lowest range value assigned for a road is 100. If a value range begins with an even number, it should end in an odd number or vice versa. This

ensures address parity for CAD purposes.

The agent, in his/her sole discretion, may deviate from the aforementioned numbering range for a road if any of the following factors create the need for a deviation: the type of development, the relationship of the road to existing roads, and the pattern of address numbers. In urbanized areas, some roads may be provided a 100 block numbering to create a city-style block numbering pattern even if blocks have different lengths.

(2) When a named road is also located in a neighboring jurisdiction, consideration will be given to numbering that already exists in the other jurisdiction. When a new, named road will extend into a neighboring jurisdiction, both jurisdictions will cooperate to establish a number range acceptable to both jurisdictions.

(3) No number may be used more than once on a named road.

d. Numbers Assigned

The numbering of the addressable structures and properties along the road segment must use an equal-interval method resulting in one odd/even number pair for every 20 feet of road frontage. Modifications to this pattern may occur depending on the type of development involved, the relationship of the road to other roads around it, and the pattern of address numbers. For example, a shopping center with large anchor tenants and smaller shops may result in assignment of an even number such as 100 for the anchor tenant and adjacent smaller shops numbered in the 100s. Other anchor tenants may also receive an even number such as 200 with adjacent smaller shops numbered in the 200s.

2. General Numbering Guidelines

- a. Even numbers should occur on the right side of the road in the direction of increasing range. Odd numbers should occur on the opposite side of the road.
- b. The specific number of an addressable structure or property is determined by the location where the structure or property's access intersects with the named road.
- c. The number sequence for addressable structures or properties on opposite sides of a road should conform to each other as nearly as possible.
- d. The use of half numbers is not consistent with best practices and is strongly discouraged. Half numbers may be used only when (i) the detached structure that requires an address shares its primary access with an existing structure that has a primary address, and (ii) there is no available address under the General Numbering Guidelines. The Agent may assign a new address using a half number with the existing primary address of the adjacent existing structure as a base. Alphabetical suffixes are acceptable when a secondary address designation is necessary within an existing addressable structure.
- e. Reverse frontage or through lots are numbered along the local road that provides access

to the lot. The agent may assign numbers to addressable structures that are accessed only by an alley or sidewalk.

- f. Corner lots are numbered on the road that provides access. Where the driveway for a corner lot intersects more than one street or the corner lot's addressable structure is much closer to one road, the agent will make the final determination as to which road to base the number, with consideration to such factors as the driveway's length, orientation of the structure, and other relevant factors.
- g. Two addressable structures sharing an access are numbered consecutively with adequate consideration given to possible future development and other addressable needs between the structures.
- h. A temporary number may be issued to a temporary structure (such as a construction site trailer office), to be retired upon removal of the temporary structure.

3. Manufactured/Mobile Home Developments

All roads in manufactured/mobile home parks are treated as private streets unless dedicated for maintenance by the Virginia Department of Transportation, and road name and road signage must apply accordingly. Each manufactured/mobile home lot must be numbered in accordance with this Manual. The manufactured/mobile home park owner must post lot numbers in a manner acceptable to the agent in accordance with Part IV, Section 1, of this Manual.

4. Residential Apartments and Other Multi-dwelling Structures

Individual apartment units are numbered considering the type of unit, the individual apartment entrance location, and building design as follows:

- a. Duplex: A number is provided to each individual unit at its front entrance.
- b. Townhouse: A number is provided to each individual unit at its front entrance.
- c. Garden Apartment: A number is provided to each unit at the entrance. If the apartment unit's entrance is located on an inside foyer, a number is provided outside the building entrance. Each unit located on such foyer is provided with a numerical suffix as a secondary method of addressing. Specifically, ground floors use suffixes in the 100's starting at unit 100, the second floor uses the 200's starting at unit 200 and other levels will start in a similar fashion (the basement level uses 000's starting at unit 001). The building number and road name followed by the apartment unit's numerical designation shall form the address (e.g., 630 Old Shady Grove Road, Unit 101). Numerical characters may not be combined (e.g., 630-101 Old Shady Grove Road). The development name may also be used in the address whenever desirable. For single level garden apartments and house apartments, letters may be acceptable as a secondary method of addressing.

5. Commercial, Office, and Industrial Complexes

For commercial, office, and industrial complexes, a numbering choice will be made by the agent from several methods:

- a. Assign the number to the main building where all mail is to be received for the complex. The development name may be included in the address.
- b. Each principal building in the complex may be provided a separate number, and the buildings may also be named. The development name and/or the building name may be included in the address.
- c. For shopping center developments, a separate number will be assigned for each unit's main entrance. The shopping center name should be included in the address. Consideration should be given when assigning numbers to provide flexibility for adding stores and redivision of spaces. If a space is further divided and no numbers remain available, alphabetical or numerical unit designations are used.
- d. Interior mall shopping centers should have one number assigned for the entire mall. The shopping center name and store name should be included in the address. Individual stores should not be assigned numbers except that secondary addressing may be provided in accord with Part II, Section 2(d) of this Manual. A separate property number may be assigned for the mall business office.
- e. Where deemed appropriate by the agent, a multiple-story building may be assigned one address number at its main entrance. Individual units may be provided with secondary addressing based on floor numbering together with unit appellation such as "suite" or "room." The first floor is assigned numbers beginning with 100 and numbers on each successive floor should increase to the next highest multiple of 100.

6. Agencies to Be Notified of Numbers Assigned

- a. The agent will maintain a database of addressable structures in the County's GIS that will be publicly available as provided by law. When assigning new addresses to addressable structures, the agent will notify the property owner in writing as well as the local branch of the United States Postal Service that delivers mail to the new address.
- b. The agent will also notify any other governmental agencies or departments and utilities about the assignment of an address upon request by any of the agencies, departments or utilities.

PART III. SPECIFICATION FOR ROAD NAME SIGNAGE

1. Materials and Physical Description for Signs

a. Standard Signs

Standard signs must be used along all single lane roads except at intersections with multi-lane roads having posted speed limits greater than 40 mph.

A standard sign must be nine inches high. The road name sign blank must be made from extruded aluminum material conforming to ASTM 6209 for Alloy 5052-H38 or its equivalent. The sign blank thickness must be 0.83” or greater, and each corner of the sign blank must be square cut.

b. Oversize Signs

Oversize signs must be used along all multi-lane roads having posted speed limits greater than 40 mph and at single lane roads intersecting multi-lane roads having posted speed limits greater than 40 mph.

An oversize sign must be 12 inches high. The road name sign blank must be made from flat aluminum material conforming to ASTM 6209 for Alloy 5052-H38 or its equivalent. The sign blank thickness shall be 0.080” or greater, and each corner of the sign must be 1.5” radius cut.

c. Sign Dimensions

The letter type for all signs must conform to Federal Highway Administration’s “Standard Alphabets for Highway Signs,” Series C, upper case and lower case, as prescribed below and in the latest version of the Manual on Uniform Traffic Control Devices (MUTCD).

The size of the sign blanks, message lettering, and reserved spaces for route and block numbers for Standard and Oversize signs are as follows:

	<u>STANDARD</u> <u>(Local/Subdivision)</u>	<u>OVERSIZE</u> <u>(Primary/Collector)</u>
<u>SIGN BLANKS</u>		
Horizontal length	30” min to 48” max	30” min to 60” max
Vertical length	9” (extruded)	12” (flat)
<u>RESERVED SPACES (Route Decal¹, Block Number, Suffix)</u>		
Horizontal Measurement	8”	12”
Vertical Measurement	2”	3”
<u>MESSAGE LETTERING: SIZE AND TYPE</u>		
Prefix	3” Series C	4” Series C
Name	6” letter group ² Series C	8” letter group Series C
Suffix	3” letter group Series C	4” letter group Series C
Route Decal	1.5” Series C	2” Series C
Private	1.5” Series C	2” Series C
Block Number	1.5” Series C	2” Series C

¹ For privately maintained roads, place the word PRIVATE in Route Decal Space.

² The "letter group" designation (e.g., 6") indicates the height of the uppercase letters, lower case letters will be proportional to the height of the uppercase letter for that group as detailed in the Standard Alphabet for Highway Signs.

The less common designators such as FARM, WAY, HEIGHTS, and TRACE may be placed in the main message field if space is available.

The sign may be constructed using the cut letter process. The green and white colors must be uniform throughout the length of the sign.

- (1) When the cut letter process is used, the sign blank must be covered on both sides for the entire length of the blank with a high intensity (prismatic) reflectorized green background sheeting, 3M "Scotchlite" brand product number 3877 or equivalent product. High intensity (prismatic) reflectorized sheeting 3M "Scotchlite" product number 3870 or equivalent product must be used for the silver-white letters and numerals. The reflective material must be applied to both sides of the blank name plate with mechanical equipment in a manner specified by the sheeting manufacturer. The sign background must be comprised of not more than one piece of reflective sheeting. The letters and numerals must be applied on both faces of the sign using the cut letter process. The reflective sheeting must have a minimum guaranteed life of ten years. Signs must be replaced when they surpass the minimum guaranteed life.
- (2) The maximum space available on a standard nine-inch (9") sign for the road name must be 32 inches and an oversize twelve-inch (12") sign must be 44 inches of space for the road name. Spacing between letters within a street name should conform to the spacing dimensions shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways unless it would result in a sign width greater than the maximum space available. If the name will not fit in the space available, a 30 percent force factor may be used. Finally, if the approved road name will not fit on the maximum length sign with the Series-C letters and a 30 percent force factor, the County Engineer may issue a waiver at his/her sole discretion.
- (3) At the end of the road name are three spaces in a stacked orientation that are reserved for the route decal, the block number, and the road type suffix. If the block number is to be affixed in decal form, the decal must be of the same material as the main sign sheeting. The directional triangle, a 1.5-inch equilateral triangle for the nine-inch sign or 2.0-inch equilateral triangle for the twelve-inch sign, of silver-white "Scotchlite" material or equivalent product, is to be affixed in front of or at the end of the block number to point in the direction of increasing numerical values. See "Detail B" for location of spaces.
- (4) The route field background must be reflective white with vinyl, non-reflective black lettering/numbering.

2. Post and Hardware Specifications

- a. A metal post must be used to mount all signs.
- b. The post must be a 14-gauge square galvanized steel quick punch break-away post complete with anchor base or equivalent, 9"x2"x2" for standard signs, and 10"x2"x2" for oversized signs. Hole diameters should be seven-sixteenths of an inch, centered, and aligned with holes on the opposite side.
- c. The standard signs must be assembled and attached to the post using caps, cross pieces, and heavy-duty aluminum vandal-resistant screws, bolts and/or nuts, as depicted in Figures III-1 through III-5. The oversize signs must be attached to the post using the direct-mount method and cap as depicted in Figures III-6 through III-10. The direct-mount method requires two single-sided oversize signs for each road name, mounted on opposing sides of the post. Each oversize sign must be riveted to the post at two points horizontally centered on the sign – one point located one inch below the top edge and one point located one inch above the bottom edge. The two oversize signs must be riveted to each other at each of the four corners, one inch from the corresponding horizontal edge and one (1) inch from the corresponding vertical edge. A two-inch spacer must be used between the two oversize signs at each of the four corner points to ensure the two signs are rigid and have a consistent two-inch gap between them as depicted in Figure III-7.
- d. A special sign post and/or installation may be allowed at the discretion of the County Engineer, provided it is equal to or exceeds the specifications above. Where deviation from the standards is allowed, a sign maintenance agreement between Albemarle County and the responsible party may be required for the perpetual maintenance of any special installation.



Figure III-1
Standard (9") Sign



Figure III-2
Cap (Standard Sign Installation) Top View



Figure III-3
Cap (Standard Sign Installation) Side View

Standard Sign Cap Specifications:

- sized for 2” square tubing
- made of aluminum
- sign bracket designed for extruded blade
- sign slot 5 1/4” to 5 1/2” in length
- each vertical surface pre-drilled for securing cap to post and sign to cap



Figure III-4
Cross Piece (Standard Sign Installation) Top View



Figure III-5
Cross Piece (Standard Sign Installation) Side View

Cross Piece Specifications:

- sign brackets set at 90°
- made of aluminum
- sign brackets designed for extruded blade
- sign slots 5 1/4” to 5 1/2” in length
- each vertical surface pre-drilled for securing signs to cross piece



Figure III-6
Oversize (12'') Sign Showing Direct Mount Method



Figure III-7
Oversize Sign Showing 2'' Spacer (Gab) Detail



Figure III-8
Oversize Sign Showing Corner Attachment Detail



Figure III-9
Cap (Oversize Sign Installation) Top View



Figure III-10
Cap (Oversize Sign Installation) Side View

Oversized Sign Cap Specifications:

- sized for 2'' square tubing
- made of aluminum
- pyramid shape
- design for pressure fit

3. Location of Post and Sign

- a. To minimize the number of separate signs, co-location of road name signs on existing sign posts is encouraged.
- b. The signpost must be placed in the road right-of-way at least three horizontal feet from any above ground or underground utility or equipment line. The installer must contact "Miss Utility" (1-800-552-7001 or 811) before installing signs. At the intersection of a primary and secondary road or if a road name changes at an intersection of two secondary roads, two sign locations are to be used. For all new roads, a minimum of two signs are required at every intersection. The signpost must be located on the right side of the street for a right turn onto the secondary road, where possible. The sign must be a minimum of five horizontal feet on the centerline radius of the curve from the outer edge of the pavement for roads without ditch lines. The sign must be installed behind an existing ditch line while remaining within the road right-of-way. On roads with ditch lines less than three feet from the edge of pavement, signs will be placed two horizontal feet back from the ditch line. (See "Detail A" for diagram). For urban road sections with curb and gutter, the signpost will be placed behind the edge of the curb and five horizontal feet on the centerline radius of the curve from the edge of pavement. If a sidewalk is adjacent to the curb, the signpost will be placed behind the sidewalk and within the right-of-way. Signs and posts must not obstruct wheelchair ramps or loading areas in the vertical or horizontal direction.
- c. At the intersection of two secondary roads, only one sign location is to be used except as otherwise required in Part III of this Manual. This is to be the right-corner of the intersection for inbound traffic to the subdivision (see "Detail A" for diagram).
- d. The County Engineer may allow an alternate sign location upon finding that due to existing site conditions, the foregoing locational requirements cannot be practicably met, or that an alternate location will equally or better serve the purposes of this Manual. Any alternate location is subject to County Engineer approval prior to installation of the sign.

PART IV. DISPLAY OF ADDRESS NUMBERS

1. General Guidelines for Display of Address Numbers

- a. Address numbers must be displayed at the property's or addressable structure's road entrance on a mailbox, post, fence, or other suitable location that is easily discernible from the road. If (i) the structure is 100 feet or less from the road, (ii) the entrance door of the structure is clearly visible from the road, and (iii) there is no mailbox, post, fence or other suitable location at the road entrance, numbers must be displayed on, above, or at the side of

the main entrance door in a manner that is clearly visible from the road upon which it is numbered.

- b. The address number must be displayed as numerals rather than spelled out. Secondary address designations must comply with Part II of this Manual.
- c. The numerals and any lettering, must be at least three inches in height on a contrasting background (dark figures over a light background or light figures over a dark background).
- d. If the mailbox is not located on the named road from which the number is assigned, the entire address (number and road name) must be shown on that mailbox to avoid confusion. In such cases, the number also must be displayed on the property or addressable structure as stated above.
- e. On corner lots, the number must face only the street upon which the property is numbered.
- f. Any numbers previously displayed that could be confused with or mistaken for the assigned address number must be removed from the mailbox and property.
- g. The property owner must maintain numbers to remain clearly discernible from the roadway upon which the property is numbered.

2. Display of Address Numbers for Multi-Unit Buildings and Multi-Building Complexes

- a. If a building is divided into multiple units with separate entrances, and each unit is assigned an individual number, then each unit number must be displayed on or next to the main doorway.
- b. The address range of all individual unit numbers within a multi-unit building must be displayed in a manner that is clearly visible from the road upon which the units are numbered. If more than one building shares an access, then the address range must also be displayed on each building.

3. Additional Signage Required When Necessary

The agent may also require numbers or address ranges to be posted in additional locations as deemed necessary for the purpose of County Code § 7-200, et seq.

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Agenda Item No. 23. Ordinance to Amend County Code Chapter 4, Animals.

The Executive Summary states that on March 31, 2021, in the Special Session I of 2021, the Governor signed into law Senate Bill 1135, which amended and reorganized Virginia Code sections applicable to dangerous dogs. The amendments to the Virginia Code require like amendments to the Albemarle County Code, so that they are in compliance with state mandates.

Effective July 1, 2021, Virginia Code §§ 3.2-6540 and 3.2-6542.1 are amended and §§ 3.2-6540.01, 3.2-6540.02, 3.2-6540.03, 3.2-6540.04, and 3.2-6540.1 are added. So that the Albemarle County Code conforms to the recent changes to the Virginia Code, draft amendments to Albemarle County Code §§ 4210 through 4-220 are submitted with proposed changes.

The significant amendments to the Virginia Code, which are reflected in the proposed ordinance, include:

- clarification on the definition of “dangerous dog”;
- additional responsibilities of the owner of a dog suspected to be or determined to be a “dangerous dog”;
- additional responsibilities of animal control officers;
- additional procedural options for a court that is determining whether a dog is a “dangerous dog”;
- new notice requirements; and
- confinement, transfer, and relocation requirements for a dog determined to be a “dangerous dog”.

There is no expected budget impact.

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

Senior County Attorney Amanda Farley greeted the Board and said that she was joined by Mason Walsh, Supervisor of the Animal Protection Unit with the Albemarle County Police Department (ACPD). She said she did not expect them to need to ask him any questions, but he was there just in case they did. She said the presentation tonight was in anticipation of considering proposed ordinances in Chapter 4, specifically Article 2, Division 2, regarding dangerous dogs. She said she was going to frontload her presentation with two takeaways: one was that they had to pass these changes, and two was that it would not affect operations substantially. She stated that hopefully those two important things would guide some of their discussion as they went.

Ms. Farley reported that a little background was that these provisions may look familiar to them, because in 2018, this was part of the reorganization of the Albemarle County Code, so they had seen this entire chapter. She said that was the last time they had done anything substantial to these particular sections. She stated that in the special session in 2021, the General Assembly passed Senate Bill 35, which, among other things, included changes to these dangerous dog provisions. She said that because of the enabling legislation, their ordinances must parallel state code as it related to dangerous dog statutes.

Ms. Farley said that there were a couple of changes in terms. She said it had changed from “owner, custodian, or harbinger” to “owner” exclusively. She said that the definition of dangerous dog did not change substantially, but it now included hybrid canine. She said they also included what the General Assembly determined was a serious injury as it related to a dog or cat and to a person. She said that would allow the animal control officer or law enforcement officers to determine themselves at the scene whether or not an injury sustained was one that was contemplated by the statute. She said that they did not have to consult with a veterinarian any longer to make that determination, although that was a practical matter that was almost always going to be the case.

Ms. Farley said that the pre-hearing portion was when investigation was ongoing. She said that when a summons was provided for, animal control and law enforcement now had to give a written notice to individuals being investigated for having a dangerous dog. She said that after the summons was issued, the animal control office no longer must take the animal, but may. She said it was an appropriate alternative if it was so determined that the owner can safely keep the animal but keep it in a way that protected the public. She said that the owner was specifically now admonished that they could not dispose of their animal except in specific circumstances, which included giving it to the animal control officer or euthanizing it with the veterinarian.

Ms. Farley said that at the hearing, a deferred finding was previously available. She said there was now specific allowance that the judge could require an electronic ID to be implanted. She stated there were also some specifics as to the timing of when these hearings would have to take place. She said they would get some priority on the dockets so they could get done quickly.

Ms. Farley said that if a court finds that a dog is a dangerous dog, there were now some additional clarifying provisions that had been included. She said they did, and still have to, order that the owner must register and comply with Albemarle County Code Section 4-214. She said they cannot foreclose someone who was injured by a dangerous dog from pursuing civil remedies, and the other change was that they do not have to order the owner was responsible for the reasonable expenditures of care, but they may do that.

Ms. Farley said that as it was before, and as was still the case, an owner was required to register their dangerous dog with the County, which would result in it being in the dangerous dog registry. She said there was some additional notifications to the animal control officer, and some specifics about how an animal has to be confined. She said there was also some additional language that clarified what kind of posting had to be made at the residence or yard. She said that there was some clarification about when an individual would be charged for their initial renewal registration and indicated that animal control officers must annually inspect the premises where a dangerous dog was. Ms. Farley said that Mr. Walsh had told her they do that anyway, so it was not going to change their operations.

Ms. Farley said there were additional clarifications about ongoing obligations. She said that there were previously two categories of how quickly an owner had to advise animal control officer, whether it was an immediate notification or a prompt notification. She said that had now been subsumed into “prompt,” and there was no delineation between the two. She said that one of the themes in all of these changes is an increase in the specification of how information was communicated, such as the written notice to the owner when they were being investigated, or any time that there was an electronic ID, it had to be communicated to the animal control officer. She said after a finding, that was also the case. She said if there were a transfer of ownership or a new owner, that had to be reported. She said that the change was that it would be prior to the relocation that it had to be communicated to the animal control officer. She said that previously, it was just within 10 days of relocation. She said the animal control officer was going to have some obligations to keep the dangerous dog registry up to date.

Ms. Farley said a new section that was added about adoptions, relocations, and surrenders. She said the takeaway here was, again, the communication component. She said that anytime the animal

was going to be moved on more than a temporary basis, that had to be reported to wherever they were going, whether it was within the Commonwealth or outside of the Commonwealth. She said if they fail to make those notifications, then it was a Class 3 misdemeanor, which was punishable up to \$500.

Ms. Farley said that if there was a subsequent act or attack committed by a dog that was determined to be a dangerous dog, the evidentiary hearing had to be held within 30 days, which mirrored the other procedural provision that was included.

Ms. Farley said that she and Mr. Walsh could elaborate on further as the Board desired, but this really was just adding some detail and expounding what was already in the dangerous dog statutes, reorganizing them so that they were not all clumped in one code section but divided out, new notice provisions as had been indicated, and some procedural clarifications. She said that Mr. Walsh could expand on this as well if they would like to, but in her discussions with him, the animal protection unit here did a lot of forward work with the people who had dangerous dogs in the County. She said that they assist them to a high degree, so they did not expect for there to be any changes, at least from a staff perspective. She said that their recommendation was obviously to adopt the proposed ordinances as amended. She said she would take any questions.

Mr. Gallaway said that in the interest of time, he was told they did not have any speakers signed up for this. He asked the Clerk if there were any speakers signed up.

Ms. Borgersen responded that she needed to do a final confirmation.

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

Ms. Palmer said she did not have any questions but did have one clarification. She said as far as killing livestock was concerned, that was a totally different portion of the code. She asked if this was correct, as it had nothing to do with dangerous dogs.

Ms. Farley confirmed that was correct. She said that was not part these changes.

Ms. McKeel asked if what they were really doing here was matching state code.

Ms. Farley replied that it was.

Ms. McKeel said she was concerned about one or two at first blush, but if they were matching state code, it was what it was. She said she did have a comment, which may be for Mr. Walsh, which to compliment their animal safety officers and animal control officers. She said she had a really bad bite in 2012, and she just wanted to thank them all for how professional they were. She said she agreed with everything Ms. Farley had said about what they did and appreciated their work.

Ms. Mallek said she understood they had to adopt it as it was, but she did want to understand, because she was sure people would call and ask her. She said that they were limited by state law as far as dog attacks to those definitions of physical injury, broken skin, etc.—and no recognition of the emotional damage that was done to a child or anyone when they were attacked. She asked if that was correct.

Ms. Farley responded that she was correct. She said those definitions that had been included were the definition of serious injury.

Ms. Mallek asked if their animal projection officers felt they were able to make a strong decision, or if they felt they were pushed to let people off. She said she did not know if they wanted to pursue this, because she did not want to put their officers in a trap of saying do better next time, and then someone got very seriously injured because they did not have the authority to do it right. She asked for help in understanding that.

Mr. Walsh stated that they did appreciate having the clarity in the code to set the parameters for where this did and did not apply. He said that if looking at simply an emotional or psychological impact, it was a very subjective thing, which could become hard to implement in a fair and balanced way. He asked if that added any clarity.

Ms. Mallek said she understood it from his perspective, and it made very good sense. She asked if she could give him a hypothetical. She said she was studying this draft and trying to understand what happened in this circumstance. She said if a dog came on her property and attacked her dogs half a mile off the road, if she managed to trap that dog somehow, could the animal control officer come and take possession of it, or did they have to leave it alone and wait for some owner to come and get it, who may or may not even be able to be identified.

Mr. Walsh explained that in any situation where the dangerous dog code would apply, the dog that was attacking was going to be off of its own property and under control of the owner. He said there would be other laws and code sections that could apply there. He said that if the immediate investigation did not lead to a dangerous dog finding, there were other laws that could be addressed from their perspective. He said that regardless of how things worked out, they always worked hard to communicate with dog owners that come very close to this code section to make sure they understood everything and all the implications there of how, if it had been a more serious situation, or if things had gone a different way, to make sure they understood the need for control of their animals so it did not rise to the level of

serious injury.

Ms. Mallek said that the second part of her question was if an animal control officer could take – she then said she would save her question for another day because she did not want to take too long.

Mr. Walsh said he thought that he could answer that quickly. He said that if they were unable to locate an owner in that instance, they did have the authority to take that dog to the pound. He said they did not have to just leave it and let it continue to roam until it did cause serious injury. He said they had the authority to take it.

Ms. Mallek said in the hunting dog definition, there needed to be clarification about who was biting whom. She said that it made it sound like any hunting dog got a pass, which was ridiculous. She said that when people let their packs through onto other people's property they could kill a few sheep along the way. She said she did not want to get into that situation.

Ms. Farley said that nothing in these recent iterations had changed anything about that exception. She said that if a dog inflicts an injury on a dog or cat while engaged as part of a lawful hunting activity, they were excepted, meaning this would not fit within the definition of dangerous dog.

Ms. Mallek said that the lawful activity was odd, because if they were trespassing and did not have permission from the owner of the land, they would be in trouble for another reason.

Ms. Farley said it may be further investigated.

Ms. Price thanked Ms. Farley for the presentation and Mr. Walsh for his additional information. She said they should also remember that this was an ordinance that could be said to have a criminal connotation, but if there was psychological harm or injury, the victim could also look at a tort suit against the owner, which would be separate from the ordinance from a criminal aspect. She said it struck her to be a very balanced ordinance, and she supported it.

Mr. Gallaway apologized, but he felt that he had to ask this. He asked if they were really going from language that said, "when there was reason to believe that an animal was a dangerous dog." He said that before, it was that a dog was a dangerous dog. He said that now an animal, like his cat, could be a dangerous dog. He said his brain was not computing this change in the language.

Ms. Farley responded that a stylistic change was made in the Virginia code. She said she assumed it was to keep from the repetitive nature of a dog was a dangerous dog. She said it was purely stylistic.

Mr. Gallaway said that maybe an animal was a dangerous animal. He said it was right there. He said that baffled him that they were saying an animal was a dangerous dog.

Mr. Walsh interjected that it was his understanding that also had to do with the canine hybrid item they put in there, so the phrase "dog and canine hybrid" would have to be repeated every single time they used the word animal or dog.

Mr. Gallaway asked if his cat got a pass.

Mr. Walsh responded that he understood what he was saying, but it was just because of the addition of canine hybrid.

Mr. Gallaway said that what Mr. Walsh was saying was that his cat got a pass.

Mr. Walsh said that cats still applied there.

Ms. Farley said his cat could be as dangerous as it wanted to be.

Mr. Gallaway said he had a rabbit that could get a little squirrely.

Ms. McKeel said in her neighborhood one time there was an attack cat. She said it attacked everybody.

Mr. Gallaway said that the fact it did not say animal and animal, and somehow they figured out that if you own an animal, it was a pet.

Ms. Palmer said that some people claim their wolf hybrid was not a dog and she believed that was where Mr. Walsh was going.

Mr. Gallaway said he supposed he understood, but the question was more of why it would not just be a dangerous animal was a dangerous animal. He said that if someone was going to change dog, they should change them both to animal. He said it baffled him, but nonetheless, they did not have anyone on for public comment, so if there was a Supervisor ready, a motion could be made.

Ms. Mallek **moved** that the Board adopt the proposed Ordinance (Attachment A).

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

vote:

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

ORDINANCE NO. 21-4(1)

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, DIVISION 2, DANGEROUS DOGS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals, Division 2, Dangerous Dogs, is hereby reordained and amended as follows:

By Amending:

- Sec. 4-210 "Dangerous dog" and "dog" defined.
- Sec. 4-219 Responsibility if the owner of a dangerous dog is a minor.
- Sec. 4-220 Fund to which collected fees are to be allocated.

By Amending and Renaming:

- Sec. 4-211 When there is reason to believe an animal ~~dog~~ is a dangerous dog; summons and confinement.
- Sec. 4-212 Circumstances when an animal ~~dog~~ shall not be found to be a dangerous dog.
- Sec. 4-213 Judicial proceedings on a summons that an animal ~~dog~~ is a dangerous dog.
- Sec. 4-214 Animal ~~Dog~~ found to be a dangerous dog; requirement to obtain a dangerous dog registration certificate.
- Sec. 4-215 Animal ~~Dog~~ found to be a dangerous dog; confinement, leasing, and muzzling.
- Sec. 4-216 Animal ~~Dog~~ found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer; notice by animal control officer and abandonment; notice, generally.
- Sec. 4-217 Previous finding that an animal ~~dog~~ is a dangerous dog; subsequent acts by a dangerous dog.
- Sec. 4-218 Previous finding that an animal ~~dog~~ is a dangerous dog; willful noncompliance by owner.

Chapter 4. Animals

. . .

Division 2. Dangerous Dogs

Sec. 4-210 "Dangerous dog" and "dog" defined.

A. "Dangerous dog" means:

1. *Bite, attack, or injury on a dog or cat; exceptions.* An animal that has bitten, attacked, or inflicted serious injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. "Serious injury" to a dog or cat includes a serious impairment of health or bodily function that requires significant medical attention, a serious disfigurement, or any injury that has a reasonable potential to cause death or any injury other than a sprain or strain. When a dog attacks, bites, or inflicts injury on a companion animal that is a dog or cat, the attacking or biting dog is not deemed dangerous if, upon investigation, a law enforcement officer or animal control officer finds that: (i) no serious injury has occurred as a result of the attack or bite; (ii) both animals are owned by the same person; or (iii) the incident originated on the property of the attacking or biting dog's owner. In determining whether serious injury to a companion animal that is a dog or cat has occurred, the officer may consult with a licensed veterinarian.
2. *Bite, attack, or injury on a person; exception.* An animal that has bitten, attacked, or inflicted serious injury on a person. "Serious injury" to a person includes laceration, broken bone, or substantial puncture of the skin by the animal's teeth. An animal is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the animal upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

- B. "Dog" includes, when used in reference to a "dangerous dog," a hybrid canine, as defined in Virginia Code § 3.2-6581.

(§ 4-210: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A;

Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-210, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(A),(C),(H).

Sec. 4-211 When there is reason to believe an animal is a dangerous dog; summons and confinement.

If a law enforcement or animal control officer has reason to believe that an animal is a dangerous dog, the following applies:

- A. *Application for a summons.* Any law enforcement officer or animal control officer who (i) has reason to believe an animal is a dangerous dog and (ii) is located in the jurisdiction where the animal resides or where the act was committed may apply to a magistrate to issue a summons requiring the owner, if known, to appear before a general district court at a specific time. Nothing shall prohibit a law enforcement officer or animal control officer from securing a summons to determine whether an animal that is surrendered but not euthanized is a dangerous dog.
- B. *Written notice.* A law enforcement officer or animal control officer who applies for a summons pursuant to subsection (A) shall provide the owner with written notice of the application for a summons. For 30 days after the written notice is provided, the owner shall not dispose of the animal other than by surrender to an animal control officer or by euthanasia by a licensed veterinarian. An owner who elects to euthanize a dog about which notice has been given shall provide documentation of the euthanasia to an animal control officer.
- C. *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.
- D. *Confining the dog.* A law enforcement officer who successfully applies for a summons to be issued shall contact the County's animal control officer and inform the animal control officer of the dog's location and the relevant facts pertaining to the belief that the dog is dangerous. The animal control officer may confine the animal until the evidence is heard in court and a verdict is rendered. If the animal control officer determines that the owner can confine the animal in a manner that protects the public safety, the officer may permit the owner to confine the animal until the evidence is heard in court and a verdict is rendered. Upon being served with a summons, the owner shall not dispose of the animal, other than by euthanasia, until the case has been adjudicated.

(§ 4-211: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-211, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(B),(D),(E),(F).

Sec. 4-212 Circumstances when an animal shall not be found to be a dangerous dog.

An animal shall not be found to be a dangerous dog if any of the following apply:

- A. *During hunting or dog handling event.* The dog bit, attacked, or inflicted injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.
- B. *Particular breed.* Solely because the dog is a particular breed. The ownership of a particular breed of dog is not prohibited.
- C. *Person was committing crime, trespassing, or provoking, tormenting, or physically abusing the dog.* The threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the dog's owner; (ii) committing, at the time, a willful trespass upon the premises occupied by the dog's owner; or (iii) provoking, tormenting, or physically abusing the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times.
- D. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the acts complained of.

- E. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's property, at the time of the acts complained of.
- F. *Court finds dog not dangerous or a threat to the community.* The court determines, based on the totality of the evidence before it, or for other good cause, that the animal is not dangerous or a threat to the community.

(§ 4-212: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-212, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(K).

Sec. 4-213 Judicial proceedings on a summons that an animal ~~dog~~ is a dangerous dog.

Judicial proceedings on a summons that an animal is a dangerous dog are as follows:

- A. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner of the animal to produce it and to provide documentation that it has been or will be within three business days implanted with electronic identification registered to the owner. The owner shall provide the registration information to the animal control officer.
- B. *Remedies if the court finds the animal to be a dangerous dog.* If, after hearing the evidence, the court finds that the animal is a dangerous dog:
 - 1. *Comply with statutory requirements.* The court shall order the animal's owner to comply with the provisions of this Division and Virginia Code §§ 3.2-6540.01, 3.2-6542, and 3.2-6542.1.
 - 2. *Pay restitution.* The court may order the owner of the dangerous dog to pay restitution for actual damages to any person injured by the dog or whose companion animal was injured or killed by the dog. The court's order shall not preclude the injured person from pursuing civil remedies, including damages that accrue after the original finding that the animal is a dangerous dog; and
 - 3. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the animal was taken into custody until the dog is disposed of or returned to the owner.
- C. If, after hearing the evidence, the court decides to defer further proceedings without entering an adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of this Section. If the court defers further proceedings, it shall place specific conditions upon the owner of the animal, including the requirement that the owner provide documentation that the dog has been or will be, within three business days, implanted with electronic identification registered to the owner. The registration information shall be provided to the animal control officer. If the owner violates any of the conditions, the court may enter an adjudication that the animal is a dangerous dog and proceed as otherwise provided. Upon fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner without an adjudication that the animal is a dangerous dog.
- D. *Trial and Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et seq.* The Commonwealth is required to prove its case beyond a reasonable doubt. Unless good cause is determined by the court, the evidentiary hearing shall be held not more than 30 days from the issuance of the summons. Unless good cause is determined by the court, the appeal of a dangerous dog finding shall be heard within 30 days.

(§ 4-213: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-213, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(H),(I).

Sec. 4-214 Animal found to be a dangerous dog; requirement to obtain a dangerous dog registration certificate.

If the court finds an animal to be a dangerous dog, the animal shall be registered as a dangerous dog as follows:

- A. *Owner must obtain a dangerous dog registration certificate.* The owner of any animal found to be a dangerous dog shall, within 30 days after the finding, obtain a dangerous dog registration certificate from the Director of Finance.
- B. *Requirements to obtain a dangerous dog registration certificate.* In order to obtain a dangerous dog registration certificate, the owner shall pay a fee of \$150.00, in addition to other fees that may be authorized by law, and present to the Director of Finance satisfactory evidence of all of the following:
 - 1. *Rabies vaccination.* The dog's current rabies vaccination, if applicable.
 - 2. *Spayed or neutered.* The dog has been spayed or neutered.
 - 3. *Confinement.* The dog is and will be confined in a proper enclosure, is and will be confined inside the owner's residence, or is and will be properly and safely muzzled and controlled by a physical leash used by the responsible adult owner until the proper enclosure is constructed.
 - 4. *Dog identified by electronic implantation.* The dog has been permanently identified by means of electronic implantation registered to the owner. The registration information shall be provided to the animal control officer.
 - 5. *Owner's residence posted.* The owner's residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property. Signs shall remain posted at all points of entry to the home and yard as long as the animal remains on the property.
 - 6. *Liability insurance or bond in surety.* The owner has liability insurance coverage, to the value of at least \$100,000.00 that covers dog bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
- C. *To whom certificate may be issued.* The Director of Finance may issue a dangerous dog registration certificate only to persons 18 years of age or older.
- D. *Form of the certificate; tag.* A dangerous dog registration certificate includes a uniformly designed tag provided by the Director of Finance that identifies the dog as a dangerous dog.
- E. *Affixing and displaying the tag.* The owner shall affix the tag to the dog's collar and ensure that the dog wears the collar and tag at all times.
- F. *Renewals.* Annually, the following must be done regarding an animal that is a dangerous dog:
 - 1. *Updated registration and fees.* The owner shall update and renew a dangerous dog registration certificate by January 31 of each year, until the dangerous dog is deceased. The annual renewal fee is \$85; otherwise, the certificate shall be renewed in the same manner as the initial certificate was obtained and the requirements of this section apply. If the dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal shall be included in the initial registration at no additional charge to the owner.
 - 2. *Inspection.* Prior to the renewal date of a dangerous dog registration each year, an animal control officer shall conduct an inspection of the dangerous dog and the premises on which it is kept. No certificate of renewal shall be issued without the annual inspection.
 - 3. *Proof of insurance.* The owner of a dangerous dog shall maintain the liability insurance coverage or bond in surety required by subdivision (B)(6) and provide evidence of its continued coverage to the animal control officer.
 - 4. *Exceptions.* No dangerous dog registration certificate required under this Section shall be issued to any person who is younger than 18 years of age or who fails to present satisfactory evidence of (i) compliance with the provisions of this Division; (ii) the animals' current rabies vaccination, if applicable; and (iii) a current County dog license.

- G. *Virginia Dangerous Dogs Registry*. The animal control officer shall post dangerous dog registration information on the Virginia Dangerous Dogs Registry.

(§ 4-214: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-214, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code §§ 3.2-6542.1, 3.2-6540.01(I).

Sec. 4-215 Animal found to be a dangerous dog; confinement, leashing, and muzzling.

If the court finds an animal to be a dangerous dog, the dog shall be controlled as follows:

- A. *When the dog is on the property of its owner*. When on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While the dog is confined within the structure, it shall be provided for according to County Code § 4-300.
- B. *When the dog is off of the property of its owner*. When off the property of its owner, an animal found to be a dangerous dog shall be kept on a leash and muzzled in a manner that will not cause injury to the animal or interfere with the animal's vision or respiration, but will prevent it from biting a person or another animal.

(§ 4-215: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-215, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540.01.

Sec. 4-216 Animal found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer; notice by animal control officer and abandonment; notice, generally.

- A. If the court finds an animal to be a dangerous dog, the owner has the following obligations to inform the County's animal control officer:
1. *When prompt notification is required*. The owner shall promptly notify the animal control officer about: (i) the names, address, and telephone numbers of all owners, including a new owner and information regarding the transfer of ownership; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any instance in which the animal is loose or unconfined; (iv) complaints or incidents of attack by the dog upon any person, cat, or dog; (v) any claims made or lawsuits brought as a result of any attack by the dog; (vi) chip (electronic implantation as required by County Code § 4-214(B)(4)) identification information; and (vii) proof of insurance or surety bond as required by County Code § 4-214(B)(6); (viii) the escape, loss, or death of the animal.
 2. *When notification is required within 10 days*. Unless for good cause shown, the owner shall, at least 10 days prior to relocating, provide written notice about the relocation to the County's animal control officer and the new address to which the dog has been moved. The animal control officer shall update the Dangerous Dog Registry accordingly.
- B. If the animal control officer provides notice to the owner that the animal may be reclaimed, after 10 days, the owner's failure to reclaim the animal shall be considered an abandonment, and the animal may be disposed of according to Virginia Code § 3.2-6546.
- C. Notice of an animal's determination as a dangerous dog shall be provided:
1. *Adoption within the Commonwealth*. Any releasing agency transferring or releasing for adoption within the Commonwealth an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify in writing the receiving party of the requirements of this Division.
 2. *Adoption outside the Commonwealth*. Any releasing agency transferring or releasing for adoption outside the Commonwealth an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify the appropriate animal control officer in the receiving jurisdiction that the animal has been found to be a dangerous dog.

3. *Relocation to the Commonwealth.* Any owner of an animal found to be a dangerous dog in another state shall, upon bringing such animal to reside in the Commonwealth, notify the animal control officer of the jurisdiction in which the owner resides that the animal has been found to be a dangerous dog.
4. *Surrender.* Any owner who disposes by surrender, gift, sale, transfer, or trade to a releasing agency an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify the receiver in writing that the animal has been found to be a dangerous dog.

A violation of this subsection is a class 3 misdemeanor.

(§ 4-216: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-216, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code §§ 3.2-6540.01(E),(F),(G), 3.2-6540.02.

Sec. 4-217 Previous finding that an animal is a dangerous dog; subsequent acts by a dangerous dog.

If an animal was previously declared a dangerous dog pursuant to County Code § 4-213 and the declaration arose out of a separate and distinct incident:

- A. *Punishment; attack on cat or dog that is a companion animal.* The owner or custodian of the animal shall be guilty of a class 2 misdemeanor if the dog attacks and injures or kills a cat or dog that is a companion animal belonging to another person.
- B. *Punishment; attack on a person.* The owner or custodian of the animal ~~dog~~ shall be guilty of a class 1 misdemeanor if the animal bites a human being or attacks a human being causing bodily injury.
- C. *Exceptions.* Subsections (A) and (B) do not apply in the following circumstances:
 1. *Responding to pain or injury or protecting.* The animal was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.
 2. *Police dogs.* The animal is a police dog and was engaged in the performance of its duties as a police dog at the time of the attack.
- D. *Judicial prohibition.* The court may determine that a person convicted under this Section shall be prohibited from owning, possessing, or residing on the same property with a dog.

(§ 4-217: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-217, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540.04.

Sec. 4-218 Previous finding that an animal is a dangerous dog; willful noncompliance by owner.

Any owner of an animal ~~dog~~ that has been found by the court to be a dangerous dog who willfully fails to comply with the requirements of this Division, the following apply:

- A. *Punishment.* The owner shall be guilty of a class 1 misdemeanor.
- B. *Confining the dangerous dog prior to hearing and verdict.* When an owner of an animal found to be a dangerous dog is charged with a violation of this Section, the animal control officer shall confine the dangerous dog until the evidence is heard and a verdict is rendered by the court. Unless good cause is determined by the court, the evidentiary hearing shall be held within 30 days of the issuance of the summons.
- C. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner of the animal to produce it.

D. *Additional remedies upon conviction.* If the owner is convicted under this section:

1. *Order that the dog be disposed.* The court may order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
2. *Allow the owner 45 30 days to comply; order that the dog be disposed if compliance is not achieved.* In the alternative to subsection (D)(1), the court may grant the owner up to 30 days to comply with the requirements of this Division, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
2. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the dog was taken into custody until the dog is disposed of or returned to the owner.

(§ 4-218: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-218, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540.03.

Sec. 4-219 Responsibility if the owner of a dangerous dog is a minor.

If the owner of an animal found by the court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this Division and Virginia Code §§ 3.2-6540.01 through 3.2-6540.04, 3.2-6542, and 3.2-6542.1.

(§ 4-219: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-219, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(L).

Sec. 4-220 Fund to which collected fees are to be allocated.

All fees collected pursuant to this Division, less the costs incurred by the County in producing and distributing the certificates and tags required by this Division and fees due to the Department of Agriculture and Consumer Services for maintaining the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund of the County for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

(§ 4-220: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-220, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6542.2. _____

Agenda Item No. 21. **CPA202100001 Crozet Master Plan.** 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.

Mr. Kamptner said that the revised resolution had been emailed, with thanks to the Clerk, Ms. Borgersen, who found the Word version of the original resolution and to Ms. Falkenstein for forwarding the text. He said he could also share his screen.

Ms. McKeel said she had a process question. She said they had a motion and they voted on it.

Mr. Kamptner said that to clean the record up, he would suggest that the Board consider a motion to reconsider and if that passed, the motion would be to adopt the resolution as amended.

Ms. LaPisto-Kirtley **moved** that the Board reconsider the previous vote regarding the Crozet Master Plan.

Ms. Mallek **seconded** the motion.

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

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

Ms. McKeel said to Mr. Kamptner that they now had this in front of them, so the motion would be to approve.

Mr. Kamptner said it would be to adopt the amended resolution as presented.

Ms. McKeel **moved** to adopt the amended resolution as presented. Ms. Mallek **seconded** the motion.

Ms. McKeel withdrew her motion and said Ms. Mallek should make the motion.

Ms. Mallek **moved** for adoption of the Resolution to Approve the Crozet Master Plan as presented.

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, and Ms. Price.
NAYS: Palmer.

Mr. Gallaway thanked Mr. Kamptner.

RESOLUTION TO APPROVE CROZET MASTER PLAN (CPA2021-00001)

WHEREAS, Chapter 8 of the Albemarle County Comprehensive Plan adopted by the Board of Supervisors on June 10, 2015 recommends the use of Master Plans to guide development and investment in each Development Area and that each Master Plan be updated every five years; and

WHEREAS, County staff has updated the recommended land uses covering the area within the Crozet Development Area boundary to amend the Land Use Plan section of the Albemarle County Comprehensive Plan and 2010 Crozet Master Plan; and

WHEREAS, the updated Crozet Master Plan would establish revised land use policies, guidelines, recommendations, goals, and strategies for future development within the Crozet Development Area (the "Lands"); and

WHEREAS, the proposed Crozet Master Plan would establish the following for the Plan area: a vision for the development and redevelopment of the area and supporting recommendations; land use, center and district types with form and use recommendations; a plan for the transportation network and its integration with the land use and centers; a plan for open space, trails and natural resource protection and enhancement; and a plan for implementation and supporting community facilities and infrastructure; and

WHEREAS, on September 14, 2021, the Albemarle County Planning Commission held a duly noticed public hearing on CPA 2021-00001, at the conclusion of which it: (i) concluded that approval of CPA 2021-00001 is appropriate and consistent with the coordinated, adjusted, and harmonious development of Albemarle County and, in accordance with present and probable future needs and resources, CPA 2021- 00001 will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of all inhabitants of the County; and (ii) adopted a Resolution recommending approval; and

WHEREAS, on October 20, 2021, the Board of Supervisors held a duly noticed public hearing on CPA 2021-00001.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, and for the purposes articulated in Virginia Code § 15.2-2223, the Albemarle County Board of Supervisors hereby approves CPA 2021-00001 and amends: (i) the Land Use Plan section of the Albemarle County Comprehensive Plan as shown on the draft Crozet Master Plan dated October 20, 2021, and (ii) the Crozet Master Plan as shown on the proposed Crozet Master Plan dated October 20, 2021, subject to the following changes:

1. The land use designation of the block bounded by Tabor Street, Dunvegan Lane, High Street, and Crozet Avenue (the "Tabor Block") from Neighborhood Density Residential to Middle Density Residential; and
2. The text pertaining to the Tabor Block appearing on Page 25 of the Land Use Chapter of the August 20, 2021 Crozet Master Plan Working Draft is incorporated into the approved Crozet Master Plan, and this text is as follows:

Tabor Street/Crozet Avenue Middle Density Residential

There are additional review criteria for any future legislative review applications for new development in the block designated Middle Density Residential that is bounded by Tabor Street, High Street, Crozet Avenue, and Dunvegan Lane. This block is comprised of seven parcels that total 15.86 acres. All of the parcels are currently zoned R-2 Residential.

There are seven existing dwelling units on the properties. Five out of seven of the parcels are within the National Crozet Historic District, and six of the structures are contributing.

This block is surrounded by four streets; however, transportation upgrades are needed, especially for bike and pedestrian connections. There are no sidewalks or paths along any portions of the roads directly adjacent to this block. Specific recommendations for road connections and bike and pedestrian infrastructure are included in the Transportation Chapter of this Plan.

Due to the existing historic resources, existing tree canopy, and needed transportation improvements in this area, there are additional considerations for future development of this block. Future development of this site should preserve the historic houses and portions of the tree canopy, and should be sensitive to these existing historic and natural resources. Areas of tree canopy to be preserved should be identified by an independent certified arborist.

This block is located in close proximity to Downtown Crozet, and future development could provide additional housing units within walking distance of Downtown businesses and public spaces. Future development of this block would need to provide sidewalks along the portions of Tabor Street, High Street, Crozet Avenue, and Dunvegan Lane that are adjacent to the site. Future development would also need to provide or partner in providing right-of-way for bike lanes along Crozet Avenue and right-of-way for a street connection at Dunvegan Lane. Once completed, the recommended Park Road Corridor Design (Implementation Project 1F) may provide additional project opportunities for this area as well.

BE IT FURTHER RESOLVED that the land use designations of the Lands and the applicable map in the Comprehensive Plan are amended accordingly.

Agenda Item No. 24. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Price reiterated her appreciation for Ms. Borgersen finding the Word version of the documents they needed and getting it to them in time to amend the resolution for the Crozet Master Plan.

Mr. Kamptner agreed and said he could not find it and was getting desperate. He said he did not know who originated it but that he could not find the documents in the County Attorney’s folders.

Agenda Item No. 25. Adjourn to October 27, 2021, 11:00 a.m., electronic meeting pursuant to Ordinance No. 20-A(16).

At 10:17 p.m., Mr. Gallaway stated that the Board would adjourn to October 27, 2021 at 11 a.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.” He said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors homepage.

Chair

Approved by Board
Date 07/19/2023
Initials CKB