

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

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

ABSENT: None.

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

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

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway stated that there is a revision to Agenda Item No. 22, ZTA202100002 Special Exception Procedures, Attachment D, which was the November 16, 2021, draft ordinance. The corrected copy of the ordinance was replaced in the online version on November 29, and the new ordinance is dated November 24, 2021 with the following changes: Page 18: Section 18-8.5.5.3(D) – Reference to "director of planning" changed to "Board of Supervisors;" and, Page 20: Section 18-20B.3(F) – The second reference to "director" in this section has been changed to "Board of Supervisors."

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

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

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

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

Ms. Price said she hoped everyone had a great and safe Thanksgiving holiday with their families. She said there was a lot to be thankful for this year, and many families were able to gather together in ways they had not been in the last 18 months, but they also saw that the new Omicron variant was out there and must remain vigilant. She said they had seen nationwide and unfortunately locally, the laws of decorum in some communications and interactions with people. She said it was very important that they maintained civility and respect in their communications and when they gathered together, and the issues they dealt with on the Board of Supervisors affect people locally, and they understood that emotions could run high, but it was important that they remember both "the Virginia way" and "the Albemarle County way," and that they do so with respect and civility to each other.

Ms. Price said that part of her Thanksgiving trip allowed her to go to Columbia, South Carolina to visit family, and she had the opportunity to go on a beautiful river walk. She said she sent pictures to the Director of the parks department, Assistant County Executive, and the members of the Board of Supervisors. She said they had so much that they could do similarly here in Albemarle County with their Rivanna River and the loop around Charlottesville. She said they had some great ideas that she saw, and she hoped they would be able to build that into their plan here.

Ms. LaPisto-Kirtley said that in regard to what Ms. Price said about being safe for Thanksgiving, getting the vaccine was the safest thing they could do.

Ms. Palmer said she had no comments.

Ms. McKeel said she wanted to brag about the Albemarle-Charlottesville Regional Jail (ACRJ). She said ACRJ partnered with the University of Virginia to offer the opportunity for inmates to participate in a credited Russian literature class. She said the class was facilitated by Professor Andrew Kaufman and 10 of his students at UVA, who met once a week in sessions at the jail. She said due to COVID, the classes were attended virtually by Zoom. She stated that 16 inmates completed the class and earned one

college credit from the University of Virginia, and Professor Kaufman, his students, and the staff all agreed it was a resounding success. She said this was a pilot; it was the first time the University of Virginia had partnered with an adult correctional facility, and she thought it was great news that she wanted to share.

Ms. Mallek said she felt a sense of relief as they entered the late fall and winter, because things on the farm quieted down a bit, and there were fewer trips to the barn and things like that. She said the fall had been dry, and even though there was not a red flag warning out from the Forestry Department, people needed to be extra careful of fires because of the high winds and dry conditions. She said she was very excited about the classes at the jail because it was a life-changing opportunity for someone who did not have good grades, so it would help them realize they had more skill than they thought. She said reaching people, wherever they were, was an important thing. She said they were going to be talking about stream health later today, and reaching people and bringing them into the environment, along with an education component, was important.

Mr. Gallaway said he had no announcements for today.

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.

Mr. Babak Alimard greeted the Board and said he wanted to discuss the importance of the Darden Towe turf and lights project. He said the Board had previously budgeted and approved the spending required to leverage existing field space at Darden Towe to create turf fields with lighting; however, the project seemed to have been sidelined despite the community demand and potential economic as well as what he called psychosocial benefits, especially during this period of COVID, of having such facilities in their County. He said he was there to ask the Board to please move this project forward and would like to share a few thoughts on the merits of having lighted turf fields in their community. He said there was a very strong and growing soccer community in Albemarle County, but unlike many of their neighboring counties, they lacked sufficient fields, especially those that were impervious to weather cancellations or lack of light. He said turf fields with lights would serve as a significant infrastructure for the community of thousands of local athletes at both the youth levels and adults who play and could use these fields and these facilities locally. He said these facilities could also serve events that organizations hold to bring what many called "sports tourism" to the area to generate revenues, both in terms of tax revenues for the County as well as revenues for their local businesses such as hotels and restaurants that had suffered so much. He said he was among many others who were passionate about this.

Mr. Williamson introduced himself as president of the Free Enterprise Forum, a privately funded public policy organization focused on central Virginia's local governments. He said the next item on their agenda was a work session on stream health initiatives phase two. He said while significant time had gone into this project for its laudable goals, it was incumbent on those supervisors to measure those forward-thinking initiatives alongside their other Comprehensive Plan objectives, most specifically, how will each of these well-meaning environmental regulations impact the cost of housing in their community. He said under the next steps of the formational document, staff identified the need to evaluate these proposals regarding many metrics, including equity impacts. He said as they knew, less than 5% of Albemarle's land mass was designated for development. He continued that if the cost of developing housing in the County's designated development areas continued to rise, how many families would be priced out of Albemarle. He asked how that sat with their oft-mentioned equity lens.

Mr. Williamson stated that while they applauded many of the goals of the stream health initiative, they were most concerned with the economic impacts of the stream buffer overlay district, strengthening restoration and mitigation requirements, and development phase carry overrides. He said staff had done an admirable job highlighting hundreds of thousands of dollars in salary and hours of staff time associated with implementing these proposals. He said that considering the import this Board had placed on affordable housing and equity, the Free Enterprise Forum asked the Board to determine the cost implication of each of the proposals on a potential new homeowner. He said in addition, considering the current backlog in Community Development permitting, how long would it take to get projects permitted with this new proposal. He said they also hoped that each project would have success metrics established and reported regularly. He stated that they recognized they were not yet to the public hearing portion of the approvals, and the devil was in the details. He said the Albemarle County Board of Supervisors can choose to prioritize these proposals, so that those that had the most impact, with the least negative externalities, could be completed first. He said that to do so would be to recognize the multifaceted and occasionally contradictory comprehensive plan goals.

Mr. Gallaway closed Matters From the Public.

Agenda Item No. 8. Consent Agenda.

Ms. Price **moved** to approve the consent agenda. Ms. McKeel **seconded** the motion.

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

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

Item No. 8.1. 2021 Redistricting.

The Executive Summary forwarded to the Board states that localities are required to redraw their magisterial districts every ten years, based on the prior year's Census data. However, two factors will prevent the completion of redistricting during calendar year 2021:

1. The delivery of Census results to localities was significantly delayed, largely as a result of the COVID-19 pandemic. Though final Census data is typically delivered no later than April 1 of the year following a Census, the County did not receive the most recent Census data until August 12, well after the April 1 standard.
2. More importantly, a 2020 amendment to *Virginia Code* § 24.2-307 now requires each precinct to be wholly contained within a single congressional district, state Senate district, House of Delegates district, and local governing body or school board district. Attachment A shows the four County precincts currently split between existing state Senate or House districts. Though state law now prohibits such "split precincts," the County cannot definitively avoid them going forward unless and until the new state and federal districts are determined. As the Board may be aware, the newly formed Virginia Redistricting Commission was unable to agree on state or federal districts. That delay in federal and state redistricting in turn prevents local redistricting that definitively avoids split precincts.

The County's redistricting process will culminate in the Board's adoption of a redistricting ordinance. The redistricting ordinance will establish both (a) the boundaries of the County's magisterial districts and precincts and (b) the location of the polling places within each precinct. Before the redistricting ordinance can be adopted, staff recommends setting a schedule and guidelines to guide the process.

Although Census data was not timely provided, it remains imperative to adopt a redistricting ordinance as soon as possible. In addition to the November 2022 general election, it is possible that primary elections could be scheduled sooner. The Attorney General certification process under Virginia Code § 24.2-129 requires at least 60 days.

The proposed redistricting schedule (Attachment B) includes such tasks as:

- (1) the discussion and preliminary approval by the Board of guidelines for magisterial districts, precincts and polling places, discussed in the following paragraph;
- (2) a public meeting coordinated by County staff to obtain community input on redistricting issues, concerns and the preliminary guidelines;
- (3) the Board's consideration of the community comments;
- (4) the Board's approval of the final redistricting guidelines;
- (5) one or more Board work sessions on the proposed redistricting plan;
- (6) the Board's public hearing on the redistricting ordinance, likely to be scheduled in May 2022; and
- (7) the submittal of the 2021 redistricting ordinance to the Virginia Attorney General for certification.

The proposed redistricting guidelines (Attachment C) provide direction and information as to how magisterial districts, precinct boundaries, and polling places will be identified and established. Some of these guidelines are requirements established by law, such as the requirements for geographical compactness and contiguity, the requirement that the population within each magisterial district be as equal as is practicable, and the requirement that precincts have no less than 100 and no more than 5,000 registered voters. Other guidelines reflect County-specific goals, such as having each magisterial district contain urban and rural areas.

The public will be invited to comment on the preliminary guidelines at a public meeting coordinated by County staff, most likely in January 2022. After public comments are received on the preliminary guidelines, the Board will have the opportunity to finalize the guidelines and direct staff to proceed with the redistricting plan in accordance with those guidelines.

Redistricting is already incorporated into various offices' and departments' workplans. However, there will be costs associated with public notices provided for public meetings and the redistricting ordinance. If additional precincts and corresponding polling places must be established because of population increases, there will be additional staff and equipment costs associated with those new polling places during elections over the next decade.

Staff recommends that the Board adopt the proposed redistricting schedule and direct staff to proceed under the preliminary redistricting guidelines. The guidelines will be reviewed again with the Board after staff has received and reviewed public comments on the guidelines.

By the above-recorded vote, the Board adopted the proposed redistricting schedule and directed staff to proceed under the preliminary redistricting guidelines:

Proposed Redistricting Schedule

December 1, 2021	<u>Schedule and Guidelines</u> : Staff will request the Board's approval of the proposed redistricting schedule and the Board will have a discussion and provide direction to staff to proceed with the preliminary redistricting guidelines.
January 21, 2022	<u>Public Meeting</u> : By this date, County staff will conduct a public meeting to obtain input from community organizations and the general public on redistricting issues and the preliminary redistricting guidelines. This meeting will be publicized and advertised to reach those interested organizations and the public.
March 2, 2022	<u>Staff Report on Public Meeting; Approval of Guidelines</u> : Staff will report to the Board on the comments received from community organizations and the general public at the public meeting regarding redistricting issues and the preliminary redistricting guidelines. The Board of Supervisors will be asked to approve final redistricting guidelines and direct staff to proceed with redistricting work.
April 6, 2022	<u>Tentative Work Session</u> : If staff has had sufficient time prior to this date to develop a proposed redistricting plan, the Board will hold a work session on the proposed redistricting plan.
April 13, 2022	<u>Work Session</u> : The Board will hold a work session on the proposed redistricting plan (if necessary) for any unresolved issues.
May 4 or 11, 2022	<u>Public Hearing on Plans and Ordinance</u> : The Board will hold a public hearing and adopt the 2021 redistricting ordinance.
May, 2022	<u>Submittal Under Voting Rights Act of Virginia</u> : After the Board has adopted the 2021 redistricting ordinance, staff will submit the ordinance to the Virginia Attorney General for certification under <i>Virginia Code</i> § 24.2-129.
Note:	The proposed work session and public hearing dates are tentative and for planning purposes only. Adherence to these dates will depend on the date the County receives the census data upon which the redistricting plan will be based. Staff may develop more than one proposed redistricting plan for the Board's consideration.

Redistricting Guidelines

- Purpose:** These redistricting guidelines will guide staff and inform the public of the applicable criteria to be considered for redistricting as staff prepares to develop the 2021 redistricting ordinance, which will amend [Article I, Elections, of Chapter 2, Administration, of the County Code](#).
- Introduction:** These guidelines are divided into three sections – those that pertain to establishing the boundaries for the County’s magisterial districts, those that pertain to the criteria for precincts and those that pertain to the criteria for polling places. Some of these guidelines are requirements of State or Federal law. Other guidelines are based on local considerations (*e.g.*, maintain six magisterial districts) applied by the Board in prior redistricting years.

Magisterial District Guidelines

Federal Law

1. Establish population equality among the magisterial districts as nearly as practicable, with a goal of having a deviation in population not to exceed +/-5%, in order to assure representation in proportion to the population of the district. (*White v. Regester*, 412 U.S. 755 (1973) (allowing some minor variation from population equality; also, [United States Constitution, Article I, § 2, Virginia Constitution, Article VII, § 5](#), and [Virginia Code § 24.2-304.1\(B\)](#))

State Law and State-Level Redistricting Criteria

2. Assure that any change in a magisterial district boundary does not have the purpose or effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. ([Voting Rights Act of Virginia, Virginia Code § 24.2-129](#)). This, as well as the next criterion, used to be the product of the federal Voting Rights Act of 1965, until those requirements were removed from Virginia by *Shelby County v. Holder* in 2013. The Voting Rights Act of Virginia essentially re-applied them.
3. Assure that no protected class identified in Guideline 2 loses voting strength under the new redistricting plan. ([Voting Rights Act of Virginia, Virginia Code § 24.2-129](#))
4. Maintain geographical compactness in each magisterial district. ([Virginia Code § 24.2-304.1\(B\)](#); [Virginia Code § 24.2-305\(A\)](#); also, [Virginia Constitution, Article VII, § 5](#))
5. Maintain geographical contiguity in each magisterial district. ([Virginia Code § 24.2-304.1\(B\)](#); [Virginia Code § 24.2-305\(A\)](#); also, [Virginia Constitution, Article VII, § 5](#))
6. Assure magisterial districts have clearly observable boundaries, which include: (i) any named road or street; (ii) road or highway which is part of the federal, state primary or state secondary road system; (iii) any river, stream or drainage feature shown as a polygon boundary on the TIGER/line files of the Census Bureau; or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by VDOT, on a USGS topographical map, or as a polygon boundary on the TIGER/line files of the Census Bureau. ([Virginia Code § 24.2-305\(A\) and \(B\)](#))
7. Use only 2020 census data for the County. ([Virginia Code § 24.2-304.1\(C\)](#))
8. Factors to consider include, but are not limited to, economic, social and cultural factors, geographical features, and service delivery areas. (Based on Virginia [Senate](#) and [House](#) 2011 Redistricting Criteria)

9. If there is a conflict between Guidelines 1, 2, 3, 4, 5 or 6 and Guidelines 8, 10, 11, 12, 13, 14, 15 or 16, priority shall be given to Guidelines 1, 2, 3, 4, 5 or 6 because they are based on Federal and State law requirements. (Based on Virginia [Senate](#) and [House](#) 2011 Redistricting Criteria) If there is a conflict within Guidelines 1 through 6, priority shall be given to population equality, compliance with the United States and Virginia Constitutions, and compliance with the Voting Rights Act.

County Considerations

10. Maintain six magisterial districts.
11. Have each magisterial district contain both urban and rural areas of the County.
12. Minimize changes to existing magisterial district boundaries.
13. Preserve communities of interest, including neighborhoods, within the same magisterial district.
14. Avoid the pairing of incumbent members of the Board of Supervisors or the School Board in the same magisterial district.
15. Avoid splitting census blocks to assure the accuracy of the census data.
16. Preserve the historic core of existing magisterial districts.

Precinct Guidelines

State Guidelines and State-Level Redistricting Criteria

1. In no event shall a precinct have fewer than 100 registered voters nor more than 5,000 registered voters. ([Virginia Code § 24.2-307](#))
2. Each precinct shall be wholly contained within a single congressional district, state Senate district, House of Delegates district, and magisterial district. ([Virginia Code § 24.2-307](#))
3. Maintain geographical compactness in each precinct. ([Virginia Code § 24.2-305\(A\)](#))
4. Maintain geographical contiguity in each precinct. ([Virginia Code § 24.2-305\(A\)](#))
5. Assure precincts have clearly observable boundaries, which include: (i) any named road or street; (ii) road or highway which is part of the federal, state primary or state secondary road system; (iii) any river, stream or drainage feature shown as a polygon boundary on the TIGER/line files of the Census Bureau; or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by VDOT, on a USGS topographical map, or as a polygon boundary on the TIGER/line files of the Census Bureau. ([Virginia Code § 24.2-305\(A\) and \(B\)](#))
6. If there is a conflict between Guidelines 1, 2, 3, 4 or 5 and Guidelines 7 or 8, priority shall be given to Guidelines 1, 2, 3, 4 or 5 because they are based on State law requirements. (Based on Virginia [Senate](#) and [House](#) 2011 Redistricting Criteria)

County Consideration

7. The target size of a precinct shall be not more than 2,500 registered voters

Polling Place Guidelines

State Guidelines and State-Level Redistricting Criteria

1. Each precinct shall have one polling place. ([Virginia Code § 24.2-307](#))
2. If a polling place cannot be located within the precinct, it shall be located within one mile (as measured in a straight line) from the precinct boundary. ([Virginia Code § 24.2-310\(A\)](#))
3. Each polling place should be located in a public building whenever practicable. ([Virginia Code § 24.2-310\(B\)](#))
4. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural or similar nature unless the State Board of Elections has approved the use of the building because no other building meeting the accessibility requirements set forth in Guideline 5 is available. ([Virginia Code § 24.2-310.1](#))
5. Each polling place shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act ([Virginia Code § 51.5-1 et seq.](#)), the Voting Accessibility for the Elderly and Handicapped Act ([52 U.S.C. § 20101 et seq.](#)), and the Americans with Disabilities Act relating to public services ([42 U.S.C. § 12131 et seq.](#)). ([Virginia Code § 24.2-310\(C\)](#))
6. If there is a conflict between Guidelines 2, 3, 4 or 5 and Guidelines 7, 8 or 9, priority shall be given to Guidelines 2, 3, 4 or 5 because they are based on State law requirements. (Based on Virginia [Senate](#) and [House](#) 2011 Redistricting Criteria)

County Considerations

7. Each polling place should be centrally located within the precinct so that the maximum travel time for a voter does not exceed 20 minutes.
8. Existing polling places should be maintained, provided that they satisfy Guidelines 2, 3, 4 and 5.
9. Polling places should be located where public transportation is available, where appropriate.

Item No. 8.2. Partial Release of Liability Related to the Loss of Use of a Damaged County-Owned Fire Engine.

The Executive Summary forwarded to the Board states that on May 19, 2021 a cement truck owned by Wilson ready Mix LLC struck Albemarle County Fire Engine E121, a 2015 Pierce Impel (“E121” or “the Engine,” as described in the attached Resolution). The cement truck struck E121 from the rear while sitting at a stop light. Extensive damage was sustained to E121 due to the rear end collision. E121 was transported to Atlantic Emergency Solutions to determine the damage sustained and prepare a subsequent repair estimate.

Atlantic Emergency Solutions evaluated the damage to the body of E121 and related equipment. A repair estimate was provided to Albemarle County Fire Rescue. Atlantic Emergency Solutions indicated that the time to repair E121 would be a minimum of six months. The repair estimate was submitted to Wilson Ready Mix LLC’s automobile insurance carrier, The Travelers Insurance Company. Chief Chip Walker, Chief David Puckett, and Lauchlin Lee sought approval of the repairs to E121 from The Travelers Insurance Company Large Loss Claims Division. The Travelers Insurance Company remitted a claim payment to Albemarle County in the amount of \$218,265.64 for the estimated repairs to E121, which was deposited on August 25, 2021. Any supplemental damage which may be discovered by Atlantic Emergency Solutions as repair work progresses may be submitted to The Travelers Insurance Company for additional payment.

Given the minimum six-month timeline for repairs to E121 to be completed, Chief Walker and Chief Puckett negotiated an agreement with The Travelers Insurance Company to pay a lump sum of \$71,272.82 in advance as a one-time payment for the rental/lease of a comparable Fire Engine and associated upfit costs, which is typical practice. Rather than upfit a rental/lease fire engine that would need to be returned in original condition, ACFR negotiated to be able to use the one-time payment equivalent to six months of rental/lease costs of a comparable fire engine and the costs to upfit the required equipment to the fire engine to be used to supplement approved funds from the sale of a separate fire engine that is being removed from service, to the purchase of another fire engine. This agreement avoids having to rent/lease a fire engine, upfit it, and then return the rented/leased engine in the same condition.

The Travelers Insurance Company agreed to the payment of \$71,272.82 for the loss of use of E121. The Travelers Insurance Company and the County Attorney's office have agreed to language in a partial release agreement that the County must sign prior to The Travelers Insurance Company disbursing the payment.

Staff does not anticipate any impact to the budget at this time.

Staff recommends that the Board adopt the Resolution (Attachment B) to approve a partial release of liability and to authorize the County Executive to sign the attached Release (Attachment A).

By the above-recorded vote, the Board adopted the Resolution to approve the partial release of liability related to the loss of use of a damaged County-owned fire engine and to authorize the County Executive to sign the attached Release (Attachment A):

RESOLUTION TO APPROVE A PARTIAL RELEASE OF LIABILITY

WHEREAS, on 19 May 2021, a 2015 fire engine ("the Engine"), owned by Albemarle County, Virginia, and operated by Albemarle County Fire and Rescue personnel, was hit from behind by another driver while stopped at a traffic light; and

WHEREAS, damage to the Engine is being assessed and repaired; and

WHEREAS, Travelers Insurance, the insurance company for the involved driver, has agreed to advance 6 months of loss of use of the Engine and rental engine payments in the amount of \$71,272.82 in exchange for a partial release of liability ("the Release") and for further payments for loss of use; and

WHEREAS, execution of the Release and the acceptance of the offered lump payment does not limit the recovery for damage and repair to the Engine;

WHEREAS, the Board of Supervisors finds it is in the best interest of the County to approve executing the Release and accepting a payment of \$71,272.82 in lieu of future loss of use and rental payments from Travelers Insurance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves a Release and authorizes the County Executive to execute the Release on behalf of the Board subject to its approval as to substance and form by the County Attorney.

* * * * *

RELEASE

We, Albemarle County, (hereafter "Releasors") for consideration of the sum of \$71,272.82 hereby release and forever discharge Conmat Group, including Conmat driver Donnie Dalton, and his/her/their/its heirs, executors, administrators, successors and assigns (hereafter "Releases(s)") and any other person, corporation, association or partnership allegedly responsible for damages specifically and exclusively for loss of use, upfit, and equipment, arising from any and all claims, demands, causes of action, damages, losses, judgements, actions, or lawsuits which we have now or may have, known or unknown, anticipated or unanticipated against Releasee(s) in the future as the result of an accident, incident, casualty or event (the "Incident") which occurred or is alleged to have occurred at or near Route 29 in the city/town of Charlottesville in the state of VA on the day of 05/19/2021.


This release is not a release for the repairs to the vehicle. The repairs to the vehicle are ongoing and the full amount for the repairs is not yet established.

It is understood and agreed that neither this Release nor any payment made pursuant hereto is to be taken as an admission of liability on the part of any person.

The payment will be made to Albemarle County at 401 McIntire Rd, Charlottesville, VA 22902.

This Agreement shall be governed by the provisions hereof and by the laws of the Commonwealth of Virginia, excepting the law governing conflicts of laws. Disputes arising out of this Agreement shall be resolved in the courts of the Commonwealth of Virginia in and for Albemarle County.

ALBEMARLE COUNTY, VIRGINIA



Jeffrey B. Richardson
County Executive

12/13/21

Date

Item No. 8.3. Community Development Department Work Program - Mid Year Update, **was received for information.**

Agenda Item No. 9. **Work Session:** Stream Health Initiative Phase II.

The Executive Summary forwarded to the Board states that in 2017, the Board of Supervisors directed staff to develop strategies for improving stream health in the county; this project is called the Stream Health Initiative. Phase I (2018-present) had a Development Area focus and resulted in thirteen proposals. In a public hearing on April 21, 2021, the Board voted to address a subset; work on others is phased due to staff resource needs.

Phase II has a Rural Area focus. The goal of Phase II is to develop strategies for improving stream health that are supported by the communities, landowners, and organizations that live and work in the Rural Area, using a collaborative and inclusive process. Phase II project updates were provided to the Board on November 18, 2020, April 7, 2021, and July 21, 2021.

Phase II public engagement, underway since January 2021, resulted in 16 recommended strategies presented during a Board work session on July 21, 2021. The Board expressed support for selected strategies and directed staff to further research and develop proposals. Staff is returning now to the Board with 14 proposals based on the strategies, staff analysis, community feedback, and input from

the Board.

A project update on Phase II is provided as Attachment A. An overview of the fourteen final proposals is included as Attachment B, and detailed descriptions are included as Attachment C. Public input received through a questionnaire is provided as Attachment D. Full proposals provided in Attachment C include analysis, anticipated outcomes, resource needs, and alignment with other County plans. Options were selected due to their ability to address the project goal of improving stream health in the Rural Area, and each might address one or more of the Vision & Goals for Stream Health in our Community (see Attachment E). Equity impact assessments are underway and will be completed prior to implementation of any project or program. Numbers associated with each proposal are for reference only and do not indicate prioritization.

Stream Health Initiative Phase II Proposals			
1	Stream Buffer Overlay District	8	Stability for Agricultural Cost-Share Programs
2	Strengthen Restoration and Mitigation Requirements	9	Leverage Agricultural BMP Incentives
3	Environmental Restoration ZTA	10	Expand Albemarle Conservation Assistance Program
4	Sustainable Onsite Sewage Treatment Systems	11	Low-Impact Development Study
5	Development Phase Carryover Items	12	Stream Quality Assessment Program
6	Land Conservation for Water Quality	13	New Landowner Education Project
7	Riparian Conservation Assistance Program	14	Expand Watershed Education in Schools

Each proposal requires some combination of existing staff time, additional staffing needs, and/or associated program funding, as described in Attachments B and C. Several of the proposals present opportunities to leverage outside funds from partner agencies and grants; this will continue to be a focus of project work moving forward. In consideration of existing staff capacity and current budget projections, staff recommends staggering implementation of the proposals. Proposals recommended for FY 23 are those that are well-developed and ready for implementation, contingent on resource availability. Proposals requiring additional staff or funding and recommended for inclusion in the FY 23 budget include:

Proposal		Dept	Additional Staff	Position Type	Other Funding	Amount
1	Stream Buffer Overlay District	CDD	1 FTE	Code Compliance Officer I	N/A	\$113,000
2	Strengthen Restoration and Mitigation Requirements	CDD	N/A	N/A	Consulting	\$30,000
5	Development Phase Carryover Items	CDD	2 FTEs	Civil Engineer I	N/A	\$98,000
				Eng. Inspector II	N/A	\$117,000
6	Land Conservation for Water Quality	CDD	1 FTE	Planner	N/A	\$85,000
13	New Landowner Education Project	CDD	N/A	N/A	Printing/ Mailing	\$2,500
8	Stability for Agricultural Cost-Share Programs	FES	N/A	N/A	\$85,000	\$85,000
10	Expand Albemarle Conservation Assistance Program (ACAP)	FES	N/A	N/A	\$65,000	\$65,000

This is a Board work session and staff is seeking input and feedback before proceeding further. Unless there is Board interest otherwise, staff is prepared to take the following next steps:

- 1) Begin work on proposals 3 and 11, immediately actionable with existing staff;
- 2) Submit for consideration a budget request for FY 23 for resources needed to work on proposals 1, 2, 5, 6, and 13, to be carried forward by CDD staff;
- 3) Submit for consideration a budget request for FY 23 for resources needed to work on proposals 8 and 10, to be carried forward by FES staff;
- 4) Return to the Board for consideration of proposals 4, 7, 9, 12, and 14 in FY 24-FY 26.

Ms. Kim Biasiulli introduced herself as the Natural Resources Manager. She said there were three additional staff members with her today who would introduce themselves.

Ms. Laurel Williamson introduced herself as the Watershed Stewardship Manager in the Facilities and Environmental Services Department.

Mr. Frank Pohl introduced himself as the County Engineer in the Community Development Department.

Mr. Bart Svoboda introduced himself as the Zoning Administrator for the County.

Ms. Biasiulli said that phase two of the stream health initiative was focused on improving stream health in the rural area. She acknowledged that they had many partners, stakeholders, and community members involved in this project who had contributed diverse expertise over the course of a year, as well as all staff members who contributed their knowledge of water resources, planning and engineering, and public engagement.

Ms. Biasiulli said the stream health initiative was divided into two phases. She said phase one

was focused on development, and that work had carried forward in parallel to the phase two work focused on the rural area. She said that was the core of their work this year and the majority of what they were going to talk about today. She said they had one proposal as part of this project that was related to moving forward some of those phase one items that were put on hold due to resource needs. She said as they moved forward with this project, it was planned to move away from these different phases, which could be confusing, and then everything would be merged back together for the project that was referred to as the stream health initiative.

Ms. Biasioli said that today's focus would be on phase two, which was primarily in the rural area. She said they laid out a timeline for the year and broke out four quarterly stages, and the Board could see where they were currently in that timeline. She said in the July session, they had brought forward 16 strategies for improving stream health in the area, which were developed by the stream health work group and team. She said they were directed by this Board to develop some more well-developed proposals related to those strategies. She said she would note that the proposals they were going to hear about today and the strategies they had talked about in July were not one-to-one, so some of the proposals touch on multiple strategies and some show up in multiple proposals. She said those strategies did provide a basis for development of those proposals, as well as many discussions with partners and stakeholders and internally with their team. She said all of that work had brought them to where they were today in its decision stage.

Ms. Biasioli said the goals of today's work session were to review the 14 proposals, to discuss and answer any questions the Board may have, and to receive direction on the staff recommendation to begin working on selected proposals and to phase implementation of others.

Ms. Biasioli said that in all of the information that was provided as Attachment B, the Board should have an overview of the 14 proposals. She said she wanted to highlight first that this chart did not show equity impacts, but they did want to note that that had been a consideration as they had these discussions, and she thought they would see that reflected in the proposals. She said they also wanted to mention they had been working with the Office of Equity and Inclusion on equity impact assessments, and those would be completed for any project or program prior to implementation. She said the numbers on the lefthand side of the slide were not for any kind of prioritization and were for the Board's reference only, and the colors associated with those numbers, as shown by a key at the bottom of the slide, indicated whether that was a project that would be led by Community Development staff or by Facilities and Environmental Services staff.

Ms. Biasioli said moving left to right across this graphic, there was an estimate of existing staff time for the development of project or program, an estimate of additional staff that they felt would be required for implementation, an estimate of the time frame for development, an estimate of non-staff related costs and whether those might be recurring. She said in the last column there was a bar chart that indicated a degree of alignment that this particular stream health proposal had with other goals, strategies, and recommendations in the comprehensive plan, the climate action plan, and the biodiversity action plan.

Ms. Biasioli said that related to that measured alignment with other plans was the concept of multiple-benefit conservation. She emphasized that the focus of their work today was on water quality and stream health, but in protecting stream health and quality, they were likely to be providing many other benefits for climate, scenic value and wildlife, public health, and more.

Ms. Biasioli said that before they got into the 14 proposals, she wanted to touch on one more strategy they had discussed with this Board, and that was full adoption of the Chesapeake Bay Preservation Act (CBPA or "Bay Act"). She said this was a strategy that was not recommended by staff in the July work session, but this Board directed them to explore it further. She said they learned a few things from the work put in over the past few months. She said that the County had already adopted approximately 60% of the provisions in the act and adopting the rest would provide stream health benefits and co-benefits they had identified, but they did not find that it would be one comprehensive tool or solution that would replace the need or the value of all the other options they would be hearing about today.

Ms. Biasioli stated that it was also found that full adoption was an extremely resource- and time-intensive option relative to the anticipated benefits that might be received. She said the Board may recall there was a strategy discussed in July related to reviewing the existing policies and regulations to identify opportunities to better align with the Bay Act. She continued that they had done a lot of this analysis over the past few months, and they would see that some opportunities and elements of the Bay Act were reflected in some of the proposals they would hear about today. She said they had also identified some other opportunities that they could continue to pursue as they moved forward with this work in the future.

Ms. Biasioli said that at this point, Ms. Williamson and she would discuss each of the proposals fairly quickly and at a high level so that there would be time for questions and discussion. She said the first proposal was for a stream buffer overlay district. She stated that the goal of this was to reintroduce the requirement that stream buffers be retained. She explained that she said "reintroduced" because this language, which was originally modeled after the language in the Bay Act, was in their Water Protection Ordinance prior to 2014, but currently, retention of stream buffers was only required during a land-disturbing activity. She said this would require retention irrespective of a land-disturbing activity and also in perpetuity following a land-disturbing activity. She said what was being proposed would continue to follow their Water Protection Ordinance concerning the exemptions they had for stream buffers for agriculture, forestry, public utilities, and other small disturbances.

Ms. Biasioli said the extent of the requirement would be dependent on the geographic location, whether it was located in the rural area or the development area or a water supply protection area, and also whether the stream was perennial or intermittent, or whether it was along a reservoir. She said that would also follow their current Water Protection Ordinance. She stated that for implementation of this proposal, they were not proposing to go back to what they had prior to 2014, which was simply a provision in the Water Protection Ordinance that, to their knowledge, might be somewhat ambiguous and not broadly enforced. She said that instead, they were recommending the creation of an overlay district and updating the Zoning Ordinance, which would outline permitted uses within that district and also enable enforcement, as well as an update to the Water Protection Ordinance to align with the Zoning Ordinance and developing some standard operating procedures and enforcement guidelines to help guide Community Development staff.

Mr. Gallaway said Supervisor Mallek had previously mentioned discussing each of the 14 proposals as they were presented so they did not have to go back through all of them. He asked the Supervisors to ask efficient questions, and if there was any objection or discussion to that approach.

Ms. Price said she would hold her comments until the end of the presentation.

Ms. LaPisto-Kirtley asked to see Slide 7 again. She said the benefit was to have walking trails and water filtration, but she asked how this affected residents in the rural areas that already had a buffer. She asked if they would be required to increase that buffer.

Ms. Biasioli asked if Ms. LaPisto-Kirtley was referring to the stream buffer overlay district.

Ms. LaPisto-Kirtley responded affirmatively.

Ms. Biasioli said that what was being proposed for retention of buffers from the day of adoption of the ordinance forward, so they recognized there would be some non-conforming uses in that district. She said their goal was to focus on the retention of natural landcover moving forward.

Ms. LaPisto-Kirtley said that they would not be going back and requiring a currently 35-foot buffer to be changed to a 100-foot buffer unless there was a 10,000-square-foot land disturbance.

Ms. Biasioli said they did not anticipate having any kind of land restoration or mitigation requirement throughout the County.

Ms. Palmer said she thought this was one of the ones they had most questions about. She said she had some clarifying questions, the first of which was, if there was a residential property in a neighborhood in the rural areas and the houses there were on a river in the watershed for the drinking water supply, and someone decided to mow down to the river and set up a picnic area or play area or something, would that be a legal issue since the house had been there for a long time.

Ms. Biasioli said they had not fully developed the ordinance, so there were some details to be worked out. She said one of the things Ms. Palmer mentioned, such as the play area, the permitted uses would be outlined in the zoning ordinance, and she would imagine some small-scale uses such as a walking trail that leads down to the river or something would continue to be permitted. She said what they were trying to get at with this district was the removal of large areas of natural vegetation and converting that. She said that would apply throughout the County whether someone's house had been there or not, and it was related to the land use of that area.

Ms. Palmer asked if someone with a large piece of property, such as her neighbors, with long frontage along the river, and decided to do a whole camping area with removal of all of the vegetation, would someone have to complain about it, or would there be some kind of surveillance. She said it said in the materials that one of the problems before was a lack of guidance with respect to the Water Protection Ordinance, and that was why in 2014 it was limited to pertaining to only active construction. She said she believed it was incredibly important to find out what good guidance was and how they got that—and how they got that in the minutes—and a clearer understanding of what that guidance was. She said it sounded like they were trying to develop guidance to suggest to the Board of Supervisors. She asked if that was the case.

Ms. Biasioli said she said she believed that was the case. She said she would not be able to speak to every specific case that would come up because they had not developed the ordinance yet. She said this was more of the general sense of the goal of being able to prevent the removal of large areas of natural vegetation and not to micromanage where there might be a firepit or something like that. She stated that the guidance that would help with this, and what was different than what they had before was that previously, they just had language in the Water Protection Ordinance, and that left things open to interpretation and perhaps some ambiguity, but having a zoning overlay district, it would be clearly defining the purpose and intent of that district, what uses were permitted and what uses were prohibited, and any other standards related to that. She said that would be outlined similarly to other districts they had in their Zoning Ordinance, like the flood hazard overlay district for example. She said the actual ordinance could serve as guidance, and also they were proposing developing very clear standard operating procedures and guidelines for enforcement internally to help guide staff.

Ms. Palmer said she sent her other question to Mr. Kamptner beforehand, and it was an important time for him to clarify. She said in the rural areas, 95% of the County was zoned rural, and they

came into problems with that in the past regarding a variety of things. She asked when something was called a farm and when was something called a residential property. She said of course they assumed a farm would not be impacted by this, just from their previous conversations.

Mr. Kamptner asked if this specific question was about when something was considered a farm.

Ms. Palmer responded affirmatively and asked when it would come under this Water Protection Ordinance. She said if they were excluding agriculture, which seemed to be what she had been hearing. She stated that there were a lot of big houses on large properties where people were paying to get the tax from it, and sometimes they were called a farm even though they were not enrolled in any kind of land use tax deferral program, so she had a significant problem with understanding that.

Mr. Kamptner said that one of the great things about the overlay district was that it would allow the Board to tailor the overlay district and the properties to which it would apply as precisely as could be done, so it may be that it defines farm in such a way that it was speaking to something akin to active agriculture or something like that as opposed to the property Ms. Palmer had described. He said there was flexibility in the enabling authority to approach it that way.

Ms. Palmer asked if they would be getting a definition of a farm out of this.

Mr. Kamptner said the definition of a farm was in the zoning ordinance already, and it was fairly broad. He said it was modeled after state law, and that particular definition would probably not be appropriate for what was being considered for the overlay district and they would need something more precise for this particular purpose.

Ms. Palmer said that was wonderful news. She asked the question of why not call this a resource protection area rather than the Water Protection Ordinance to be consistent with the state and other localities.

Ms. Biasioli said that was an option. She said the only place she was aware of that they referred to Water Protection Ordinance buffers was in the public-facing online GIS system, and in that public-facing tool, this calling of stream buffer overlay district was a bit clearer for the public in terms of what it was and what it was meant to regulate. She said there was certainly more opportunity for them to put in the ordinance a reference to the resource protection areas such as they are called in the Bay Act. She said it could be anywhere else as well.

Mr. Kamptner said as he read the Chesapeake Bay Act, resource protection areas would apply to perennial streams. He said their intermittent streams, which they did regulate right now, would be under their resource management area. He said going with that terminology of resource protection area would create some confusion.

Ms. McKeel said her response, in general, was that she was in favor of this. She said they needed a definition of agriculture and what agriculture was. She said she believed that was what Ms. Palmer was referring to. She said she thought incentives were wonderful and were needed, but they best worked when there were regulations to go along with them, and they had a way to punish the bad actors. She said she wanted to make sure that through all of this discussion, that they had that ability to look at incentives and voluntary measures and were also looking at regulatory actions that allowed them to get at clean water and what they needed to do in these rural areas. She said she thought this would allow them to get at perpetual retention of buffers, at least as they were described in the ordinance.

Ms. Biasioli responded affirmatively.

Ms. McKeel said she was very interested in that. She said she was not around in 2008, but she was unsure if she understood why they left that language. She said they sort of went after an explanation, and if it strengthened their abilities, that was fine, and she did not want to do anything that reduced the ability of the County to prioritize their clean water and make sure they had the teeth in their ordinances to do that.

Ms. Mallek said it was a good one to start with because getting clearer rules all the way along and getting back all the things they had given up, making them better and enforcing them would create cleaner drinking water for everyone, and that was a highly equitable approach, if clean water were available to play in, in their backyard, it would be a big improvement. She said she was still very concerned about access to exemptions, and they needed to do a lot of work about the standards involved in that. She said in the presentation so far, she was seeing a lot of work being described, such as creating an ordinance and creating an overlay district. She said she was concerned they were setting themselves up to spend a lot of tax resources when other communities had already done work and the Bay Act had provided the wording, and they had not yet learned about the positives of those communities that have already enacted this, and they were functioning just fine. She said it was a longtime question that had been over staff for five years, so when it came back again, it was very important information because it was the first time they were learning about what the staff resources were predicted to be, so to validate that those were reasonable, they had to know what the option was.

Ms. Mallek said the only other thing she wrote down about the presentation was full adoption of the resource and whether the resource was time intensive, but there were no details provided about what that meant. She said she personally needed details about what the A versus B was all about to make sure they were going forward correctly. She said she would definitely support higher standards and

reclamations of lost buffers, especially ones that had been lost since 2014, because they could make rules to protect their drinking water in the western half of the County, and the eastern half of the County was someone else's drinking water, so they should also think about protecting those resources with long-grass and fence-out for animals at the minimum.

Mr. Gallaway said they should proceed to the second proposal, being mindful they could not take 10 to twelve minutes for questions per item.

Ms. Biasioli said the second proposal was to strengthen and clarify restoration and mitigation standards for impacts to stream buffers. She said there were different instances where these standards currently applied; for example, when agricultural or forestal land was converted to development, when a mitigation plan was required because of anticipated impacts of development or redevelopment, and to address violations of the Water Protection Ordinance. She said those requirements varied depending on the size and the circumstances. She said implementation would involve creating a comprehensive manual that outlined the best practices for restoration and also what was required in these different situations and updating the Water Protection Ordinance to refer to that manual and those requirements.

Ms. LaPisto-Kirtley asked if they had local statistics regarding water quality, because the statistics given were from the state. She said with that, she wanted to know how many were in violation of the Water Protection Ordinance in their County.

Ms. Biasioli said to make sure she understood the question, she would have to ask Ms. LaPisto-Kirtley to rephrase the first part.

Ms. LaPisto-Kirtley asked if there were local statistics regarding the water quality of local rivers and streams.

Ms. Biasioli said they had information from the monitoring programs through the Department of Environmental Quality and their local Rivanna Conservation Alliance. She said they did not have monitoring data or information for every stream throughout the County, but of the streams tested, about 60% were impaired in some way, so they were not meeting state standards.

Ms. LaPisto-Kirtley said her other question was if they knew how many in their local area were in violation of the WPO.

Ms. Biasioli said she would defer to Mr. Pohl.

Mr. Pohl asked Ms. LaPisto-Kirtley what she was asking were in violation of the WPO.

Ms. LaPisto-Kirtley said how many parcels or what area. She asked if there were people who had large parcels of land that were in violation. She said because they were talking about mitigation plans and addressing violations of the WPO. She asked if they knew how many or who was in violation.

Mr. Pohl responded that if they had a violation, they communicated with the owner to remedy the violation. He said he did not know offhand and would have to get back to the Board about her question. He said violations had to be known as violations to be considered violations; farms, for example, were not considered violations. He said there was some data about what percentage of streams had buffers and staff could share that, but he was not sure if he completely understood Ms. LaPisto-Kirtley's question.

Ms. LaPisto-Kirtley responded that stream buffers would be great. She said she wanted to make sure they had a mechanism in place because if they were implementing rules and wanted to address violations, they needed to know who was violating.

Mr. Pohl said that was correct.

Ms. LaPisto-Kirtley asked if they had that mechanism, and as long as they did, it was fine.

Mr. Pohl confirmed that they did. He said typically, there were plans so that there would be no further violation. He said they would present and submit a violation plan for disturbance, so it would not be considered a violation, necessarily. He said the violations were disturbances to buffers that exceeded 10,000 square feet by the current ordinance that did not have those permits were not exempt. He said he could provide a list of those if she would like, but those were based on the complaints they had received, or them discovering it, which still was entered in as a complaint so they could track it.

Ms. LaPisto-Kirtley said that as long as it was not a problem, that would be good.

Ms. Mallek asked what information was required from the applicant when they wanted to qualify for an agriculture exemption for a disturbance to prove what they were doing was bona fide.

Mr. Pohl responded that a management plan was not required. He said it was a pretty broad affidavit that basically allowed the landowner or farmer to claim exemption for their activity. He said they had worked on this quite a bit to try to define what was and what was not agriculture, especially related to potential fill operations. He said that was why the first proposal was an overlay district and was not put in zoning—because it was difficult in terms of buffers within the WPO ordinance, as Mr. Kamptner had mentioned.

Ms. Mallek asked if someone did not have a farm yet, they could just say they were a farm and therefore did not have to follow any rules at all, and then the County would be very stuck because they did not have the authority to say any more was required. She asked if that was correct.

Mr. Pohl said no, and perhaps a good example was the conversion of forestry to pasture. He said there still were regulations with regards to those activities.

[The audio feed for the meeting did not transmit or record from 1:54 p.m. to 1:57 p.m.]

Ms. Biasioli said the proposal to complete a zoning text amendment to clarify that environmental restoration projects, specifically stream mitigation and nutrient banks were permitted by-right throughout the County. She said that implementation of this proposal would involve adopting the amendment to their zoning ordinance and then developing consistent regulations for review and approval of these types of projects.

Ms. Biasioli said that proposal number four was for sustainable onsite sewage treatment systems. She said the goal of this was to increase maintenance and sustainability of onsite septic systems throughout the County, which they knew had serious impacts on water quality and could also be costly to landowners when they failed. She said implementation of this was two-parted. She said the first part was to establish a systems program that would help low-income residents with the cost of septic pump-outs, inspections, and repairs, and the second part was to phase in adoption of the regulations from the Bay Act, which required pump-puts or documentation of inspection every five years.

Ms. Biasioli said that the fifth proposal was to reconsider the three phase one items that were essentially placed on hold due to resource needs. She said the first was to address incremental development, which was essentially when they had multiple land-disturbing activities on a parcel that cumulatively started to exceed that 10,000 square foot threshold. She said this would require permitting on previously developed parcels regardless of the size of the land-disturbing activity. She said the second one was to require two-layer erosion and sediment control measures when there was a land-disturbing activity occurring within 200 feet of a stream or wetland. She said the third was to require a 25% improvement factor for erosion and sediment control measures when they were located within an approved watershed with an approved sediment TMDL (total maximum daily load).

Ms. Palmer said with the 25% improvement factor, she was assuming that meant more gray infrastructure and not just some silt fences during construction. She asked if that was correct.

Mr. Pohl asked what gray infrastructure was.

Ms. Palmer said that meant an underground collection facility or something like that.

Mr. Pohl said no, this would not apply to the stormwater, only to the erosion control measures to directly address sediment TMDLs.

Ms. Palmer asked if it would be more like putting up silt fences. She asked him to explain what that meant.

Mr. Pohl said the big thing this would affect would be the size of a sediment basin or sediment trap and increase or decrease the allowable area draining to one of those traps to make it more efficient so there would be not as much water going through it. He said there would probably be the same-sized facility serving a smaller area, so there might be a few more of these, and they could dig into some of the cost details when they started to look deeper into this.

Ms. Palmer asked if, when construction was over, the sediment control traps were needed or could be removed.

Mr. Pohl said they could be removed. He said a lot of times, the designers intentionally include them in the final designs so that they become permanent stormwater facilities, so they only dig a hole one time. He said it could be removed or converted to a permanent basin.

Ms. McKeel said she had a question on number four. She stated they had a suggestion from someone in the community, and she wanted to double-check that they required a pump-out within five years when a property was sold or when improvements were made to the building that required a building permit, it seemed to her a good addition.

Ms. Biasioli said that was a good suggestion if they did not want to implement this in full. She said as they could see at the bottom, it would require a lot of resources, so that was somewhat addressing part of her question because this would be part of full adoption of the Bay Act. She said without full adoption, they had the flexibility to pick and choose how to implement these things, and she agreed that that was a good suggestion.

Ms. McKeel said she wanted to find a way of tracking. She said if they felt that this provided greater maintenance and sustainability, that was fine, she was just trying to figure out how they were going to ensure it all happened.

Ms. Palmer asked Mr. Kamptner if they had the legal ability to do that.

Mr. Kamptner said they would need to look at that and if it was done under the guise of the Chesapeake Bay Act or not. He said he would take a look at that right now.

Ms. McKeel said she was interested in requiring the pump-outs, just trying to get at how they made sure.

Mr. Kamptner said that they had enabling authority, but the general police power was in question. He said it required adopting regulations to protect and prevent pollution of water, which was dangerous to the health or lives of persons residing in the County. He said it was very broad enabling authority, and with a scientific connection between the problems of flowing septic systems to public health, there was a basis there. He said he would dig through the Chesapeake Bay Act to see if there was anything additional.

Ms. McKeel said she had heard some horror stories from some of her realtor friends about the discovery of some of the septic systems that had never been cleaned.

Ms. Mallek said she definitely supported the requirement of proof of a pump-out, and she would propose a much shorter timeframe than five years of a sale happening, and if they had the authority or some other way to do it, that was great, and she knew they had trouble with those chemical systems and getting them put on the deed of sale, but if the County decided that they were going to require it, then the real estate people will figure out a way to make it happen. She said the last thing anyone wanted was for the new owner to get stuck with a problem they were not told about. She said there were not terrific regulations about disclosure in Virginia, so anything they could do like this that was reasonable and would not require five more people to be hired, then it was a great way to get their way into this.

Ms. Mallek said the other way was if there was an assistance program, and that was great, but if people wanted their pump-out done, it seemed reasonable that they could put it on their next tax bill or something to bring them into compliance and get this work to be done, because often when people have a pump-out done, they realize they had a break in the system that they would not know about otherwise, so they could get a lot of smaller repairs done that would have been much bigger repairs if they were ignored.

Ms. Mallek said regarding the prevention of pollution of the watershed that Mr. Kamptner mentioned, she would like to learn more about whether they could use this to require buffers for certain agricultural activities that they were not doing now, because it would definitely prevent pollution of drinking water.

Ms. Biasioli said that the sixth proposal was called land conservation for water quality. She said the purpose of this proposal was to permanently protect streams and buffers in the County, specifically those that had high conservation value, and to do that with conservation easements. She said they were proposing that they could require new buffer easements and strengthen existing easements with additional water quality protections. She stated that implementation of this would involve first a GIS analysis to identify those highest priority areas of conservation, but also those that might be most vulnerable or lacking protection. She said there also would be some deed research to identify opportunities in existing county easements to strengthen those, which was all voluntary on the part of the landowner, and the last part was outreach to landowners and negotiating the terms and executing documents when completing the project.

Ms. Biasioli said that proposal seven was for the riparian conservation assistance program. She said this was to essentially develop an assistance program to support the land conservation projects she just described in proposal six. She said they were incentivizing permanent conservation of the highest value riparian areas. She continued that that would include partial purchase of new riparian easements, strengthening existing easements through amendments, and potentially supporting landowners with transactional costs, which included things like legal fees and appraisals and surveys, which were known to be a barrier to a lot of landowners to engage in these conservation programs. She said that implementation of this proposal would involve prioritizing those geographic areas that might maximize the conservation benefit received relative to the investment made by the County, then scaling the support provided to the landowner according to their financial need.

Ms. Palmer said that for six and seven, she asked if they saw that being folded into their ACE program now.

Ms. Biasioli said they had considered that. She said they considered it to be a separate program for a few reasons. She said the primary purpose of the ACE program was for preserving agricultural and forestall land, and protecting natural resources was secondary to that. She said the program they were proposing here was primarily focused on protecting natural resources and water quality. She said it was more challenging to try to adjust the guidelines and ordinance for this existing ACE program to fit this new program that they had, but it was certainly possible and was certainly something they could consider.

Ms. Palmer asked if that was because the ACE program was a state program. She said she saw a lot of overlap here, and she wanted to strengthen the ACE program.

Ms. Biasioli said that she agreed. She said number seven was an assistance program. She said ACE was the funding mechanism for the County to acquire easements. She said it was somewhat similar in that what they were proposing here was a funding mechanism to incentivize conservation easements. She said it was a possibility to have a separate category within ACE that was for this type of easement.

Ms. Palmer said one of the things they talked about in the ACE program and was happening on a state level for Virginia Outdoors Foundation conservation easements was that as these properties changed hands that the new owners understood the easements and their purposes as well or were as committed to the easements as the original property owner. She said she suggested the County staff track these things. She said they were talking about adding to this conservation program, and she just wanted to emphasize that was going to be an additional burden for tracking, and she was unsure of what one staff person was going to be involved in that.

Ms. Biasioli said they did include that one staff person for both of these proposals, six and seven. She said that six was the program and seven was the funding mechanism. She said that one person would also support monitoring the search within their existing land conservation program and all of the easement authority programs. She said that could include outreach to new landowners, existing easements, and Ms. Palmer was right to say it was an issue.

Ms. Mallek said that with incremental disturbance on a parcel, she said they had a bad experience with that in the Whitehall District, so she was not a poster child. She asked about an adjacent parcel with the same owner being used for the same use. She said she hoped they would be able to consider expanding in that way, because otherwise they were falling into that same trap and were leaving themselves open for that. She said for number six, she was surprised and saddened to hear the description of the ACE program as not being supportive of protection of natural resources, because for 21 years she had been working very hard to achieve that, and if nothing else came from this discussion, she hoped to refocus on that, and they did have full buffer fence-out requirements, which took 18 years to adopt, but they were getting there. She said on number seven, in making sure they were using the state programs, there were transactional cost reimbursements available already from the state, and if they were going to be facilitating those kinds of things, conservation partner agencies were very familiar with linking landowners with those dollars, so she was not sure they had to replicate that particular issue but was throwing it all into the pot for the next round of presentations.

Ms. LaPisto-Kirtley said that regarding slide number six and the buffer easements and strengthening existing easements, she would like to know if there was anything specific about the buffer size yet.

Ms. Biasioli said that currently there was nothing specific, and the benefit of easements was that they were very flexible and depended on the characteristics of the property. She said protecting perennial streams often had a standard of 35 feet, but conservation organizations in Virginia use 50 feet and also protect intermittent streams, which was not currently in a lot of their county easements. She said that also requiring livestock exclusion was another possibility, so there was not a set width, but it was open to negotiation between the landowner and the County. She said that again, this was all voluntary, so all of these things were things that the landowner agreed to when they engaged in this legal agreement.

Ms. LaPisto-Kirtley said that sounded good because it sounded like there was flexibility around each situation, and it was not a one-size-fits-all type of rule.

Ms. McKeel said they needed to view the ACE program in light of their climate action plan. She said she was skeptical of separating them and creating a whole other level. She said she thought when looking at ACE, they needed to look at it through the lens of the climate action plan as well, because it had not been updated for a while, and they needed to see how they could strengthen the ACE program based on their current climate work and not look at them as different.

Ms. Mallek said one point of view was that if they were going to be providing any assistance funding, they should have a mandatory fence-out for livestock written in at the beginning. She said this would save 18 more years before they got back to that point again. She said that full federal funding was available, whereas flexibility on the distance of a stream could depend on topography, but the existence of the fence-out was an essential item for herd health.

Ms. Williamson said the next three incentive-based proposals all build from the County's existing relationship with the Thomas Jefferson Soil and Water Conservation District. She said that much of the district's work involved administering cost-share dollars from the state to support agricultural best management practices that reduced pollution flowing into the waterways. She stated that unfortunately, districts across the state seemed to chronically struggle with having enough resources to support their staff, and cost-share dollars were difficult to use when there was not enough staff in place to work with the farmers and to do the paperwork. She said their district was no exception, and this proposal sought to increase staffing resources. She said they may remember that two years ago, the County did provide such funding as a one-time contribution, and this proposal would allow them to do so on an annual basis to provide more stability for that agricultural cost-share program that was in such high demand in Albemarle County.

Ms. Williamson said that while proposal eight focused on staffing resources, proposal nine sought to provide direct financial assistance to landowners to incentivize best management practices on farms in the County. She said such funds from the County would supplement or fill in gaps in the state's existing cost-share programs. She said the funding could be used, for example, to make projects larger, more impactful, or provide higher cost-share levels to farmers that had a demonstrated need. She said that County funding could potentially, for example, help establish wider stream buffers, pay for tree planting projects, support maintenance of fencing and watering systems that keep livestock out of streams, and more. She said that implementing this proposal would require County staff to help develop criteria for the

most effective use of this funding mechanism, which may need to be adjusted occasionally depending on the status of the state's cost-share programs in any given year.

Ms. Williamson said number 10 was another program that was administered by the district was the existing Albemarle Conservation Assistance Program (ACAP). She said this cost-share program was currently in its third year and was funded by the County. She said it helped with the establishment of stormwater and erosion reduction practices on residential and other non-agricultural properties. She said practices that were most commonly supported by ACAP were rain gardens, native plant meadows, and permeable pavement. She said that similarly to what had been described in the previous proposal, this program leverages state funding, as well as significant contributions from landowners themselves. She said that ACAP had been very popular, and the district staff reported there was enough demand to warrant increasing funding for the program.

Ms. Mallek said she would add that the Farm Services Agency (FSA) was an equal partner with their conservation district in providing these cost-share and project design implementation for all of those different categories and activities that had been mentioned.

Ms. Biasioli said number eleven was a proposal to do a study of the different options that the County might employ to increase the use of Low-Impact Development (LID) practices in the County. She said it essentially was for better management of stormwater onsite, and those options could be regulatory in nature or could be incentive based. She said implementation here was proposed to start with a code and ordinance review to identify language that might discourage or inhibit the use of low-impact development, and to explore the applicability of LID in the context of the County's code and design standards, as well as the statewide regulations. She said once those first steps were completed, they also had identified some future next steps in working with the community and engaging stakeholders to help them work through any barriers and identify any opportunities to develop incentives, as well as to possibly improve the ordinances as possible.

Ms. Williamson said number twelve was the stream quality assessment program proposal. She said they were lucky in Albemarle County to have water quality data for many of their streams and rivers, most of them remained unassessed. She felt there were many landowners and residents who wanted to know the health of their streams, and that was the foundation of this proposal. She said it presented an opportunity to gather more stream quality data, especially in parts of the County where very little data was available, and an opportunity for residents to gather insight on the condition of the streams there on their property. She said the Rivanna Conservation Alliance had many years of experience assessing stream quality in their area, and they agreed to help develop and lead this stream quality assessment program for County residents if this proposal went forward. She said another potential outcome of this program was locating sites in need of restoration or locating sites to include in long-term water monitoring efforts as well.

Ms. Biasioli said number thirteen was to expand and formalize a new landowner education project that had recently been piloted. She said the goal of this project was to actively inform new landowners about the different conservation, cost-share, and stewardship opportunities that were available to them in the County. She said implementation would involve using GIS to identify parcels that both had new ownership and were also located in those high-priority geographic areas for conservation and water quality protection as well as updating their resources, including the environmental stewardship hub and the new resident guide on their website, and lastly, creating some direct educational outreach through mailings to the new landowners, which would ideally direct folks back to their new digital resources on their website.

Ms. Williamson said the last proposal capped things off by looking towards the future and to kids. She said the goal of this proposal was to provide meaningful watershed education for every sixth grade in each of the County's five public middle schools. She said as they all knew, the fourth graders took part in a field trip to the Moormans River and were introduced to basic concepts of streams, and in sixth grade, the current standards of learning covered the topic of watershed science, which was typically taught with classroom instruction. She said this proposal would enhance that learning with a field trip to a local stream, in a hands-on action project that would allow students to apply those watershed concepts they had been taught in the classroom. She said that County funds would help support this effort and the Rivanna Conservation Alliance, who had piloted a similar program, would actually implement it. She said over 1,000 students would participate in this program every year, and she believed some of them would truly care about stream health in the County.

Ms. Palmer said she thought it might be helpful to, when an assessor goes out to look at validation for the tax referral program for land use, it might be a good idea for that person to be equipped with literature because if something was mailed, they did not always get it because of junk mail. She said it might be helpful to take two minutes to explain what the riparian buffer requirements were now in the County. She said there was a good description online, but they could maybe take a moment to describe some of the characteristics.

Mr. Pohl asked if the question was what the current buffer regulations were.

Ms. Palmer said it was what the buffer requirements, generally speaking as it was outlined on the County's website.

Mr. Pohl said he did not know what specifically was on the website, but in general, there was a 200-foot buffer around every reservoir in the County. He noted that Chris Greene Lake was removed from

those drinking reservoirs recently, but all the drinking reservoirs did have a 200-foot buffer. He said there was a forestry buffer through main exempt forestry for 50-foot, 50% basal area, maximum basal area removal was required for that activity to remain exempt, he said this was also on a perennial stream, and they had adopted what the state requirement was for that, and there was rural area development where perennial and intermittent streams had a 100-foot buffer if the land disturbance exceeded 10,000 square feet, so they would have to meet the definition of land disturbance. He said in development areas, there were 100-foot buffers on perennial streams only, and not on intermittent streams for land-disturbing activities also. He said there were little nuances to this in everything they do, and if they were within a water supply protection area or other rural lands, the buffer would be on both intermittent and perennial, and this would include development areas. He said there were a few out near Crozet Park where there was a buffer because they were in a development area, but they were still in a buffer within a water supply protection area. He said there was also a 100-foot buffer on any contiguous non-tidal wetlands.

Ms. Mallek said on number twelve, DEQ's Mischa McCray was the staff person who had been running research projects in some of their stream basins. She said that next year, the Glades Ford/Chriss Greene area was finally getting on her list. She said this was a really good idea, especially in places feeding into their public lakes, which were supported by their tax dollars, they wanted to make sure they knew where the pollution was coming from and do something to stop it because otherwise, one person's bad behavior was causing cost and lack of swimming time to lots of other people in the summertime. She said she loved the partnerships with some of their conservation districts to increase the face-to-face contact with new owners, and she said it was important to make sure in these interactions with new owners to remind them of their obligations of living in the country and taking care of those streams. She said if they were not willing to do this then do not live there. She said there should be a strong stance on protecting their waterways, especially because all the people in the urban area were drinking water that, 75% of which, traveled through the rural County area, so the rural folks should not abuse that privilege.

Ms. Biasioli said her last slide pertained to next steps. She said because this was a work session, at this point staff was seeking input or feedback from the Board before they proceeded. She said unless there was Board interest otherwise, staff was prepared to take these next steps. She said first was to begin work on proposals 3 and 11, which were immediately actionable with existing staff, next, to submit for consideration a budget request for FY23 for the resources needed to work on proposals 1, 2, 5, 6, and 13 for Community Development Department staff, and 8 and 10 for Facilities and Environmental Services Staff, respectively. She said they would return to the Board for consideration on proposals 4, 7, 9, 12, and 14 in FY24-FY26.

Ms. Price said she wanted to express appreciation to everyone who worked on this and to them for working so closely with members and organizations in their community. She said they had received a lot of feedback and she would be sure to forward any emails she received to them for their review. She said the only area that she was going to ask about was about the executive summary on pages 2 and 3 that talked about the proposals, in one area they list what the costs were, and in another area, they did not list what they costs may be, and for example, stream buffer overlay number one in the executive summary showed \$113,000 was needed, but on slide six, there was no cost associated with implementing that, so it was a little confusing trying to figure out what the things were going to cost.

Ms. Price said that number four, sustainable onsite sewage treatment systems was another where the cost was shown on slide six to be substantial, and it was very difficult to make final decisions on these things without knowing what the costs would be. She continued that item number eleven, the stream quality assessment program was proposed for immediate implementation, but there was nothing else included about what the cost of that would be. She said she was in general very supportive of the plan and the proposals, there were specifics that would be important for them to know when making final decisions.

Ms. LaPisto-Kirtley said she concurred with Supervisor Price. She said she had some of the same concerns and would like to see what the stream buffer overlay district looked like when applied, and who that affected because she had been receiving correspondence asking if they were doing something unnecessary. She said she was generally in favor of what they were doing, and she emailed them some comments earlier, and she would appreciate a response some time to that.

Ms. Palmer said that proposal number one was the most important to get going, and there were many unknowns about how it was going to turn out, but there was much work to be done. She said she hoped that it was as broad as they possibly could make it. She said they should consider their rivers to be narrow bands of intense biological importance and must take care of them for many different reasons that they all were aware of. She said she was fine with their list and when they were getting them done, but she would say that the education for new landowners, in the absence of the larger project, it may be good to start doing that in some smaller fashion with tax mailings or census going out, to evaluate properties, and that would be helpful because most people did not have any idea and were just trying to make things look neat and trim.

Ms. McKeel said for those folks who sent in comments, she went through and read every single one of them and appreciated them being in their packet. She said she found the comments were worthwhile and it was good to read them. She said she wanted to mention one thing about one of the comments about using pervious and impervious paving options during their land-use proposals. She said she would appreciate in the future a work session or discussion about pervious versus impervious paving, because they talked about it six or eight years ago that discussed the red clay made it difficult to use certain types of pavement. She said she would love to have a discussion further about that. She said she believed some of the planning commissioners had mentioned to her as well that they would like to have

discussions on what really did work with the red clay soil. She said she agreed with Ms. Palmer that number one was most important to her, but she would add number as well if she were ranking.

Ms. McKeel said number four was listed as next steps for sustainable onsite sewage systems, and she wondered if there was a way that they could get it a little quicker if they implemented something that was very simple right away and then came back to it with a fuller implementation, because she thought there were a couple of things that could be done very simply to get at it now and not wait until 2026.

Ms. Mallek said she agreed that number one was important. She said if they were requiring restoration of buffers, that was even more important, because it would not just get them back to where they were in 2008 but would improve the situation as a whole. She said she encouraged all staff looking at this to make sure they were not spending a lot of time writing something that had already been written, and they should take benefit from what other counties had done and were doing. She said that Fairfax had all sorts of public-facing documents that they could plagiarize and incorporate into their education system without having to spend a lot of time working it out. She said she would like to know who the stakeholder group was and voice her concern again that when her stakeholder group was effectively removing options from the Board to consider, that was a concern. She said it helped get them back to the matter later on, so she would like some more detail on what that was all about. She said they did not want to cut themselves off from future success because they took a shortcut in the beginning.

Ms. Mallek said they needed to keep track of the fact that climate change was very important for their grandchildren to have any success at all, and their stream health goals would save them money and allow them to make some real progress, which she thought up to date had been very lacking. She said they had been talking about it but had not done much. She said they had certainly helped with weatherization for many people, and that had helped them, but they needed to help their environment as well.

Mr. Gallaway said this was a huge topic to try to get through. He said the fact they were doing this in the time they did was somewhat amazing to him, so he appreciated marching through this and indulging in questions from him. He said he certainly endorsed their next steps. He said they could not do all of these at one time. He continued that there were a lot of FTEs and dollar signs on here, and some of that would be answered, especially as they proposed, implementing it into the budget request, because they would be able to stack it up against other priorities that monies would be programmed to, and they would see how this stacked up. He said he thought it was important at the public comment about the indirect or consequential costs outside of just the resources that it took.

Mr. Gallaway said that had to be an important part of the conversation and was not saying that was not a counterpoint as it was sometimes viewed, but it was rather something that could be passed along and what was a valued proposition. He said if it did increase the cost, it may very well be that the increased cost was worth it, but they should at least acknowledge it and consider it. He said he wished the 4, 7, 9 and some other programs that were getting folks involved and coming back were pulling ahead forward, but he did not see how they could do it, so he thought the plan they put there was one he was supportive of. He asked if they got what they needed from the Board. He asked for the conversation to continue after the meeting because they were running behind schedule.

Ms. Biasiolli said she supported that approach.

Mr. Gallaway said there were many questions and comments being asked, so if that could be sent out to the Board, it would be appreciated.

Agenda Item No. 10. **Work Session:** Work Session to Discuss Blighted Properties and Property Maintenance.

The Executive Summary as forwarded to the Board states that the Board's Fiscal Year 2020-2023 Strategic Plan identifies revitalizing "aging urban neighborhoods" as one of the priorities. A stated goal of the County's Comprehensive Plan is that the Development Areas be vibrant active places with attractive neighborhoods. The presence of blighted and deteriorated properties can have an economic and environmental impact on property and lead to criminal activities and other public nuisances. Large concentrations of blighted homes can lead to disinvestment and decline of an area.

In a December 16, 2020 Board work session, staff reviewed the currently adopted blight and property maintenance regulations (Attachment A). Staff also provided strengths and weaknesses of three tools: spot blight abatement, a tax abatement to demolish or renovate "derelict" buildings, and the Virginia Maintenance Code (VMC). As a result of the work session, the Board asked staff to research costs and options for adoption of all or part of the VMC, including possible phased options. During the discussion, several Board members also expressed concerns about abandoned properties, particularly within neighborhoods, that become blighted and impact other properties.

Staff recognizes that continued focus on spot blight abatement is warranted. This includes dedicated resources for blight, CART, and other quality of life concerns. In the future, a more comprehensive blight remediation strategy may be relevant that is not only preventative such as through code enforcement but also incorporates opportunities such as for renovation and redevelopment.

Since the work session, new information and opportunities have developed.

In the past year, the Building Official has taken spot blight enforcement action in response to six property maintenance complaints. Of these properties, five now have secured first-floor access and have approved maintenance plans that will result in abatement within an acceptable timeframe. Blighted portions of these structures are either already demolished or are in the process of being demolished. To be strategic in how the County deploys resources and approaches property maintenance and blight complaints, staff drafted a ranked prioritization (Attachment B). The draft prioritization considers public health and safety as the highest priority. It also considers damage to others' property, environmental hazards, and aesthetic concerns.

Among other localities that have adopted a Maintenance Code or have prioritized quality of life enforcement efforts, one successful approach has been to establish a team that crosses multiple departments to coordinate efforts on enforcement cases. This approach allows strategic code enforcement and targeted investment of resources to obtain compliance. As a result, County staff have recently formed a Coordinated Action Response Team (CART) with representation from the Community Development Department Divisions of Building, Engineering, and Zoning; Social Services (DSS); Police (ACPD); and Fire Rescue (ACFR). CART also includes representatives from the Environmental Health Division of the Virginia Department of Health. Representatives from other department, such as the Finance Department and the County Attorney's Office, may be ad hoc members as the topic necessitates. This team approach allows shared information and resources and has yielded improved results in other jurisdictions. The team usually focuses on either a neighborhood or on common departmental customers. In the future as CART has further work together, staff can report results of this team's efforts.

Staff research concludes that most localities who have adopted the VMC are cities and towns who are experiencing high numbers of property maintenance complaints, including those relating to blighted neighborhoods. Staff estimates that over the past 2 years, less than 2% of our building and zoning complaints relate to blight that cannot be fully addressed with our current zoning, building and spot blight tools. Even so, for sustained success of the CART approach, staff sees value in adding a dedicated resource (new staff position) to provide focused and expedient resolution of blight complaints, while allowing existing Building division staff to focus on reviewing and inspecting new construction. This dedicated staff person would work on grants and other partnership opportunities for funding, especially to assist low-income residents. This enhanced approach would also allow for more robust evaluation of trends cause and effect determinations, and other data analysis to better inform when to use additional tools, such as the VMC, or whether to request enabling authority for a vacant building registry. This new resource may be considered as soon as the upcoming FY23 budget process.

Potential Unintended Adverse Impacts. Community Development staff met with staff from the Offices of Equity and Inclusion (OEI) to view this issue and potential solutions through an equity lens. Though the six blight complaints from the past year are too small of a sample for final conclusions, the majority of blighted properties to date have been constrained-income, housing-burdened households. In addition, many blighted properties are located within communities of color. Further study will be necessary to obtain more data and develop potential mitigation options.

Adoption of the Virginia Maintenance Code, whether in whole or in part, proactive- or complaint-based, would have substantial budget implications (see Attachment E, Program Costs.). A more incremental approach such as the addition of a dedicated staff position to focus on performance of the CART team would have proportionately reduced budget impacts.

For this work session, staff is seeking Board input on this program with awareness that staff sees value in continuing to use more focused and efficient tools, such as spot blight abatement, the prioritization tool and CART, to address property maintenance concerns. Based on the current scope of maintenance concerns and the substantial cost and impact of a new maintenance program, staff does not currently recommend adoption of the VMC.

If the Board prefers to proceed with the Virginia Maintenance Code, staff recommends a phased approach with partial adoption.

Ms. Jodie Filardo introduced herself as the Director of Community Development. She said she was joined today by Amelia McCulley, Deputy Director of Community Development, to discuss blighted properties and property maintenance.

Ms. Filardo said they were there today to seek Board input on whether to take measures to establish a new program under the Virginia Maintenance Code to continue to focus tools and measures using spot blight abatement. She said during their presentation, they would cover background for the issue and why it was important, new information and initiatives, costs and options for the Virginia Maintenance Code, including potential unintended impacts, increased focus on quality-of-life enforcement, including spot blight, and staff recommendations.

Ms. Filardo said that in the December 26, 2020 work session, staff provided strengths and weaknesses of three tools, spot blight abatement, a tax abatement to demolish or renovate derelict buildings, and the Virginia Maintenance Code. She said they also discussed the several currently adopted and enforced regulations that related to quality-of-life issues, including uncontrolled vegetation, stagnant water, keeping of junk, trash, and refuse, and inoperative vehicles. She said as a result of the work session, the Board asked staff to research cost and options for adoption of all or part of the Virginia

Maintenance Code, including possible phased options. She said that during the discussion, several Board members expressed concern over abandoned properties, particularly in neighborhoods that became blighted and impacted other properties.

Ms. Filardo said they would be using the term “blighted property,” so they would provide a definition from the Virginia Code for common understanding. She said that blighted property was defined as a structure or improvement that was dilapidated or deteriorated because it violated minimum health and safety standards based on Virginia Code section 36-3. She said that while blight was more often considered in the context of development areas, it also existed in the rural areas. She said as the County continued to urbanize, staff expected increasing concerns related to blight and building maintenance, which in turn relate to residents’ quality of life. She stated they were considering the need to address blight for a myriad of reasons, such as those noted in the Housing and Urban Development article “Mitigating Neighborhood Blight” that was noted on this slide.

Ms. Filardo said there were several new relevant developments since the prior work session. She said these developments included successes using spot blight abatement authority. She stated that since the prior work session, they had received six property complaints, five of which were in the rural area, and one was in the development area. She said that following action taken as a result of the complaints, five of the six had approved maintenance plans and secure first floor access. She said one entire structure in the development area was planned to be demolished, and that building permit was currently under review. She said if any of the properties with the current maintenance plans did not make satisfactory progress towards compliance, they would be brought before the Board with this spot blight ordinance.

Ms. Filardo said that organizational advances in the fight against blight would also be taken. She said following the successful model of other localities that were prioritizing quality-of-life enforcement efforts, they recently had established a team that crossed multiple agencies to coordinate efforts. She said this team acknowledged that clients working in one County department or an agency operating in the County may well benefit from support from additional County in a coordinated fashion. She said the Albemarle County Coordinated Action Response Team (CART) included representatives from Community Development (Building, Zoning, and Engineering divisions), Social Services, Police, and Fire and Rescue. She said it also included representatives from the Virginia Department of Health. She said this team approach allowed a collaboration toward problem resolution, including strategic code enforcement and targeted investments of resources to obtain compliance. She said it was also worth noting that a previous limitation to the Virginia Maintenance Code had been addressed; previously, structures built prior to 1973, when the building code was adopted, were completely exempt from the Virginia Maintenance Code, and a recent amendment allowed non-construction regulations such as peeling paint and sagging gutters or siding, to apply to these structures built before the construction code.

Ms. Filardo said that to be strategic about how the County employed resources and approached property maintenance and blight complaints, staff had drafted a ranked prioritization, which was Attachment B in the packet. She said they put possible conditions into four categories, which were structurally unsound, structure in pieces or unsound so as to potentially lead to stream impacts, aesthetics visible from a public road, and aesthetics visible from a neighbor’s property. She said that public health and safety was the highest priority reflected in the first three priorities. She said this tied to their other impacts to nearby streams, which may potentially impact stream quality and/or quality of area wells, which was the fourth. She said this actually may be a fire rescue need or a state agency need depending on the situation. She said this list also considered damage to other’s property, environmental hazards, and aesthetic conditions. She stated that County staff would apply this prioritization when considering things that could result in repair or demolition or removal of all or part of a structure.

Ms. McCulley said she would be discussing cost and options for adoption of the Virginia Maintenance Code (VMC). She said they also might hear it interchangeably be referred to as the VMC. She said she would be talking about potential consequences of adopting it, how to increase focus on the important issue of blighted properties, and share staff’s recommendation. She said that staff estimated that over the past two years, less than 2% of their building and zoning complaints related to blighted property maintenance. She said these had been addressed with their spot-blight tools that were based on public health and safety. She said that because they had not experienced property maintenance cases in high volume, or in a concentration such as several in one neighborhood, staff recommended to continue use of a spot-blight abatement tool.

Ms. McCulley stated that the Virginia Maintenance Code went beyond public health and safety concerns, and as they had talked about, it addressed some aesthetics such as peeling paint, sagging gutters, and so forth. She said that as requested by the Board, at this point in their presentation they would discuss costs and options for adoption of the maintenance code. She stated there were a variety of choices to be made, all of which directly affected the cost for the program. She said options for adoption of the code varied from adopting a portion of the code to adopting the full code. She said some localities, such as Spotsylvania, first adopted the entire code, and then retracted to a partial adoption that focused on community issues such as hoarding and overcrowding.

Ms. McCulley said that in addition to that decision, there was another major choice for undertaking a new program, and that related to the enforcement approach. She said this decision significantly impacted staff resource needs. She continued that options for enforcement approach ranged from fully proactive throughout the County to proactive only in certain neighborhoods, or proactive only in designated development areas. She said that as with their own current complaint-driven code compliance approach, some localities, instead of being proactive, were responsive to their complaints. She said of the twelve localities they researched, about half were responsive to complaints and half were proactive. She

said with regards to the other decision to be made, most of the localities had adopted the full maintenance code, and Spotsylvania and Culpeper were the only ones surveyed that had adopted only a portion of the maintenance code.

Ms. McCulley said the Board had asked them to come back and provide information on a phased approach for adoption, and they suggested a partial and phased approach could be structured as followed. She said the program would be responsive to complaints throughout the County, and an option for the Board was to not go entirely responsive, but to prioritize their aging urban neighborhoods by being proactive in one to two new neighborhoods each year. She said that of course, they would have to have a discussion about what criteria were relevant to the Board to identify those neighborhoods. She said the second point was to recommend focused enforcement that prioritized public health and safety, and they adopt a portion of the maintenance code in chapter three that focused on the exterior of the structures.

Ms. McCulley said there were two additional initiatives that they believed were critical to the success of the new maintenance code program in Albemarle. She said first was that they established partnerships of all types, public, private, and non-profit, with individuals and agencies who could assist housing-burdened residents to address violations they may have. She said this could even include a situation, for example, for earmarking funding for housing nonprofits that were working in rehabilitation of structures with low-income people. She said the second additional initiative they believed was critical was to provide continued funding for clean-up actions that the County would have to undertake.

Ms. McCulley said to implement a phased and partial VMC adoption approach, a combination of staffing and expensed funding was anticipated, and they estimate an initial cost of \$500,000 with an ongoing cost of about \$390,000. She said there was a full breakout in Attachment E. She said for them to please understand that the cost estimates were in their experience of adopting regulations, and it was in that of their other localities, that adopting a new code, creating a new program, generated additional concerns and complaints filed with the locality, so the estimate of what they needed was not based on a continuation of the three to six complaints they were receiving per year, they were expecting that number to significantly increase with the new program.

Ms. McCulley said the other end of the spectrum, from a partial adoption of the code and a responsive program, was a fully proactive enforcement throughout the County and adoption of the full Virginia Maintenance Code. She said with only a few exceptions, such as illegal signs in the right-of-way and homestays, the County had a responsive program for land use enforcement. She stated that a new proactive program based on the full Virginia Maintenance Code was a substantial undertaking. She said if the Board were inclined to adopt the Virginia Maintenance Code, staff would recommend that the first option of phasing in the program would be the way to go. She said adoption of the full maintenance code with proactive enforcement countywide was estimated to have a first-year cost of \$888,000 and an ongoing cost of \$679,000. She said if the Board did have interest in further exploration of adoption of the Virginia Maintenance Code, they could come back and lay out pros and cons of partial versus full adoption. She said it probable that violations, if they did a partial adoption, that they experienced would touch multiple chapters of the code. She said however it was essential to determine what was most important to this community and to begin somewhere, knowing they could always build onto that.

Ms. McCulley said the next two slides consisted of a few photos for illustration. She said it was important to clarify the results of adoption for the Virginia Maintenance Code, because it may not be what was wanted or expected. She said the first slide showed a building that complied with the Virginia Maintenance Code, even though it was not aesthetically pleasing. She said that sometimes required action under the VMC was to barricade first floor access and board up windows.

Ms. McCulley said the photo on the current slide was taken from a Chesterfield County blight presentation and showed a house that had not been maintained and would be considered unsightly by many, yet the house did not violate the property maintenance code. She said she would give them a local example. She stated that many of them were familiar with an Albemarle case where there was a hole in the roof of a home, into which wild animals were roosting. She said this was a home within an established urban neighborhood. She said that staff used spot-blight abatement and undertook measures to seal the hole in the roof. She stated that this was an example where establishment of a Virginia Maintenance Code program would actually not allow them to go further or faster with compliance than the spot-blight ordinance. She said that spot-blight abatement was successful in that case, and now with experience, they believed they could achieve results within a shorter time frame. She said there was, of course, a statutory process they needed to follow for spot-blight abatement, and their goal was voluntary compliance.

Ms. McCulley said they met with staff from the Offices of Equity and Inclusion and Communications and Public Engagement to view this issue and potential solutions through an equity lens. She said they did not yet have enough data for clear conclusions at this time, as the sample sizes were too small, but they were concerned if blighted properties were owned by constrained income households, and if they existed within communities of color. She said if the VMC was adopted in whole or in part, regardless of whether the enforcement approach was responsive or proactive, staff recommended that additional funding and partnerships were important to address the needs of low-income community members, and that this program be best developed with their housing partners and considering best practices in other localities.

Ms. McCulley said blight enforcement was currently competing with other demands such as new construction, because it was the same staff responsible for both. She said they were under a mandated timeline for response to inspection requests for the building code, and new construction was fundamental

to the health of the local economy. She said that facilitation for the Albemarle CART team that Ms. Filardo spoke of was challenged by resource demands and who were also juggling many other responsibilities. She said the budget for the next fiscal year, their department was requesting a dedicated staff person to not only allow them to provide responses to blighted building complaints within reasonable timelines, but to also allow a broader and forward-looking evaluation of trends, causes, and effects. She said this work would better inform when they would need to use additional tools such as the VMC, or even a vacant property registry. She said even with the use of current resources, staff recommended continuing the use of spot-blight abatement. She said it addressed health or safety but not aesthetic concerns and was administered by the County without having to go through the courts, and it had clear consequences for property owners.

Ms. McCulley said there was no alternative regulation or program that addressed all concerns related to all properties. She said that given the minimal numbers and concentration of property maintenance cases, staff recommended use of spot-blight abatement. She said they believed they currently had the right regulatory tools and needed dedicated resources to directly focus on abating blighted properties. She said the VMC, as they had mentioned, went into aesthetics, and adoption of the VMC would begin a substantial new County regulation and enforcement program. She said this work would not be able to be absorbed by existing staff and costs were substantial. She said she would like to note that some of the solutions through the Virginia Maintenance Code may not be satisfactory because they may not fully address what people saw as the issue, for example the slides that she shared earlier.

Ms. McCulley said that many of the localities that adopted the VMC were seeing high numbers of blighted properties, or they were seeing blight that impacted large portions of neighborhoods. She said thankfully, neither of those were their experience in Albemarle. She said that in conclusion, staff did not recommend adoption of the VMC at this time and recognized that continued focus on spot-blight abatement was warranted, and that included dedicated resources for blight, CART, and other quality-of-life concerns. She said in the future, more comprehensive blight remediation strategy may be relevant that was not only preventative such as through code enforcement, but also included opportunities such as renovation and redevelopment.

Ms. McCulley said she would end the presentation with two questions for their discussion. The first was should staff continue with focused tools such as spot blight abatement, the prioritization tool, and CART, or, should they take next steps and come back to them and talk to them about establishing a new Virginia Maintenance Program.

Ms. Price said she recalled about a year ago when they last covered this ground, there were three properties she had brought up in the Scottsville District, and subsequent to that, she had been involved in the reporting of several others, and it was clear that what they had currently been doing had not been able to fully address the blighted, unsafe property situation. She said she thought that of the three she first brought up, the only thing achieved of significance was that an abandoned minivan was removed from the property, and some openings were boarded up, but other than that, the properties were still out there and blighted as they had first appeared. She said that to address this, she was not in favor of adopting the full Virginia Maintenance Code, although it was not listed as one of the options, because of the point that Ms. McCulley had addressed about there being some unintended consequences and cost that came out to play.

Ms. Price said one of the things that had to be taken into account, and it tied into the Office of Equity and Inclusion's participation in this process, was the distinction between those who cannot correct their property, primarily because of financial resources, versus those who refused to do so. She said one of the things she was not interested in was providing a financial benefit to those who simply refused to take care of their property, whereas she was concerned about the need in many situations to be able to provide financial support for those who cannot afford to correct deficiencies in their property. She said that affordable housing was not just getting someone into a unit, it was helping people remain in their units. She said that at this time, while she would like to be able to see more, she was more inclined to go with number one, which was continuing with focused tools such as spot blight, prioritization tool, and CART, although she would like to continue to see the availability of a partial adoption, but she did not feel comfortable enough at this point to choose number two over number one.

Ms. LaPisto-Kirtley said she was in favor of number one, to go with spot blight abatement. She said she thought they should look at it again in another year to see if it was effective and worked, and if it did not, she was interested in going with either partial or full adoption of the VMC. She said for now, the spot blight abatement would be the best path to go down, especially if everyone else felt that the resources and ability to have some of the homes come into compliance. She said if they had that ability, they should do that. She said that some of the homes of lower-income people may not be able to address their concerns, and she would certainly be in favor of partnering with public or private entities to add assistance so they could remain in their homes.

Ms. Palmer said she assumed they would go with one, because they had explained the VMC did not get them to where they wanted to go. She asked for them to tell her one more time, if they went with one, what was the tweaking that had to be done to get some of these unsafe properties into compliance. She asked if going by one neighborhood at a time compelled people to fix the property.

Ms. McCulley said she would explain, and then asked Mr. Herrick to explain the process. She said they were suggesting was that they should continue with number one, and they would do a better job with that with a dedicated resource, and right now it was vying for the competition of time with the same people who were trying to inspect new construction. She said she thought they could get more done

sooner if they could have dedicated staff for that work. She stated that in terms of taking somebody as far as a spot blight abatement through the Board, maybe she misread. She asked if Supervisor Palmer was interested in that.

Ms. Palmer said when they fixed the place with vultures in the roof, they just patched the roof and fixed the doors, and the place still looked like a total mess, and there was nothing they could do to compel the person to take down the house or sell it or anything like that. She asked if that was the case.

Ms. McCulley said that was her understanding, and Mr. Herrick was more familiar with the specifics of what the Virginia Maintenance Code could give them.

Ms. Palmer said that was the case, to make it simple, number one was where she would fall. She said they all had been looking for some better outcome on some of these really bad situations, but it would appear that was all they could legally do with some of these properties.

Ms. McKeel said she definitely supported number one. She said the Virginia Maintenance Code was prohibitively expensive and would not get them where they needed to be. She said that having said that, she would include a dedicated staff person, which she thought was needed. She asked if that was part of the budget process.

Ms. Filardo said it was included in their budget process.

Ms. McKeel said that they would not get anywhere without a dedicated staff person. She said that number one with a dedicated staff person, she agreed with. She said she had a question about clarity, because some of the concerning areas were homes that she had sent complaints in within the urban ring, some predated 1973, and she would like some more information on the good news they had shared today about that.

Ms. McCulley said that previously, before the recent amendment, if they were built before 1973, there was an outright exemption from the Virginia Maintenance Code, from both the construction requirements and some of the things she would call aesthetics. She said the amendment said since they predated the construction code, so the construction requirements they could be exempt from, but all of the others, such as the exterior aesthetics, were not part of the exemption, and it was applicable to properties built before 1973.

Ms. McKeel said that was good news. She said she had a couple of thoughts. She said she was not worried so much about peeling paint, but about vultures living in the attic of a house in a neighborhood. She said she received two complaints that she would put into two buckets. One was rental properties in the urban ring that people had purchased as investments and rented them and did not put any money into those rental units, and those folks that lived in those rental units lived in deteriorating properties. She said that was not to say that everyone that had a rental unit or anyone that rented a property did so, but it was a common complaint. She said sometimes it was that they did not require the renters to mow the grass, did not provide them with a lawnmower, nor did they have the lawn mowed as part of their obligation for being in a very compact neighborhood in the urban ring. She said that got to the equity issues, such as if someone were renting from a landowner that was not taking care of the property, maybe the grass would be mowed if there were a lawnmower, and it was about rental units that needed to be maintained by the property owners for the property owners that were not maintaining an investment in that property, if that made sense.

Ms. McKeel said it was creating unsanitary properties that people were living in that did not have a quality of life. She said that she wanted to make sure they kept their neighborhoods affordable, because some of the neighborhoods she was talking about were some of the few affordable neighborhoods in the urban ring, and she did not want to gentrify them, but she wanted folks to have a quality of life that were living in those neighborhoods. She said it seemed one of the best ways to get at that were to build sidewalks. She said it was amazing what a difference it made without gentrifying the neighborhood. She said the other bucket she had got back to what Ms. Price said. She said they had talked about the people who cannot, but there were also people who will not. She said those were people who abandoned their properties for more expensive properties, and she guessed they did not need to sell the house, but there were some houses that had been abandoned and empty with no one living in them. She asked if there was a way for them to look at properties that had been abandoned for a specific number of years. She said it was unfair to urban ring neighborhoods to have those privately-owned, abandoned houses sitting empty when it could be used as affordable housing.

Ms. McCulley said they picked up on that at the last work session, and it prompted her to ask Andy if they were currently enabled as a County to adopt an abandoned or vacated building registry. She said they were not, but it was authority they could seek. She said the next question was what they would do about it. She said they would require people to register their abandoned homes, with different criteria to determine when something needed to be registered. She said it let the locality know, if they had the staff resource, to keep an eye on that property.

Ms. McKeel said she hoped the other Supervisors would support that as an initial step. She said she supposed it was a General Assembly request.

Ms. McCulley responded affirmatively.

Ms. McKeel said if they got that from the General Assembly, because if the houses were not

registered and they did not know they were there, and staff was continuing to get complaints about them, they won't know how to solve the problem until they knew what the extent of the problem was. She emphasized she was talking specifically about abandoned properties.

Ms. McCulley said there was a certain percentage of people who allowed the property to go into a dilapidated state, but she would think there would be others who, if contacted in a proactive way by the County because of the registry, would work towards keeping the property from falling into a blighted condition.

Ms. McKeel said it might be the impetus to move some behavior if people had to register. She said she thought it was a great idea and asked her fellow Board members to consider it going on their legislative packet perhaps for next year. She said creating a registry would not cost very much money.

Ms. McCulley said there needed to be a staff person on top of that and be in touch with property owners.

Ms. McKeel said she had been shocked at times as to the assessments of a couple of these abandoned houses. She said this would be a way for the assessor to also follow it and to know the condition of the house. She said she knew Pete's office did the best they could do, but it would work with their assessment, because there needed to be some way for people to know a house had been abandoned for twelve or fifteen years before they bought it. She asked if that made sense.

Ms. McCulley responded affirmatively.

Ms. McKeel said she was interested in coming back in a year and having another discussion about this. She said her concerns were rentals that were affecting quality of life of people who had to rent these homes, and then the abandoned properties that appeared to leave the properties abandoned. She asked if she had answered Ms. McCulley's questions.

Ms. McCulley responded affirmatively.

Ms. Mallek said she understood that starting with number one was sensible, and she was grateful to hear that this would be focused across the whole County, because there were considerable numbers of fallen down houses throughout the rural areas, some of them definitely did not have running water. She said many were owned by the people who lived there, but many were rented to very impoverished people who were victimized by their landlords because they had nowhere else to go and they seemed not to have the authority to have them upgraded. She said at Hickory Ridge, she checked with the people out there, and their homeowner's association spent three years and a lot of money to force a sale of a house that had been abandoned for eight years, where the taxes were being paid on it, but everything else was a wreck. She said staff was helpful in being kind in explaining to a large group of people who lived around there what the limitations were. She asked if there were changes with what they were proposing with the CART and etcetera in number one that went beyond what they had done before.

Ms. McCulley said they were freshly into the beginning of work with CART, and they were in a forming mode. She said they were hopeful and based on the model they saw from other localities, they made great strides in all respects, because there were many common customers, and they may find out that other agencies have other tools and resources that they do not have.

Ms. Mallek said that progress was possible with this, and that was excellent. She said they mentioned how few complaints there were, and she thought people had given up asking, because they had come up against the fact that they did not have the authority. She said she was very interested in the absentee landlords or the people who could be held accountable in some way. She said the people who had income-restrained households needed help getting repairs done, not punishment in any way or run the risk of being evicted if they complained. She said she said she understood a dedicated staff person was the preference, but in the meantime, was there anyone who could be hired on contract with the inspection issues on these and then have the expenses put into liens on the property. She said that might make it more complicated to deal with, but it was one option to get people's attention. She said she was in favor of looking for help on the registry authority, and there may be another county proposing that who they could ask and see if there was a bill they could pile onto so they would not necessarily have to wait another year.

Ms. LaPisto-Kirtley said she wanted to know if they had the authority if a house was abandoned or in a condition where it should be torn down, if they had the authority to put a lien on that house if they were not bringing it up to safety standards.

Mr. Herrick said that was one possible outcome of a spot blight abatement. He said the spot blight abatement was an individualized and customized approach to blight on a case-specific basis, and one of the plans that was a possibility under spot blight abatement was for the locality to either repair the property or demolish it. He said that part of the spot blight abatement would be for the County to recover any costs for repair or demolition, so yes, it was a possible outcome of spot blight abatement.

Ms. McKeel asked if there was a way they could look at the possibility of fixing it up as a reverse mortgage, so that when the house was sold, and she understood they wanted to keep housing affordable – instead of a lien, an amount was added on. She said some people might say she was making the affordable housing problem worse, but she was just trying to think of a solution.

Mr. Herrick said that for that scenario to play out, if the County were to follow the scenario of going in, doing repairs, and then placing a lien on the property, as a practical matter, the County could choose not to immediately go for sale of the property, but could wait until the next sale of the property at that time. He said it would be the equivalent of a reverse mortgage, in a way.

Mr. Kamptner said with the demolition or repair work, the department doing that would have to have the funds to initiate the process, and then replenish that as properties sell. He said in the past, one example where they did that years ago, it took about 10 years for the property to sell before they recovered their funds.

Mr. Gallaway said before being in a blast, he was inclined to go with phasing in partial adoption. He said he understood why number one made sense, but he had a few questions about it to make sure he understood the logic. He asked if they did number one, if they were doing something in addition to what they were doing now, so was it more proactive than what they were doing now or was it just additional tools they were going to use to help with a more responsive approach.

Ms. McCulley said that number one involved the additional tools of the prioritization and the use of the CART team. She said they were also suggesting that with the dedicated staff resource, they could make great strides in both much more expedient dealings with violations and also looking more broadly and seeing where they were with trends. She said she had heard several of them say they should come back in a year and do that regardless, but she wanted to know what some of the indicators were that they should take different measures sooner.

Mr. Gallaway asked if they did number one in a way that was defined as successful, by comparison of the other twelve communities, would they still be responsive or would they be proactive?

Ms. McCulley said they would still be responsive using spot blight abatement. She said she had not figured out the number of staff if they were being proactive, and that was something she would have to sit down with Lisa and Michael to get numbers on that.

Mr. Gallaway said that helped with his second question, which was that with Attachment E with the VMC program costs, using the first year as an example, if they did number one, and added in resources they did not currently have, how would that stack against the \$500,000 in the first-year example? He said if they did not know today to get back to him. He said there was a cost for what they did now, and if they added to it, there would be some amount, so he was looking at it from a cost analysis. He said that if doing what they did now plus a few of those things was \$300,000 or \$400,000 they may get more bang for their buck if they did number one the first year and phase in the option.

Ms. McCulley said it was a great question and probably would be better thought through with the follow-up. She said the estimate in that attachment was based on adopting the Virginia Maintenance Code, and number one was being responsive throughout the County except for prioritizing some neighborhoods. She said that was an exact comparison to what it would be to be proactive County-wide with spot blight.

Mr. Gallaway said that if it had a number, then he could compare it to number two, which was adoption.

Ms. Filardo said that because they included this resource request in their budget for FY23, it was still very preliminary, but using the cost calculators that are used throughout the County in budget preparation, the total expense for this one addition to staff would be \$110,584.

Mr. Gallaway asked if that was just the staff.

Ms. Filardo said it was a fully burdened number, so it included salary, a computer, a vehicle, a desk phone, a cell phone, and various ongoing costs such as education, software licenses, fuel for the vehicle, and other considerations.

Ms. McCulley said what she did not have today was what it would cost using spot blight abatement to be proactive throughout the County.

Mr. Gallaway asked for clarification that if they did want to proceed to the VMC, the phase-in would be the adoption, but on Attachment E, they recommended number one versus number two.

Ms. Filardo said that "yes" was the answer to his question.

Mr. Gallaway said he was looking at it and number two as full adoption proactive, but that was not actually how it was broken up. He said part of Staff's recommendation to stay with number one he assumed also took into account the bigger work plan and how it stacked up and competed with the bigger work plan. He asked if that played into the conversation.

Ms. Filardo said that this resource would be working on mandated work more so than discretionary work that the work program took into consideration. She said they were two different sort of animals.

Mr. Gallaway asked if he did not have to think about them as two competing things, it was solely focused on that.

Ms. McCulley said especially with the dedicated resource as they were requesting, it would not be competing with trying to do the inspections for new construction.

Mr. Gallaway said his questions were answered and he had a few comments. He said that it talked about whether they had either the partial or full VMC, one of the downsides was that it would identify places where property owners were having trouble dealing with the issue. He said the reverse of that, he supposed, was that if it was a proactive approach, they had to do something proactive no matter what phase they did to help people who were able who were burdened to get their houses back to a healthy and safe environment for themselves. He said a proactive approach would identify that more quickly in his opinion. He understood why it would be important to know the demographics of how that played out, but then they would have to have help and assistance to get that back to being a safe environment. He stated if they were just being responsive, they could have homeowners living in a blighted condition that might not be visible to others but were not able to or hesitant to request help, so a responsive program in some ways might at least be helpful.

Mr. Walker said he thought the structure of the CART program and bringing other department resources to the table had several of them that had additional inputs of where the need was, such as social services, police department, fire and rescue. He said the attention was that it was not just zoning code enforcement that was having to cure it and trying to identify where all of the problems existed, but there were other ways they became known to them, even in a responsive type of approach that put them in a position to use the right tool in the right way for the right purposes.

Mr. Gallaway asked Mr. Herrick if the County could compel, under whatever they did, an HOA not taking action against a homeowner to follow their covenants and take action.

Mr. Herrick said that was not something the County would do, because it did not and could not enforce private covenants like that. He said the standard that the County would look at if the property was blighted, and if the property was blighted, the County had the authority under the state code to act on that basis, but not simply because a property was in violation of a private ordinance.

Mr. Gallaway said that the HOA got bumped out of the way.

Mr. Herrick said that if the property was in violation of its neighborhood covenants, it was up to the neighborhood association to enforce them.

Mr. Gallaway asked if there was a blighted house that fell under that that was not an HOA, would they do something about that. He said if it were under an HOA, they would do it anyway, and it did not matter that it was under an HOA.

Mr. Herrick said that the County could act independently of whether a property was in an HOA. He said the County could pursue spot blight abatement on a property that was in a neighborhood, and it could use spot blight abatement on a house that was not in a neighborhood.

Mr. Gallaway said under their page that said Attachment B, structurally unsound, and went down to aesthetics visible to neighbor's property, but number five was visible from an entrance corridor and visible from public road. He said this was just him taking his advantageous swing at the unsightliness that exists on medians that were in public places that fell under number five, especially at their entrance corridors, so he hoped that while they were talking about blighted properties in this way, they talked about the blighted medians when they talked this year in the budget, and he hoped everyone would get sick of hearing about this at some point.

Ms. Mallek said that Ms. Filardo mentioned the FTE salary being burdened, and she wanted to know if that included 30% of the benefits. She said there was nodding, so that was great. She said for the education program, she thought they could all work to develop community structures and bring churches together so that there would be other people besides their staff to bring information to residents in these homes and information to staff, because these people need help and it encouraged them to act on that.

Ms. McKeel said she wanted some clarification. She said when talking about number one, they talked about taking a couple of neighborhoods and using them as pilots. She asked if that was something they might have included in number one.

Ms. McCulley said it was an option they discussed with adoption of the Virginia Maintenance Code. She said it was an option with the proper staffing to be proactive with spot blight. She said that was one thing that Mr. Gallaway asked for, and she did not have the information about staffing, but they all had raised some very interesting questions about different ways to look at this and provide information, and they could get back to them.

Ms. McKeel said she always thought that pilots were a great idea, because they could try something new and if it did not work, they could move on, and if it did, they had a winner. She said something like that could be very beneficial. She said she would be in favor of brainstorming a little to see how they could use a pilot model to figure this out. She asked if people were nodding about the next legislative packet and look at a registry, she asked if that could be on the list for next year.

Mr. Gallaway said, just to summarize, there was no objection to number one, but there was no approaching number two.

Recess. The Board recessed its meeting at 3:53 p.m. and reconvened at 4:05 p.m.

Agenda Item No. 11. **Presentation:** Board-to-Board, November 2021, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Mr. Paige greeted the Board. He said he had two main updates for them today in the Board-to-Board report. He said that there were first the Board had some elementary school name review updates. He said on January 10, the Board had some elementary school names review advisory committee would send out a survey with a list of five possible names for the school as it continued the school name review process. He said as they were probably aware, this review was being conducted to ensure all of their school names reflected their values of equity, excellence, family, community, and wellness. He said this would be the final in a series of three surveys related to this main review.

Mr. Paige said the first had 397 respondents, over 55% of whom said were familiar with a life and career of Broadus Ira Wood, the 20th century farmer and businessman for whom the school was named. He said the second had 171 responses from community stakeholders with future name possibilities for the school. He said the top name suggestions were Broadus Wood, Earlysville, Buck Mountain, Rivanna or Rivanna River, Rainbow, and Bobcat Elementary School. He said the survey also requested other feedback that might inform the committee as it moved forward in researching these possibilities, along with their list of formulated possibilities. He said that students participated in this process and learned about the school's history as the name review proceeded. He said they were also invited to respond to the surveys.

Mr. Paige said the School Board naming review policy required the advisory committee to notify any family members of the school's namesake as part of its process. He said in alliance with this, at one recent public meeting of the committee, Mr. Wood's grandson and great-granddaughter shared their memories of the man for whom the school was named, describing him as having been dedicated to the Earlysville community and to notions of equity for his fellow community members. He said both family members spent his life serving his community as a businessman, farmer, and member of the local school board. He said if the name Broadus Wood were among the five possibilities moving forward in the process, the committee would conduct research on Broadus Ira Wood. He said the committee welcomed any information from the public regarding the Wood family history or descendants. He said the division's name review website detailed how to do this.

Mr. Paige said the second update was about the Crozet Elementary redistricting process. He said after the meeting on November 15th, the Crozet Brownsville Redistricting Advisory Committee decided to recommend moving 219 students from the Gray Rock Ritterlands Biderman in Western Ridge Foothill Crossing neighborhoods from Brownsville to Crozet Elementary. He said this committee was formed to help Albemarle County Public Schools draw new school boundaries that would ease concern around growth at Brownsville, and also make use of an addition currently under construction at Crozet Elementary that would add capacity for about 344 students at the school. He said the committee based this recommendation on research that it conducted around the Crozet area. He said public feedback it received at two community meetings held on November the 4th and 9th, and a public survey sent to the Brownsville and Crozet community on October the 28th showed one scenario, scenario number two, to be the overwhelming preference, with 70% of respondents saying it would be the best possible solution.

Mr. Paige said this option led students who would have been moved to Crozet in the Brownsville district and kept ride times for them reasonable, while decreasing local traffic and keeping students at the school closest to them. He said this recommendation went to Dr. Matthew Hass, the superintendent, yesterday. Dr. Hass said he would present his recommendation to the Albemarle County School Board at their meeting tomorrow. He stated that the Board would hold a public hearing on January 13th and vote on the superintendent's recommendation at the January 27th meeting. He said that the new boundaries that would go into effect for the 2022-2023 school year, and the new attendance scenario would serve the district for at least three to five years with the goal of five to seven. He said the principles that guided the committee through the process had been the objectives of creating the most contiguous attendance areas, considering walking areas and length of transportation routes, assigning neighborhoods to the same school whenever possible, and maximizing demographic balance where feasible.

Mr. Paige said the committee did an excellent job of honoring these principles. He said more information on that process could be found on the division's Crozet Brownsville redistricting web page. He said finally, he had some new information about the Golden Apple nominations. He said this program, which began in 2001, honored outstanding teachers in public and private schools in Albemarle County and Charlottesville City, sponsored by Better Living Building Supply and Cabinetry, the awards recognized educators from preschool through the 12th grade and their influence on the success of their students. He said honorees selected for a golden apple based upon their demonstrated excellence in the classroom, their innovated instructional strategies and techniques, and their partnership with parents and other community members. He said that nominations could be made by students, parents, other educators, and members of the community. He said the golden apple nomination form was available on their public website. He stated that one teacher would be selected from each of the 42 public and private schools in the City and County in teaching programs. He stated that the deadline for nominations was January 24, 2022. He said the online ceremony honoring the 2022 recipient was scheduled for 4:30 PM on Thursday, May 19, 2022.

Ms. Price said that one of the topics she saw frequently raised in their community was the school naming review, and she wanted to expand it beyond school naming review to naming of many things. She said that names revealed value and meaning, and the names a community uses reflected the values of that community. She said names were far more complex than their words could do justice or describe, and she wanted to commend what they were doing in reviewing the names of the school. She stated that she hoped Albemarle County, on the local government's side, would utilize the resources of their Office of Equity and Inclusion to similarly review names under the County offices. She thanked them for what they were doing to make this an inclusive community for all of their members.

Ms. LaPisto-Kirtley said she was supportive and liked the boundary change and thought they were being proactive until they could build additional schools.

Ms. Palmer said at the week before last at the 5th and Avon CAC meeting, they had an update on Southwood Phase 2 from the habitat director and their staff. She said they explained that they were looking at a maximum of 1,000 units in phase 2. She said there was no information provided at that time for the impact for schools. She said they were very lucky at that 5th and Avon committee to have a member of a long-range planning committee sitting there. She said he asked some very thoughtful questions about impact to schools during that period. She said the overcrowding at Mountain View was a topic of conversation in the area, and she knew schools were doing all that they could to address that capacity issue, however she came away with the concern that a new elementary school was going to be needed for the southern feeder pattern, and she wanted to know if the schools were looking at rezoning timeframes for the school buildings and if there was any new information about that.

Mr. Paige said they would be receiving an update on the renovations and additions that were due for Mountain View. He said right now, there were eight mobile classrooms there, so they would be adding some new classrooms to the building, add more space to the cafeteria, and to update some other portions of the building. He said there also was, with the long-range planning committee report last summer, a recommendation for a new school in the Mountain View area, so that would be part of their work they would have for the next month or two. He said they would be able to take care of the overpopulation of Mountain View in two different aspects of renovating the old building and possibly building a new one in that area.

Ms. McKeel said as someone who did not have access to the school board news, she was wondering how she would find out about the Golden Apple Awards on the website in May, because she missed the last few years of awards.

Mr. Paige said there would be a link on the website called "Golden Apple Awards" for the nomination information, but there should be details posted prior to May 19 on the website. He said right now it was scheduled to be virtual.

Ms. McKeel said if it were live it would be easy, because she would know where to go. She said she had heard a bit of discussion about overcrowding. She asked if there was any property at Southwood for a school. She said that would be a really logical place to put another elementary school if there was property there.

Mr. Paige said he did not know either, but staff could look into it. He said they did have the site that was across from Monticello High near the fire station that they owned, so that was in that area, but he did not know if they had any other property in Southwood.

Ms. Palmer said that question was asked at the CAC, Dan Rosensweig said no, there was no land, but he said that he offered something to the schools and the schools rejected that. She said their CAC members corrected him and said that was eight years ago before Southwood was developed as the plan it was now. She said Dan was clear that there was no property available at Southwood. She said she would say it would be unfortunate to have to bus all those kids over to 5th and Avon and Monticello.

Ms. McKeel said she said it was logical and made sense if Southwood had the property they could put the school there, but either way she appreciated Mr. Paige's presentation.

Ms. Mallek said both items they reported on in the Whitehall District were of great interest, and within the last two weeks, she had learned a lot about the African American free neighborhood at the Shifflett's Mill and Buck Mountain Road area, and many of the children in the three generations were named Broadus in the early 20th century, but she did not know if they were named for him. She said that regarding the redistricting, she was thrilled that the proposal was being put forward, and they would see how they got there tomorrow, but it made great sense to keep people who were on the northside of town staying at the school at the northside of town, because things were in gridlock in Crozet due to the project on 240.

Agenda Item No. 12. **Presentation:** Fiscal Year 2022 Mid-year Revenue Update and Recommended Allocation.

Mr. Richardson greeted the Board and said he was joined by Andy Bowman, Chief of Budget, and Mia Coltrane, Human Resources Director for Albemarle County. He said it would be a fairly brisk presentation that would begin by connecting three items for the Board to consider for mid-year adjustment recommendations. He said after he finished the presentation for the Board's consideration, at the 6 o'clock portion of the meeting, they would first hear a presentation from Ms. Coltrane on consideration of

an ordinance. He said It was a public hearing pursuant to their ordinances, and that it was a public hearing for them to consider approval for County police and fire rescue squads, including uniform employee bonuses and sign-on bonuses for future hiring. He said then Mr. Bowman would present the next item, the fiscal year 2022 budget amendment and appropriations. He said his own presentation tied specifically to that, so there were opportunities for them to ask questions this afternoon and Ms. Coltrane and Mr. Bowman were both there to answer specific questions related to their presentations.

Mr. Richardson said that this was really part two of a presentation he made to this Board on November 3rd during the County Executive monthly report, where he talked about how their revenue picture had continued to improve. He said he referenced to the Board that they would be coming back on December 1st with a budget amendment for their consideration to look at mid-year adjustments to both their pay plan and for consideration of additional full-time staff. He said it was summarized by discussing the focus on workforce stabilization, which was the solution to support the recruitment and retention of their public service providers.

Mr. Richardson said this was the crux of where they were, and the Board's patience as they worked with them through the pandemic, and fiscal year 2021 connected 20 and 22, and this slide represented the last quarter of FY21. He said Mr. Bowman would talk more specifically about how the fourth quarter of FY21 far exceeded the expectations they had. He said back in March 2020, they had to artificially lower the FY21 budget by having departments make 10% cuts across operations, and removed a lot of work that they had done with workforce stabilization on time, position, consideration, compensation, training out of the 2021 budget, so when he said to the Board that when they artificially lowered the budget, they pulled things out that during a normal economy, and now there was confidence that the local revenues and economy were doing well, and now they were looking at what they needed to do to responsibly support their workforce and to be able to ensure the continuance of those services.

Mr. Richardson said the circle in the bottom righthand corner of the slide represented the growth they had seen in the fourth quarter, where it equaled about 7%. He said when looking at FY18 and 19, those two fourth quarters had growth at 4% and 6%, and the growth in FY21's fourth quarter was much more significant. He said it had a compounding effect on their budget, because over the last five years, the fourth quarter represented 46% of the overall revenues, so it meant more to them over the other three quarters, respectfully. He said they had seen each quarter improve to where they had slowly regained confidence in the stability of their local economy and were quite surprised with the fourth quarter of 2021.

Mr. Richardson said he fiscal year 2022 was regarded as a transitionary budget. He said they were hopeful and cautiously optimistic that they would pull out of the pandemic and the problems associated with their economy and were basically saying their economic outlook was stabilizing. He said they were seeing trends that were hopeful and they felt they were adapting as a community and were going into 2023 on strong ground. He said 2021 pushed them further than what they expected, and there were some transformations around them that forced them to look at things about six months earlier than they would have planned to.

Mr. Richardson asked how this moment with the FY22 revenue base that had grown. He said they talked about FY21 closeout, the positive variance in FY21, and the Board would have continued opportunity as they went through the upcoming budget process to talk about that one-time money. He said as they talked about base growth, they were talking about a continuation of money that created an ongoing capacity. He said this evening, for their consideration would be a base-pay market adjustment, as well as some of their contract and temporary staff to be moved into full-time status, which had little to no impact on their budget, because the contracts for temporary staffing were currently being paid for, but as the Board knew, if they were looking at moving into full-time status with benefits, what was referred to as an FTE, this Board needed to review and approve that, because the permanent headcount was tied to the yearly budget. He said in addition to that, they asked for the Board's consideration of additional FTE's that currently were not in contract or temporary status. He said this would be a true increase to the base for this year.

Mr. Richardson said that finally, it was also considering a pay and classification plan review that would not happen immediately, because they were in a transition year with Ms. Coltrane as the new HR director working with County government and the shared services of the Human Resources department to have the structure in place on or before July 1st next year to be able to provide local government with standalone human resources services that would happen in that timeframe. He said this was a transition year with schools, because they were also doing the same work.

Mr. Richardson said he mentioned previously they were asking for the Board's consideration of setting aside funding for them to go out and speak with a vendor who would complete a total review of the pay and classification plan. He said on that note, they decided to review the last eleven budget years to see what the investment was in the current pay and classification plan, which he clarified was separate from the public safety pay plan. He said it was determined through their budget office that there had been a 1.57% growth in pay adjustment for each fiscal year, on average. He said that was put aside yearly inflation, which was about 1.5%, so they surmised that the current pay plan they had kept pace with inflation over the last eleven years.

Mr. Richardson said he would tell the Board with confidence that he thought they had a strong and dedicated workforce that the Board got to know well because of the Board's long tenure. He said staff kept pace with the workload and the environment and kept their certifications and credentials up to date. He said this process of how they had worked with their pay plan and their staff had served the organization fine, but over the last year with the national landscape of workforce stabilization, which had

gotten a lot of attention as the nation worked through the COVID pandemic, and local government was not immune from that. He said it was a good time for them to invest in some resources and ask an outside expert to come in and look in depth at their entire pay plan structure and how it was funded and give feedback.

Mr. Richardson said that for the short-term recommendation for the Board's consideration today, on the left side of the slide, short term would be a 6% market adjustment effective December 1st. He said that with the Board's approval this evening, they were prepared to execute on this for local government employees, and that would go into the December 31st paycheck with a base-pay adjustment and would carry through the remainder of the fiscal year. He said this was a mid-year adjustment they were recommending, and in short term, he believed it helped their ability to keep up and keep pace with movement that they saw that was occurring around them in both the private sector and with local government and communities and organizations they competed with for local government power. He said it also took into account inflation rates over the past year.

Mr. Richardson said in the mid-term, in the middle of the slide, they could see in the FY23 budget, Ms. Coltrane, with the help of outside experts, would do what she could to try and determine additional market analyses to see if there were additional measure points of how they stood. He said all of that was in an effort to help with the FY23 budget to come back to this Board with how they worked in the past to make a recommendation on if there were other things they needed to consider in the budget. He said of course, affordability and the capacity of what they had to work with in terms of base dollars would drive that, but they also had to continue to get analyses to get where they were.

Mr. Richardson said that long term, they were asking the Board to invest in the local government doing a pay plan study, with the non-public safety classification of pay plan. He said they projected that would be six to nine months from now. He said that work did not mean that they would not also pay attention to the public safety pay plan, but the structure of the plan was relatively new and intact, but needed continual attention, because it was an area of local government that right now was the most dynamic. He said Ms. Coltrane would talk more about it.

Mr. Richardson said he was transitioning from the recommendations on pay to the recommendations on staffing. He said what that slide was meant to represent was fiscal years 16 through 20 with an average position growth of about 23.3 positions over that five-year period. He said looking at FY21, with 14 positions added, and then FY22 revised was 9.41 positions that were added. He said there were stories that could be told for each of these years, and the Board would remember some of them, but some of the things he would point out were that FY21 and FY22 were the pandemic budgets. He said in FY21, 12 of the 14 positions they funded were in the fire and rescue department specifically to address a reduction in rescue services from Charlottesville-Albemarle Rescue as they were having difficulty providing ongoing services. He said that resulted in 12 of the positions added. He said he wanted to make the point to the Board that there was a drop-off in FY21 and FY22, and it was expected, because as he said earlier, they artificially lowered their budget due to instability and took steps to be cautious with expenditures.

Mr. Richardson said that now, as they began to stabilize with their economic vitality, it was time for them to look back at workloads and pinch points. He said that local government full-service retirements, the Human Resources Director said they were projected to be going to be 60% up in retirements in this current fiscal year over the prior five. He said much of that was to be expected because many of them were full-service retirements. He said these retirements and recruitments were critical for the organization's ability to move forward and be successful with the recruitment of talent they needed.

Mr. Richardson said he would first talk about the contract of temporary employees. He said this had no-to-low local budget impact and would give the organization the ability sooner rather than later to go ahead and move contract positions into full-time equivalency. He said that was a workforce stabilization strategy to take people who were employed by some type of arrangement but were not full-time employees with benefits. He stated that there were different stories as to how these positions were created, and as the Board knew, they had temporary and seasonal salary line items where they could pay for additional labor, and contracts that allowed them to go out and contract. He said oftentimes, that was a good strategy, especially when they saw spikes in workload that were expected to go back down, but when it was seen as a pattern, where departments were filling gaps, they needed to take a step back and look at moving into full-time status, because that was a retention strategy, under the assumption people would stay with them long-term with benefits like vacation, sick leave, and things people needed if they were going to be there for a long time.

Mr. Richardson said he would let the Board look at this list and would not go through each individual item. He said he wanted to point out at the bottom of the slide, there were four police over hires, four fire and rescue over hires, and two over hires in social services. He said that term meant the organization could increase the authorization of the positions they would bring in off the street, usually at entry levels in these respective areas, and have longer training periods and orientations before these folks were ready to provide those services. He said that basically, there were economies of scale that were to be gained when they were given approval for over hires, because if it took a period of time to get people through training academies, certifications, and things they needed to be able to provide services, hearing that the organization may be able to deal with turnover, retirements, and this just hedged the bet that they had not lost ground by the time they got to the field. He said again that turnover was expensive.

Mr. Richardson said the current slide was in addition to the low cost. He said they were mid-year full time employment requests in several departments that needed to be addressed for workload capacity

and customer service issues where the work had picked up. He said if they could go back two budgets and pretend the pandemic did not happen, he would be pretty confident in saying most of the positions before them would probably either been approved in FY21 or FY22, and if they could go back and look at the first budget approved in '21, they probably had some of these positions in there and the Board had been talked to about workload, turnover, and the increased demand for service. He said that was for their consideration this evening as well.

Mr. Richardson said in closing, the 6% market adjustment mid-year had a cost to their base budget of \$2.2 million, the additional full-time staff they asked for mid-year had a total cost of \$1.3 million, the total cost of \$3.5 million, and he would tell the Board in confidence that as they looked at an increasingly stable revenue picture, the first question his office had was if the things they recommended today would be able to be paid for tomorrow. He said he could say with a high level of confidence that as they went into the budget process, this would not impede or interfere with the Board's ability and the organization's ability to go through a robust FY23 budget process. He said that tonight what he discussed with them did not address all of the needs that were going across this County right now, but they believed these steps, if considered and voted favorably this evening, it would give them a six-month head start with some full-time equivalencies that they needed approval for and to recruit for, so it was really addressing the pay plan and the market competitiveness of their pay plan with recruiting, and also addressed what they believed were highly needed positions in several of their key areas.

Mr. Richardson said with these considerations this evening, the growth they had seen that was not expected in the fourth quarter of '21, they were prepared this evening to move \$4.3 million and transfer that into a capital fund so they were not spending all of the increased growth through base-pay increases. He said when the base pay was increased or when additional full-time staff was added, they were increasing the base budget, and that would compound over into next year. He said that with the \$3.5 million that cost them for the remainder of the year would then move into next year's budget. He stated that he believed they would have the capacity to also look at their strategic priorities, to continue to look at quality government operations and the investments for what they needed to do to make progress.

Mr. Gallaway said he would endorse the fact that this was a public hearing tonight, so there would be much opportunity to ask questions, but he asked if there were any quick clarifying questions from the Board.

Ms. Price said she had no questions but did have comments that she would save for the public hearing section. She thanked Mr. Richardson for bringing attention to some areas where they needed to put money into, and she would speak more about it later.

Ms. LaPisto-Kirtley said she had a question about on slide 9 where the over hires in police, fire, and DSS were shown. She asked if those were hires to address overtime issues.

Mr. Richardson said all three of those services were in Mr. Walker's portfolio and asked him to address that.

Mr. Walker introduced himself as Doug Walker, Deputy County Executive. He said indirectly, yes, the over hires effectively were attempting to mitigate the time it took to address the replacement of staff as they turned over, especially in these key public agencies where the length of time was so long with processes, and in the case of social services, the frequency of turnover itself created an additional burden from a training standpoint due to the knowledge that was required to be effective in the job. He said that was the direct reason for it, but he said it was indirectly yes because there was an overtime implication of not having enough of the staff to cover the required services while the vacancies, turnover, and training time.

Ms. LaPisto-Kirtley said her concern was that these were staff members that were field staff members, not someone higher in the administration, and that these were staff at a level that was serving the people.

Mr. Walker responded affirmatively.

Ms. Palmer asked if the 6% increase in base pay next year had about a \$7 million impact for the following budget.

Mr. Walker responded affirmatively, that was correct. He said Mr. Bowman had that discussion that afternoon.

Mr. Bowman said he would clarify the dollar amount was, in principle, correct. He said the salary increased about \$2.2 million, and that was a portion of the 6% that applied to the total increase of \$7 million. He said they would project that the \$2.2 million would actually be equal to about \$4.4 million by the time FY23 came around. He said the reasons that they had that covered was the decision to take that funding they would otherwise use and direct it to a capital program one time so they were not tying up the capacity that would be needed for next year.

Ms. Palmer asked what the impact for the 6% base pay for next fiscal year was approximately.

Mr. Bowman said it was approximately \$4.4 million.

Ms. Palmer said her other question was if they would see slide 10 again that evening.

Mr. Bowman said he could pull it up right now.

Mr. Bowman said he would have this slide up again this evening, but if there were any questions now, or he could respond to those questions later.

Ms. Palmer said she just wanted to see a number she missed.

Ms. McKeel said they were coming off of the discussion of maintenance and enforcement, she believed Ms. McCulley said the extra position they needed in that department, and she wanted to know if that position would be listed on the list here or if they would see it pop up as another position during the budget discussions.

Mr. Richardson said for someone to correct him if he were wrong, but it was a position that would come back in the FY23 budget.

Mr. Gallaway said it would when they talked budget.

Ms. Mallek said her only comment was that in 2009, the staff was reduced by 78 people over the first year of the recession. She said she always had that perspective when they talked about adding positions because they were barely back to where they were in 2008.

Agenda Item No. 13. From the County Executive: Report on Matters Not Listed on the Agenda.

There was none.

Agenda Item No. 14. Closed Meeting.

At 4:57 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider:
 1. The annual performance of the County Executive; and
 2. The appointments to the Albemarle Conservation Easement Authority, the joint airport commission, the Albemarle Conservation Easement Appraisal Review Committee, and two advisory committees; and
- Under Subsection (3), to discuss and consider the disposition of property in the Whitehall magisterial district, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board.
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation regarding the operations and activities of a corporation where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County.
- Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters, required legal advice related to a corporation, including the terms of a possible agreement.

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

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

Agenda Item No. 15. Certify Closed Meeting.

At 6:08 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. 17. From the Public: Matters Not Listed for Public Hearing or Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Judy Schlusser introduced herself as a Rio District resident and part of the Rio-29 CAC. She said she had been a resident of Albemarle County for over 40 years and was employed by Albemarle County Schools and volunteered in a variety of capacities. She said that since she had retired, she had

focused her effort more on civic endeavors, and taken the opportunity to speak on a variety of topics. She stated that she prided herself on being an informed citizen. She said that prior to speaking before the Board, she sought out all relevant information, so her comments were factual and looked at the big picture.

Ms. Schluskel stated that prior to the November 17, 2021 meeting, at which she was signed up to speak, she was looking at the Albemarle County website seeking information about the Rio Corridor plan. She said the Rio Corridor plan had a webpage that fell under Community Development, planning, and codes. She continued that she read the Rio Corridor plan's bolded goals and her mouth dropped open. She said she was asking each of them to read the stated goals of the Rio Corridor plan. She said personally, she found it very demeaning, and was shocked that it met with anyone's approval. She said the overall writing did not give the impression of being very polished and professional. She asked if anyone who was not involved with the Rio Corridor plan proofread this goaled statement to see how the sentences came across to the public.

Ms. Schluskel said the webpage indicated that public input was welcome. She said she personally knew many residents in the Rio Corridor who volunteered to assist with the plan and would be delighted to give input about the webpage, but as far as she knew, no one had ever been contacted. She said she would highlight some of the phrases she found rather concerning. She said they were "kids sometimes skipping to buy candy." She asked when the last time any of them saw a child skipping along Rio Road, and implying kids were outdoors and heading to purchase candy was not promoting healthy habits. She said the word "child" or "children" would have been a better word than "kids," which was also the term for a young goat.

Ms. Schluskel continued that "grandmothers waiting for a bus" brought to her the image of herself not having a vehicle and needing to wait on transportation regardless of the weather conditions. She said that the reality was that the bus stops were not particularly convenient on Rio Road, so she would get her exercise walking the distance to find a bus stop. She said that also, until there was a safe walking path along Rio Road from one side to the other, she would be living dangerously crossing Rio Road.

Ms. Schluskel said the third paragraph's second sentence read "It is critical that everyone who walks, drives, rides, bikes, and rolls, participate and share the vision building with us." She said she would appreciate if somebody from the Planning department explain what it meant to roll. She said she guessed she was not of the generation that understood that terminology. She said her impression of this webpage was that someone was given an assignment to write a vision statement with no proofreading approval. She said to take the time to read the Rio Corridor Plan webpage reference, and then decide whether this particular page needed to be reevaluated to reflect Albemarle County's vision in a more professional manner.

Mr. Kent Schluskel introduced himself and said he lived in the Rio District. He said for 31 years of his adult life, he did strategic analysis for the U.S. government. He said they examined research and development worldwide and tried to predict what was good and what could be an issue for their country. He said they were very good at this because they had a lot of available data and possibilities. He said he had examined the Albemarle County policy, and in his opinion, it was very short-sighted and would cause issues for this County in the future.

Mr. Schluskel said there were some issues he specifically saw, which included when a development mentions affordable housing, the Board of Supervisors always rezoned the property to accommodate the developer. He said unfortunately, the so-called affordable housing was only affordable for so many years, generally 10 years, and after that, it went to market rates and was no longer affordable. He asked what happened then. He asked what then would require them to have more affordable housing, and where. He asked if they would try to create more housing in the urban ring, or would they expand the high-density zone to other parts of the County. He said he heard various supervisors saying that the rural parts of Albemarle County should be preserved so that everyone could enjoy the beauty, however they wanted more housing in the urban ring, so that citizens could walk, bike, and take public transportation to work.

Mr. Schluskel stated that various speakers in the past had indicated that they might need a car to get to work, and if one did not have a car, who would be enjoying the natural beauty, because they could not get out of the urban ring. He said those apartments were not good because they required more cement and asphalt, and the runoff from these parking lots was not good for the streams that fed the river that flowed to the Rivanna River.

Mr. Schluskel said with that fact, he would discuss a stream initiative. He said apartment complexes generally had less trees. He said that contributed to environmental issues they faced today as trees serve as a CO2 sink and produce oxygen. He suggested before they changed any rezoning in the future, they wanted affordable housing, and they wanted affordable housing cluster houses, duplexes, triplexes, and even townhouses to buy or knew when to buy. He said those types of developments had more green space and would help the environment. He said that in other words, the rezoning of Rio Point, think about environmental issues, the safety of people who lived in the neighborhoods down, and develop the paths so that they would not need to build more affordable housing in the future. He said to think about something other than apartments.

Mr. Schluskel said without looking closely at the future, they would never solve the affordable housing issues and would continue to have developers build more and more. He said as a person who

had worked on low-income housing, deigned to them affordable housing, he believed home ownership was a way for people to obtain wealth and not need rental or affordable housing. He said to not be trapped into the du jour issue of the day at the expense of the future, and to be strategic thinkers.

Agenda Item No. 18. **Public Hearing: An Ordinance to Approve County Police and Fire Rescue Sworn and Uniformed Employee Bonuses.** To receive public comment on its intent to adopt an ordinance to authorize the payment of monetary bonuses to eligible public safety employees of Albemarle County pursuant to Virginia Code § 15.2-1508. The ordinance would authorize a one-time payment of \$3,000.00 to eligible full-time and part-time regular employees of the Albemarle County Police Department and the Albemarle County Department of Fire Rescue who were active employees as of December 1, 2021 and who fill a total position of 0.7 full time equivalent and above, and a sign-on payment of \$3,000.00 to all sworn or uniformed full-time and part-time regular employees of the Albemarle County Police Department and the Albemarle County Department of Fire Rescue who have a hire date between December 1, 2021 and November 30, 2022, and who fill a total position of 0.7 full time equivalent and above.

The Executive Summary forwarded to the Board states that during the 2021 General Assembly Special Session II, the General Assembly allocated the Commonwealth's Fiscal Year 2022 (FY 22) distribution of federal American Rescue Plan Act (ARPA) funds. This funding provided one-time \$3,000 bonus payments to Compensation Board-funded sworn positions in Sheriff's offices, which included Sheriffs and Sheriffs' Deputies in FY 22. The impact to Albemarle County is that it included funding for bonuses for only 11 of the 26 sworn personnel, which are Compensation Board-funded positions. In order to receive the State's ARPA funding for the Sheriffs bonuses, the bonuses are required to be paid out on or before November 30, 2021.

The State also allocated \$98,171 in funding to the Albemarle County Police Department in January 2021. These additional funds are to be used to promote the recruitment and retention of the most qualified local police department sworn personnel and to support the costs associated with criminal justice reform, which could include bonus pay for retention purposes and sign-on bonuses for recruitment purposes.

On May 11, 2021, the United States Treasury provided an allocation of \$21.2 million in federal ARPA State and Local Fiscal Recovery Funds (SLFRF) monies to the County of Albemarle to be deposited in two tranches. On August 4, 2021, the Board approved the spending plan for the County's ARPA allocation to include: \$4 million for FY 22 Economic Vitality (Human Services and Economic Development), \$4.5 million to support Broadband, and the remaining funding would support the FY 23 - FY 27 budget development.

In addition to the identified priorities for ARPA funding in FY 22 as noted above (and consistent with eligible uses for ARPA), workforce stabilization efforts would also be explored as part of the FY 23 budget process. ARPA SLFRF allows for a type of premium pay for "workers that faced or face heightened risks due to the character of their work., which includes frontline public safety workers. Given the timing of the State's use of ARPA funding to support a portion of the County's sworn personnel, a workforce stabilization and internal equity review commenced and supported moving on the recommendations provided in FY 22, rather than waiting until FY 23. The recommendations outlined in the discussion are all eligible expenses for Federal and State funding.

Because State funding in FY 22, totaling \$35,525, provided for a one-time \$3,000 bonus payment for on the 11 Compensation Board-funded sworn positions in Sheriff's offices, in order to maintain equity across the sworn employees in the Sheriff's Office, staff recommends the provision of a \$3,000 onetime bonus to the remaining 15 sworn personnel not covered by the Compensation Board funding, using ARPA SLFRF funding.

Staff further recommends utilizing the \$98,171 in recruitment and retention funding provided by the State to the Albemarle County Police Department, as well as ARPA SLFRF funding, to provide a \$3,000 one-time bonus to all full-time sworn employees of Albemarle County Police Department. This is an effort to provide equity with the bonuses to the sworn personnel in the County Sheriff's Office, funded by the State.

Staff recommends providing a \$3,000 one-time bonus to uniformed full-time employees of Albemarle County Fire Rescue to provide equity across all front line sworn and uniformed County employees.

Retention of sworn and uniformed Police and Fire Rescue employees is a priority, as is recruitment. A review of upcoming vacancies, coupled with the trends related to receiving a lower number of qualified individuals applying for positions, is leading to the recommendation for a one-time sign-on bonus of \$3,000 for new recruits, subject to fulfilling certain probationary requirements. Both Police and Fire Rescue will experience a number of known vacancies to recruit for in coming months due to known upcoming retirements and hiring for the Federal Emergency Management Agency (FEMA) SAFER grant-approved positions. Based on conditions in the current job market, including other peer localities offering higher starting pay and sign-on bonuses, is resulting in a lower number of qualified individuals applying for positions. Due to this, staff is recommending a one-time bonus of \$3,000 for sworn and uniformed recruits in Police and Fire Rescue.

Staff is recommending that this recruitment sign-on bonus program be revisited in one year's

time to assess its effectiveness as a recruitment tool for seeking qualified individuals for our sworn and uniformed positions in Police and Fire Rescue. Staff will return to the Board of Supervisors at that time with a recommendation to either extend or end the program.

The attached Ordinance only authorizes bonus payments for County employees who are under the authority of the Board of Supervisors. If adopted, it would authorize a one-time lump sum payment of \$3,000 to each Albemarle County Police and Fire Rescue sworn and uniformed employee with a full time equivalent of 0.7 and above who are active employees as of December 1, 2021, as well as a sign-on payment of \$3,000 to each Albemarle County Police and Fire Rescue sworn and uniformed employee with a full time equivalent of 0.7 and above who are hired between December 1, 2021 and November 30, 2022.

This action will be contingent upon the approval of Appropriation #2022022, which is included in the Appropriations also being presented to the Board for its consideration on December 1, 2021.

These initiatives will be funded entirely by State and Federal revenues. The total cost in FY 22, for the one-time bonus program and sign-on bonus program is estimated at \$1,111,000. Of that total, \$133,696 will be covered through funding provided by the State for bonuses for the County Sheriff's Office, and recruitment and retention funding for the Police Department. The remaining cost will be paid for through American Rescue Plan Act (ARPA) funds previously received by Albemarle County. A separate appropriation for the use of those funds will be presented to the Board for their approval in December.

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

Ms. Mia Coltrane greeted the Board. She said she would briefly walk them through the public safety retention bonus this evening for Albemarle County Police Department and Fire and Rescue. She said that the first part of this was response, and the response was to the ARPA funding that was allocated to the County to support the bonuses. She said in that allocation, they were looking at moving that into this fiscal year to support retention, which was the next step. She said she believed everyone had heard about resignations, and unfortunately, for public safety, it had begun several years before the pandemic even started. She said nationally with police departments, there was an 18% resignation rate amongst the 500 top law enforcement agencies, a trend that was seen internally in Albemarle as well.

Ms. Coltrane said there were people that through the pandemic decided that they did not want to do their jobs anymore, so they had to begin having individuals in that pipeline, so while they looked at recruitment, they also had to look at retention for those who were still with them. She said that was where the bonus came in for their current employees. She said when they looked at recruitment, the applicant pools were low both locally and nationally, so they needed to entice individuals to come to their beautiful area and present a \$3,000 bonus to new recruits, and for the sworn officers and fire and rescue staff.

Ms. Coltrane said there were currently eleven vacancies in the police department. She said there had been some retirements and some resignations in some key areas in the police department and fire department. She said the fire department currently had seven vacancies. She stated that with their current recruit school, there should be only four vacancies. She said they still needed to have individuals in the pipeline, so that was where that sign-on bonus would come into play, but they would also need to keep and maintain the staff they had, which went back to retention.

Ms. Coltrane said what they were proposing was to adopt the proposed ordinance approving County Police and Fire Rescue sworn and uniformed employees' bonuses. She said it would be a one-time payment of \$3,000 effective December 1st and paid out to staff on the December 31st paycheck for current staff with full-time equivalent (FTE) positions. She said the sign-on bonus would be effective for anyone that was hired as of today through November 30th of 2022 with \$3,000 for anyone that came into their fire and rescue and police departments.

Ms. Coltrane said this was a brief but impactful to help them address their shortcomings right now with applicant pools and to retain the staff they currently had.

Ms. LaPisto-Kirtley said she had a question regarding the seven people in fire and then would be four vacancies after that, meaning there were only three people in the class. She asked if that was correct.

Ms. Coltrane said right now there were seven vacancies, one pending retirement, and they asked for two over hires from the Board and an additional approved 10 FTEs for the fiscal year, so that would give them twenty that they needed for the total vacancies, and they had sixteen people in the pipeline that were in the recruit school, so if everything came out how they hoped, it would leave them with just four vacancies. She said the recruitment would be ongoing to fulfill those remaining vacancies.

Ms. Palmer said surrounding counties were offering quite a bit of incentive. She asked Ms. Coltrane to say a few words about that to the public.

Ms. Coltrane said UVA was offering quite a substantial sign-on bonus and starting salary, but it was not only internal, it was across the state. She said they could look at southwest Virginia or at Hampton Roads, and organizations were trying to use the same enticement because it was low across the state and country. She said in their own backyard they had their own competition that was offering substantial bonuses and start-on salaries.

Mr. Gallaway opened the Public Hearing.

Ms. Hepler introduced herself as Teresa Hepler, a resident of the Samuel Miller District. She said her comments on this proposed ordinance were mostly focused on the police department, and she would say on the front end that she was not necessarily against giving police bonuses, but she felt a far more in depth look at what the policing looked at in Albemarle County needed to be undertaken before the police received a bonus.

Ms. Hepler said specifically, the Data in Policing Act that came out in Virginia did show data of police activity by municipality in Virginia, so if they went to that website and looked at Albemarle, they would see that while Black people make up about 9% of the population in Albemarle County, 19% of stops by the police in Albemarle County were of Black drivers, so that was twice the population percentage. She said also according to that data, Albemarle had increased the amount of stops in general from July of 2020 to now, and she was concerned about this as a general resident of the County who cared about fellow human beings, but also as a Black resident of the County, she was very concerned about what was going on with the police department, and she thought they needed to know what the police were planning to do about this equity issue and disparate impact issue before giving their department a bonus.

Ms. Hepler said they also should ensure they were working to adjust these problems so the people they recruited were properly trained and supervised for equity. She said she knew the explanation for the ordinance was that they wanted to recruit quality officers, and she did not see or hear any discussion about what quality actually meant or what values they were looking for in their police. She said she thought there should be a deep dive into this issue, and she wondered if anyone had been consulted with the Office of Equity and Inclusion to ensure that the police are addressing the disparity problem. She said she would finish by noting it was her understanding that teachers were only given a \$1,000 bonus, and children's education was certainly not worth less than community safety, and they should incentivize quality teachers too, especially regarding what they had to deal with COVID. She said if there was going to be a \$3,000 bonus of recruitment and retention of police officers and fire department officers, she thought the teachers also needed to receive a higher bonus as well because they were extremely underpaid and undervalued.

Ms. Price said she fully supported this. She said she thought this was one of three steps. She said the first step was the interim bonus to help with retention of their law enforcement and fire personnel. She said later this evening they would discuss a pay raise across the county, and further would discuss a compensation study which was very important to ensure they were adequately paying all of their employees based upon the types of jobs they did and their importance. She said she was very fortunate to recently meet their seven new police officers, one was prior military, one was prior DOD civilian, and their commitment to public service by continuing now into law enforcement was to be recognized and appreciated. She said all of them came from local communities. She said they demonstrated a commitment to public service of their nation, and now to their community, and as she said, she totally supported this and was only the first step of three they needed to undertake.

Ms. LaPisto-Kirtley said she also supported this. She said their officers were underpaid, as were fire personnel and teachers. She said this was a very good step in the right direction and would continue. She said they needed to be competitive, otherwise they would not get the best for these fields, which was something they strived towards as a County.

Ms. Palmer said she supported this. She said she appreciated the speaker's comments and would not be hard to address them. She asked the public speaker to email the Board to get a response back for that.

Ms. McKeel said she supported this action. She too was looking forward to the market study. She said they had not done a market study for all of their employees in a long, long time, and she agreed that teachers were probably underpaid, as were all of their County employees. She said this was a good start and if anybody were following the news, they would realize how hard it was to retain and hire good employees, especially in the public safety realm.

Ms. Mallek said she would be supporting this as well, and she was proud of the strengthening of both of these public safety departments over the last fourteen years and the efforts that everyone did to have outreach in the communities and develop relationships in the communities within the sectors that they worked, and they had made tremendous progress and she looked forward to more of it. She stated that retaining the very best officers they had now and recruiting the very best they could get in the future was very important.

Mr. Gallaway said he looked forward to supporting this as well. He said he thanked Ms. Palmer for following up with the speaker, but that the thoughts about the teachers to be shared with the school board, because they ultimately would have to decide on those matters. He said there would not be a lot of objections coming from this Board on it, but that was a body that she probably should share those opinions with.

Ms. McKeel **moved** to adopt the Ordinance as presented in Attachment A.

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

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

ORDINANCE NO. 21-A(10)

AN ORDINANCE TO AUTHORIZE THE PAYMENT OF MONETARY BONUSES TO ELIGIBLE PUBLIC SAFETY EMPLOYEES OF THE COUNTY OF ALBEMARLE, VIRGINIA

WHEREAS, current conditions in the job market include trends of fewer qualified persons applying for public safety positions, and peer localities providing sign-on bonuses and offering higher starting pay than that offered by the County of Albemarle; and

WHEREAS, the Board desires to retain and recruit the most qualified sworn and uniformed personnel for the Albemarle County Police Department and the Albemarle County Department of Fire Rescue; and

WHEREAS, the Board is authorized by Virginia Code § 15.2-1508 to provide for the payment of monetary bonuses; and

WHEREAS, an appropriation to fund one-time and sign-on bonuses authorized by this ordinance is included as part of an appropriation being considered by the Board on December 1, 2021.

NOW, THEREFORE, BE IT ORDAINED that the Albemarle County Board of Supervisors hereby authorizes the payment of monetary bonuses as follows:

1. A one-time payment of \$3,000 shall be paid to all sworn or uniformed full-time and part-time regular employees of the Albemarle County Police Department and the Albemarle County Department of Fire Rescue who:
 - A. Are an active employee as of December 1, 2021; and
 - B. Fill a total full time equivalent of 0.7 and above.
2. A sign-on payment of \$3,000 shall be paid to all sworn or uniformed full-time and part-time regular employees of the Albemarle County Police Department and the Albemarle County Department of Fire Rescue who:
 - A. Have a hire date between December 1, 2021 and November 30, 2022; and
 - B. Fill a total full time equivalent of 0.7 and above.

Agenda Item No. 19. Public Hearing: Fiscal Year 2022 Budget Amendment and Appropriations.

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

The cumulative total of the Fiscal Year 2022 (FY 22) appropriations itemized below is \$36,163,140. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 22 Budget Amendment totals \$36,163,140. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2021-22 BUDGET AMENDMENT

ESTIMATED REVENUES		
Local Revenues	\$	20,653,497.00
State Revenues	\$	715,044.00
Federal Revenues	\$	4,617,444.00
General Fund Balance	\$	7,314,791.00
Other Fund Balances	\$	2,862,364.15
TOTAL ESTIMATED REVENUES	\$	36,163,140.15
ESTIMATED EXPENDITURES		
General Fund	\$	11,907,331.00
Special Revenue Funds	\$	11,837,830.00
School Fund	\$	10,723,805.15
School Special Revenue Funds	\$	1,622,901.00
Capital Projects	\$	71,273.00
TOTAL ESTIMATED EXPENDITURES	\$	36,163,140.15

The budget amendment is comprised of a total of fourteen (14) separate appropriations, six (6) of which have already been approved by the Board of Supervisors:

- Five (5) appropriations approved 10/6/2021
- One (1) appropriation approved 10/20/2021
- Eight (8) appropriation requests for approval on December 1, 2021 are the remaining as described in Attachment A.

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

Appropriation #2022020A

Sources:	General Fund School Reserve	\$13,502
	Fund's Fund Balance	
	Federal Revenue	\$1,172,000
Uses:	School Fund	\$13,502
	School Special Revenue Funds	\$1,172,000
Net Increase to Appropriated Budget:		\$1,185,502

Description:

This request is to appropriate the School Division's appropriation request approved by the School Board on September 23, 2021:

- This request is to re-appropriate funds to pay an invoice in the amount of \$13,502 for 483 government mandated English for Speakers of Other Languages (ESOL) World-class Instructional Design and Assessment (WIDA) tests administered in FY 21.

This request is to appropriate the School Division's appropriation requests approved by the School Board on October 14, 2021:

- This request is to appropriate \$987,000 for the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) Elementary and Secondary School Emergency Relief (ESSER) II grant. Albemarle County Public Schools submitted a grant application for state set aside funds through the CRRSA ESSER II, for Addressing Unfinished Learning. The award from the Virginia Department of Education was \$987,000 and the funds will be used for ten Virtual School teacher salaries and benefits and for supplies for Virtual School students in school year 2021-2022. In addition, funds for 2021 Summer School Camp Invention modules for middle school programming were included in the application.
- This request is to appropriate \$185,000 for the American Rescue Plan (ARP) ESSER Fund – Homeless Children and Youth grant. Albemarle County Public Schools has been awarded \$185,000 through the McKinney-Vento ARP Homeless grant application process. Planned uses of these federal funds include summer enrichment programs to meet homeless students' social and emotional needs, transportation, tutoring services, student and family support through instruction, and other supplies. To administer the program, salary and benefits support from grant funds will be provided for a Coordinator and Support Specialist.

Appropriation #2022021

Sources:	General Fund's fund balance	\$ 7,216,620
	Capital Fund's fund balance	471,838
	Special Revenue/Other Fund's fund balances	8,097,110

Uses:	General Fund	\$ 7,735,447
	Special Revenue & Other Funds	8,050,121
Net Increase to Appropriated Budget:		\$ 15,785,568

Description: At the end of FY 21, the General Fund's fund balance is equal to a) the audited balance from the prior fiscal year (FY 20); b) plus the actual revenues during FY 21; and c) less actual expenditures during FY 21. Of that amount of General Fund fund balance, amounts are held in reserve for:

- Policy uses: in accordance with the County's financial policies, a 10% unassigned fund balance and a 1% Budget Stabilization Reserve.
- Appropriated and obligated uses: The County's FY 22 Adopted Budget and any other appropriations to date that include General Fund fund balance as a revenue source.

The remaining amount is defined as the County's Unobligated General Fund fund balance and any subsequent uses are approved by the Board of Supervisors. The Unobligated General Fund fund balance includes an amount for expenses approved in FY 21 that were not completed in FY 21. For example, equipment or purchase orders ordered in FY 21 that were delivered in FY 22 are classified as an FY 22 expense; or contracts for certain work may cross fiscal years based on the timeline of the project. In these circumstances, the County has FY 21 expenditure savings that are added to the General Fund fund balance, which are then requested for re-appropriation from the General Fund's fund balance in FY 22 to complete the expenditure.

The proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 21 undesignated funds that would be available for future uses.

This request is to re-appropriate General Fund fund balance from FY 21 to FY 22 as outlined below. Additionally, this request is to re-appropriate Special Revenue and Other Funds, also outlined below.

General Fund Re-appropriations

Commonwealth Attorney

- Requests the re-appropriation of \$12,918 for internship expenses planned in FY 21, postponed due the pandemic, and now planned in FY 22.

Community Development Department

- Requests the re-appropriation of \$350,625 to complete the Rio Road Corridor Plan (Phases 1 and 2) and Rivanna River Corridor Plan, provide for no parking signs budgeted in FY 21 and continuing into FY 22, and the permit application system project. Additionally, this amount includes \$145,000 from the FY 21 Board of Supervisors Strategic Priority Support Reserve. This reserve was established as part of the FY 18 budget and has been used to provide funding to support implementation of Strategic Plan initiatives, which may include items prioritized by the Board of Supervisors in the CDD's work program that are one-time costs. The funding is requested for re-appropriation directly to the Community Development Department to support the same intent.

Economic Development Office

- Requests the re-appropriation of \$26,416 for engineering, technical, and professional service planned in FY 21 that will be incurred in FY 22.

Executive Leadership

- Requests the re-appropriation of \$229,166 for cultural and historical projects, for purchase orders initiated in FY 21 in support of organizational projects; and materials and supplies costs.

Facilities & Environmental Services

- Requests the re-appropriation of \$196,903 for purchase orders initiated in FY 21 that will be completed in FY 22, Climate Action Plan projects, and a Facilities Space Planning Study.

Finance & Budget

- Requests the re-appropriation of \$181,744 for part-time wages for temporary staffing, purchase orders initiated in FY 21 that will be completed in FY 22, and professional services.

Fire Rescue

- Requests the re-appropriation of \$112,836 for materials, supplies, and equipment costs planned in FY 21 and incurred in FY 22 and for planned expenses funded through donations received in FY 21.

Information Technology

- Requests the re-appropriation of \$19,360 for purchase orders initiated in FY 21 that will be completed in FY 22 and \$46,989 from the Computer Maintenance, Replacement, and Licensing Fund to support cloud storage costs in FY 22.

Parks and Recreation

- Requests the re-appropriation of \$41,000 for the Simpson Park perimeter walking trail project, which was identified in FY 21 and is planned for completion in FY 22.

Police

- Requests the re-appropriation of \$217,550 for materials, supplies, and equipment costs planned in FY 21 and incurred in FY 22; and for planned expenses for traffic safety and the electronic summons programs funded through revenues received in prior years.

Sheriff

- Requests the re-appropriation of \$90,457 for equipment, materials, and supply expenses planned in FY 21 that will be incurred in FY 22; and fingerprinting program revenue that is utilized for volunteer reserves' uniforms, equipment and related expenses.

Social Services

- Requests the re-appropriation of \$6,294 for technology hardware planned in FY 21 and incurred in FY 22.

Voter Registration and Elections

- Requests the re-appropriation of \$17,250 for election expenses planned in FY 21 and incurred in FY 22

Non-Departmental

- Requests the re-appropriation of \$471,838 in Capital Fund's fund balance to the Business Process Optimization (BPO) Reserve: At the end of FY 21, there was a combined balance of \$471,838 in the Time and Attendance and Geographic Information System (GIS) projects in the capital budget. This requests the re-appropriation of this balance into the BPO Reserve in support of organizational efforts moving forward, where the expenses are more appropriate for the operating than the capital budget based on accounting guidelines.
- Requests the re-appropriation of \$761,308 remaining in Climate Action Plan funding at the end of FY 21 to the Climate Action Pool.
- Requests the re-appropriation of \$4,707,763 to the Pandemic Reserve. The Pandemic Reserve supports pandemic response, recovery, and reconstitution expenditures such as, but not limited to, human and community services, economic development, technology, and general County services. In addition to pandemic-related expenses, this Reserve may support advancing strategic priorities.
- Requests the re-appropriation of \$245,000 to the one-time Reserve for Contingencies. The FY 21 Adopted Budget included a \$245,000 Transit Contingency Reserve that was created from a portion of the savings from budget revisions to Charlottesville Area Transit (CAT) primarily due to CARES funding. This amount is recommended for re-appropriation to FY 22 to the Reserve for Contingencies in the event it is needed for the County's share of actual FY 21 CAT expenses, which will be calculated in FY 22. If not needed for that purpose, this amount would be part of the Reserve for Contingencies, which is a reserve to provide funds for unanticipated priority needs.

Special Revenue & Other Funds Re-appropriations

- **Economic Development Fund:** This request is re-appropriate \$2,826,383 in Economic Development Fund fund balance to the Economic Development as follows:
 - \$2,124,949 for the Economic Development Investment Pool to support future targeted economic development initiatives. The intention is that these resources will leverage/catalyze other possible investment and will provide an immediate and accessible pool of funds for implementing initiatives that will boost business opportunity and create an improved local economy. Combined with currently appropriated funding, the total balance of the Investment Pool is \$3,589,949, with \$1,760,000 of that amount held pursuant to performance agreements previously approved by the Board of Supervisors.
 - \$526,978 for the Economic Opportunities Fund, which matches economic development grant programs at the State and Federal level that help create jobs and expand capital investment in Albemarle County.
 - \$107,500 for transfers to the Economic Development Authority (EDA) Fund pursuant to performance agreements previously approved by the Board of Supervisors.
 - \$66,956 for expenses approved in FY 21, including part-time wages, buy local advertising, and contractual services.
- **Housing Fund:** This request is re-appropriate \$2,839,575 in Housing Fund fund balance to the Housing Fund as follows:
 - \$900,000 for a Reserve for the Performance Agreement between the County, Economic Development Authority, and Habitat for Humanity of Greater Charlottesville approved by the Board of Supervisors at its June 19, 2019 meeting. This funding is held in reserve and will be distributed pursuant to the terms of the agreement.
 - \$1,939,575 for a Housing Fund Reserve intended to support housing initiatives that are one-time costs and will support the County's strategic and housing goals.

- **Old Crozet School:** This request is to re-appropriate \$27,541 for expenses related to the Old Crozet Elementary School by re-appropriating unexpended rental revenue (fund balance) received in prior years.
- **Vehicle Replacement Fund:** This request is to re-appropriate \$460,460 for replacement vehicles planned in FY 21 that are anticipated to be incurred in FY 22.
- This request is to re-appropriate the following for entities where the County serves as fiscal agent:
 - **Economic Development Authority:** This request is to re-appropriate \$560,400 in EDA Fund fund balance to the EDA Fund, and \$107,500 in planned transfers from the Economic Development Fund pursuant to performance agreements previously approved by the Board of Supervisors. The Albemarle County Economic Development Authority (EDA) is a political subdivision of the Commonwealth of Virginia, operating in partnership with the Albemarle County Board of Supervisors to improve the quality of life for citizens of the County through responsible and sustainable economic development practices, using the County's Comprehensive and Strategic Plans for guidance, along with the County's Economic Development Strategic Plan .
 - **Emergency Communications Center:** This request is to re-appropriate \$1,333,293 for materials, supplies, equipment, contractual, and training costs. These items were appropriated by the Board of Supervisors at request of the Emergency Management Board during FY 21 and are anticipated to be incurred in FY 22.
 - **Regional Firearms Training Center:** This request is to re-appropriate \$2,469 for materials and supplies ordered in FY 21 and received in FY 22.

Appropriation #2022022

Sources:	General Fund's fund balance	\$98,171
	Federal Revenue (currently appropriated)	\$928,810
Uses:	General Fund	\$98,171
	American Rescue Plan Act Fund (currently \$928,810 appropriated)	
Net Increase to Appropriated Budget:		\$98,171

Description:

This request is to appropriate \$1,026,981 in State and Federal funding to provide Albemarle County Police and Fire Rescue sworn and uniformed employees with a one-time, lump sum payment of \$3,000 per employee with a full time equivalent of 0.7 and above who are active employees as of December 1, 2021, as well as providing for a sign-on payment of \$3,000 to all sworn or uniformed full-time and part-time regular employees of the Albemarle County Police Department and the Albemarle County Department of Fire Rescue with a full time equivalent of 0.7 and above who are hired between December 1, 2021 and November 30, 2022. These payments are contingent upon adoption of Ordinance No. 21-A(10) at the meeting on December 1, 2021. Ordinance No. 21-A(10) states the terms of the one-time lump sum payment and sign-on payments to Police and Fire sworn and uniformed employees.

\$98,171 of the funding for the one-time payments is from funding allocated by the State to the Albemarle County Police Department in January 2021, to be used to promote the recruitment and retention of the most qualified local police department sworn personnel, which could include bonus pay for retention purposes and sign-on bonuses for recruitment purposes. \$928,810 of the funding for the one-time payment will be appropriated from previously unallocated federal ARPA State and Local Fiscal Recovery Funds (SLFRF) monies received by the County of Albemarle.

Appropriation #2022023

Sources:	State Revenue	\$35,525
	Federal Revenue (currently appropriated)	\$48,442
Uses:	General Fund	\$35,525
	American Rescue Plan Act Fund (currently appropriated)	\$48,442
Net Increase to Appropriated Budget:		\$35,525

Description:

This request is to appropriate \$83,967 in State and Federal funding to provide sworn employees of the Albemarle County Sheriff's Office with a one-time, lump sum payment of \$3,000 per full time employee.

State funding in FY22, totaling \$35,525, provided for a one-time \$3,000 payment for Compensation Board-funded sworn positions in Sheriff's offices, which includes Sheriffs and Sheriffs' Deputies. The funds will cover the cost of bonuses for 11 of the 26 Sheriff's sworn personnel, as they are the Compensation Board-funded positions. In order to maintain equity across the sworn employees in the Sheriff's Office, staff recommends the provision of a \$3,000 one-time bonus to the remaining 15 sworn

personnel not covered by the Compensation Board funding, using \$48,442 in previously unallocated ARPA SLFRF funding.

Appropriation #2022024

Sources:	Local	\$19,954,176
	State	364,368
	Transfers from Special Revenue Funds*	459,320
	Fire Rescue Department	267,507
	Capital Fund's fund balance	(6,657,670)
Uses:	School Fund	10,325,268
	General Fund	3,325,041
	Water Resources Fund*	90,320
	Tourism Fund*	369,000
	Special Revenue Funds	10,565
Net Increase to Appropriated Budget:		\$13,660,874

*These portions of the appropriation are transfers between funds and do not increase or decrease the total budget.

Background:

At the November 3, 2021 Board of Supervisors meeting, staff provided a financial update based on the preliminary close of FY 21. Staff indicated that this update, combined with the continued improving revenue trends in FY 22, would lead to an amendment of the FY 22 budget at the Board's December 1 meeting, with a portion of revenues for County government applied in support of workforce stabilization efforts, along with an additional one-time contribution to the Capital budget.

The FY 21 Budget was adopted in May 2020 during the early stages of the pandemic. To navigate the unprecedented uncertainty in not only County revenues, but what the delivery of basic services would look like in the pandemic, the County adopted a "3-6-6" approach to financial management. "3-6-6" refers to managing the last 3 months of FY 20, the first six months of FY 21, and the last 6 months of FY 21 and adjusting financial planning along the way as needed. The FY 22 Budget incorporated a "12" making it a "3-6-6-12" approach given the continued uncertainty with how revenues would perform in this transitional budget. As the County evaluate the impacts of changes that took place in the fourth quarter of FY 21 and continues to monitor revenues from the first quarter of FY 22, available data shows that the economy is stabilizing and recovering.

For perspective on the magnitude of the change that took place in the fourth quarter of FY 21, approximately 46% of General Fund revenues are typically collected in the fourth quarter, so significant changes in that quarter have larger impacts on annual performance than changes other individual quarters. The following table illustrates how uncommon the fourth quarter of FY 21 was compared to recent history:

Fiscal Year	First to Third Quarter Revenue Change to Prior Year	Fourth Quarter Revenue Change to Prior Year	Percentage Point Change (Fourth Quarter minus First to Third Quarter)
FY 15	5.4%	5.2%	-0.2
FY 16	6.4%	6.0%	-0.3
FY 17	6.7%	4.2%	-2.5
FY 18	4.7%	4.0%	-0.7
FY 19	5.4%	6.0%	+0.6
FY 20	4.4%	0.6%	-3.8
FY 21	2.6%	7.0%	+4.3

- In FY 20, the yellow line in the table, the onset of the pandemic changed this trend, where revenue growth compared to the prior year of 4.4% in the first three quarters decreased in the last quarter to 0.6% growth over the prior year, a decrease of 3.8 percentage points.
- FY 21, the green line in the table, again changed this trend, as 2.6% growth in the first three quarters increased to 7.0% in the last quarter over the prior year, an increase of 4.3 percentage points. While FY 22 projections included an improving local economy compared to FY 21, the improvement is stronger and faster than anticipated in the FY 22 appropriated budget given the significant FY 21 fourth quarter change.

For examples of these notable revenue changes and how the trends have continued into FY 22:

- Tax collection rates, delinquencies, penalties, and interest in total were not impacted by the pandemic as much as the County had originally planned, verified by the fourth quarter of FY 21. FY 22 year-to-date data continues the FY 21 trend.

- Consumer driven taxes, such as sales, meals, and transient occupancy, are recovering at a rate greater than anticipated in the FY 22 budget:
 - In the first eight months of FY 21, these three revenues were down 12.1% compared to the same period pre-pandemic in FY 20.
 - In the last four months of FY 21, those revenues were 5.6% greater compared to the same period pre-pandemic in FY 19.
 - Through preliminary October revenues in FY 22, these revenues are 12.4% greater compared to the same pre-pandemic period in FY 20.
- Recordation and sellers' taxes continue strong performance.
 - These revenues finished FY 21 at 52% above the FY 20 actual and in particular, the fourth quarter of FY 21 for these revenues was 64% above the FY 20 actual and 70% above the FY 19 actual for the same period.
 - Through preliminary November revenues in FY 22, these revenues have continued this strong trend, with year-to-date collections 10% above the same period of FY 21.
- Business, Professional, and Occupational Licenses (BPOL) decreased 0.2% comparing FY 21 to FY 20, rather than a greater decline anticipated in the budget due to calendar year 2020 activity, when there was an economic slowdown. This data was unavailable until the completion of the fourth quarter of FY 21, when a large portion of those revenues are typically collected.

Description:

Staff recommends amending the FY 22 budget to incorporate an updated revenue projection and allocating it to County government and school operations and capital and debt service based on the shared allocation of local tax revenues. The County government operations portion is recommended to be allocated guided by the framework of workforce stabilization presented the Board of Supervisors at its November 3, 2021 meeting, along with an additional one-time contribution to the Capital budget beyond the formula allocation.

The revenue update totals \$20,274,142 in local, state, and transfer revenues and is recommended to be allocated as follows:

- The Capital budget receives \$2,352,791 by formula, which will reduce the planned use of capital fund balance by the same amount in the General Government Capital Fund. This funding will be available for consideration in the FY 23-27 Capital Improvements Plan development process.
- The School Division receives \$10,325,268 by formula.
- The Water Resources Fund receives \$90,320 by formula.
- The General Fund receives the remaining \$7,505,763 and it is recommended to be used for the following:
 - A one-time transfer to the Capital budget of \$4,304,879. This amount includes \$267,507 as a one-time transfer from the Fire Rescue Department for General Fund expenditures not needed in FY 22 due to the award of a Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant. This total transfer is recommended to be one-time, so that in FY 23 it would be available to assist with the full year cost impacts of the following recommendations and other considerations in the FY 23 annual budget process. The one-time transfer in FY 22 to the Capital budget would be available for consideration in the FY 23-27 Capital Improvements Plan development process.
 - \$30,000 to fund the Tax Relief for the Elderly and Disabled program. It is anticipated that the FY 22 budget will need additional funding based on actual payments made in FY 21.
 - \$2,083,983 to provide the following changes related to workforce stabilization:
 - Provide a 6% salary increase for Full-Time and Part-Time regular (not temporary) employees in FY 22 effective December 1, 2021 for the following (this amount is partially offset by \$94,492 in related state revenue for Department of Social Services positions for a net cost of \$1,989,491):
 - All County regular employees who report up through the County Executive and/or Board of Supervisors
 - Sheriff and Commonwealth's Attorney (salary supplement only)
 - Employees of the Constitutional Officers and Registrar
 - County employee (1.0 FTE) supporting Virginia Cooperative Extension
 - County employee (1.0 FTE) supporting Thomas Jefferson Soil & Water Conservation District
 - County employees (2.0 FTE) supporting Circuit Court Judges
 - Move the County Government Classified Pay Scale by 3%.
 - Move the following components of the Public Safety Pay Scale (Police, Fire Rescue, and Sheriff's Office) consistent with the salary increase.
 - \$2,953 to the Office of the Public Defender to provide a 6% salary increase to the County's supplemental amounts, consistent with budget recommendations in prior years.
 - \$150,000 for a compensation study to review County government employees who are on the County Government Classified pay scale.
 - The following positions and expenditures are recommended to begin in FY 22:
 - \$570,000 to the Police Department for 4 Police Officer positions and related operating and onetime costs.
 - \$226,892 to the Community Development Department for Building Division support including 3 positions, related operating and one-time costs, and contractual services.

- \$126,133 to the County Attorney's Office for an additional Assistant County Attorney position, related costs, and one-time wages to assist with the transition of staff anticipated to retire in calendar year 2022.
- \$122,000 to the Department of Social Services for 3 positions to the support the Child Protective Services program. This amount is partially offset by \$40,230 in related state revenue for a net cost of \$81,770.
- \$111,385 to the Department of Finance and Budget for a contract manager, accountant, and buyer (Procurement) position and related expenses.
- \$22,661 to the Economic Development Office (EDO) for a management analyst position; a portion of this position's total cost is recommended to be provided through reprioritizing funding in the currently appropriated EDO budget.
- \$9,716 to the Department of Information and Technology (IT) for a helpdesk support position; the majority of this position's total cost is recommended to be provided through reprioritizing funding in the currently appropriated IT budget.
- \$147,390 to the Department of Information and Technology for licensing and storage costs for the Police Department's Body Worn Camera Program.
- The following changes are the addition of full-time equivalent (FTE) positions with no net budget impact:
 - Commonwealth Attorney: Convert a part-time (0.5 FTE) Assistant Attorney position to a full time (1.0 FTE) paralegal position.
 - Department of Finance & Budget: Creation of 3 regular part-time positions (1.6 FTE total) through the reprioritization of existing temporary and part-time funding.
 - Executive Leadership (Performance & Strategic Planning): Creation of a regular part-time position (0.5 FTE) through the reprioritization of existing temporary and part-time funding.
 - Approval of "over hire" positions for the following departments. Over hire positions are a strategy to reduce the impact of turnover by filling anticipated vacancies sooner than the vacancy occurs and are funded by department's management of salaries, overtime, and other wages.
 - Police Department: 4 overhire positions
 - Fire Rescue Department: 4 overhire positions, which are in addition to the current 4, for a total of 8 overhire positions
 - Department of Social Services: 2 overhire positions
 - Human Resources: authorize the hiring of County government positions anticipated to begin in FY 23 in FY 22 to assist with the transition of County government and school human resources departments. Up to 15 FTE would be authorized to be hired and this expense will be funded through currently appropriated and reprioritized funding.

Appropriation #2022025

Sources:	School Special Revenue Funds (currently appropriated CRRSA funds)	(\$94,099)
Uses:	Parks and Recreation Department	\$94,099
Net Increase to Appropriated Budget:		\$0

Description:

This request is to appropriate \$94,099 in the School's Federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) to reimburse the County's Parks and Recreation Department for summer programming at no cost to the participants. The funding paid for salaries, supplies and lessons. CRRSA grant funding was designed to support unfinished learning and extended school programs.

Appropriation #2022026

Sources:	Federal	\$2,900,444
Uses:	Community Development Block Grant (CDBG)	\$1,000,000
	Edward Byrne Memorial Justice Assistance	\$16,264
	Grant (JAG) Program	\$1,884,180
	Staffing for Adequate Fire and Emergency Response Grant	
Net Increase to Appropriated Budget:		\$2,900,444

Description:

This request is to appropriate the following Federal grant funding awarded:

- \$1,000,000 for a Community Development Block Grant (CDBG) to support the construction of five (5) affordable single-family homes in the Southwood Redevelopment Phase 1 project.
- \$16,264 for an Edward Byrne Memorial Justice Assistance (JAG) grant to support police overtime activities, which support community assignments including National Night Out, Operation Safe Shopper, River RATT Operation, and Illegal Hunting Operations.
- \$1,884,180 for a three-year Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant to support ten firefighter positions among North Garden Volunteer Fire Company (Station 3), Earlysville Volunteer Fire Company (Station 4) and Stony Point Volunteer Fire Company (Station 6). Related operating expenditures not funded by the grant are already included in the current appropriated budget.

Appropriation #2022027

Sources:	Local Revenue	\$475,321
Uses:	Fire Rescue Department	\$218,266
	Fire Rescue Apparatus Replacement Program	\$71,273
	Climate Action Pool	\$185,783
Net Increase to Appropriated Budget:		\$475,321

Description:

This request is to appropriate \$475,321 in reimbursements for various expenditures as follows:

- In FY 21, the County installed electric vehicle charging stations at the County Office Building funded by the Climate Action Pool. In FY 22, the County received a rebate totaling \$185,783 for the charging stations. This request is to appropriate \$185,783 to the Climate Action Pool.
- A County-owned fire engine was struck by a concrete truck while at a stop light. \$289,538 in insurance reimbursement funds will be used to pay for the repairs to the damaged engine, and to offset the cost of a previously purchased used fire engine that was to be utilized until the damaged unit is back in service.

Mr. Andy Bowman said he was before the Board to amend the FY 22 budget. He began his presentation, entitled "Public Hearing and Action Item: FY 22 Budget Amendment and Appropriations." He said that VA Code required a public hearing before amending the budget when the total amount of proposed funds exceeded 1% of the adopted budget. He said that the amendment before the Board totaled \$36.2 million.

Mr. Bowman said that the first appropriation was related to the previous agenda item where one-time lump sum payments from state and federal funds were approved for the police and Fire Rescue sworn and uniformed staff. He explained that the previous approval was for the legal aspect, and this approval was for the funding aspect. He added that the sheriff's office would also be included in the funding.

Mr. Bowman explained that the FY 21 budget was adopted in May 2020, during the beginning of the pandemic. He said that the County adopted the 3-6-6 approach for financial management to navigate the uncertain County revenues, expenditures, and services. He said that 3-6-6 referred to the last 3 months of FY 20, the first 6 months of FY 21, and the last the last 6 months of FY 21. He continued that the FY 22 budget would make the plan a 3-6-6-12 approach because of the continued revenue uncertainty in the transitional budget. He noted that as the County evaluated the impacts of changes in the fourth quarter of FY 21 and monitored the revenues for the first quarter of FY 22, the available data showed the economy was stabilizing and recovering stronger and faster than anticipated.

Mr. Bowman said that on November 3, the County Executive gave the preliminary financial results of FY 21. He continued that on November 17, the staff provided the FY 22 First Quarter Financial Report and discussed the Five-Year Financial Plan with the Board. He said that the fourth quarter revenues were important because for the past 5 years, 46% of County revenues were collected in the fourth quarter. He said a major change in the fourth quarter had significant budget impacts relative to the other quarters.

Mr. Bowman explained that in a non-pandemic year, FY 18 and FY 19 would be examined. He said that the first 3 quarters of FY 18 had revenue growth of 4.7%, and that there was 4% growth in the fourth quarter. He said that in FY 19 there was 5.4% growth in the first 3 quarters and 6.0% growth in the fourth quarter. He said that the staff report had data from earlier years and noted that there was a trend that in a typical year, variation was only ever 1%, plus or minus. He said that changed notably in FY 20. He explained that there was 4.4% growth in the first 3 quarters of FY 20, but there was only 0.6% growth in the fourth quarter. He continued that as FY 21 began, revenues were stronger than the fourth quarter of FY 20, but only showed 2.6% growth for the first 3 quarters of FY 21. He said that in the fourth quarter of FY 21, there was 7.0% growth in revenues.

Mr. Bowman noted that the red dot at the upper left corner of the chart on the slide he shared—entitled, "Revenue Assumptions: FY 22 Update"—represented the first quarter of FY 22. He said that the revenues for FY 22 exceeded pre-pandemic levels. He continued that while there was only preliminary data for the second quarter, it looked like the trend continued.

Mr. Bowman said that there was a revenue update of about \$20.5 million, which included \$20.3 million in new revenue above what was budgeted and reappropriated savings from County government. He said that staff recommended allocating the revenue to County government, school operations, and capital and debt service based on the shared allocation formula for local tax revenues. He explained that the capital budget would receive \$2.4 million, and the funds would be considered for the CIP FY 23 – 27 planning process. He said that public schools would receive \$10.3 million. He continued that County government would receive \$7.8 million. He said that \$3.5 million would be dedicated to workforce stabilization initiatives, and a majority of the \$7.8 million would be recommended for a one-time transfer of \$4.3 million to the CIP to be considered in the FY 23 – 27 planning process.

Mr. Bowman said that there were two guiding principles for the financial decisions. He said the first principle was to ensure that the \$3.5 million workforce stabilization initiative was funded for the full four-year period. He said that the second principle was to consider how the capital and operating budgets impacted each other. He continued that additional cash support for the CIP would better position it to complete projects.

Mr. Bowman said that the guiding framework was displayed on the right of the slide, and that "workforce stabilization" was at the top. He said that the largest portion of the \$3.5 million for workforce stabilization went to compensation—\$2.1 million for a 6% base pay market adjustment and \$150,000 for a pay classification study. He continued that a total of 13.6 full-time equivalent (FTE) positions had little to no budget impact. He said 10 of the positions were over-hires across the police department, fire rescue department, and social services. He said over-hires would happen to mitigate the impact of vacancies in public safety and human services positions. He said that there were 3.6 FTE positions converted from part-time, temporary, contractual, and other repurposed positions, and the total impact from those positions was \$10,000.

Mr. Bowman explained that there was \$1.3 million to provide for 15 positions, to include the salaries, one-time costs, and related operating costs. He said there would be 4 police officer positions; 3 Community Development department positions in the building division and contractual services, to help the department deal with the particularly high workload they were experiencing; 3 Child Protective Services workers; 3 Finance and Budget department positions for an accountant, a buyer, and a contract manager; 1 Economic Development Office position for a part-time, temporary position to later be recommended for a full-time position; and 1 Assistant County Attorney position. He continued that there also included costs for the Body Worn Camera program, including the data storage and anticipated Commonwealth's Attorney's workload.

Mr. Bowman said that there was a reappropriation of \$15.8 million from the General Fund and Special Revenue Fund. He said this kind of appropriation typically happened this time of year as the audit was completed. He said the reappropriation transferred the budgets of projects that had not been completed the prior fiscal year to FY 22 so that they could be completed. He said an example would be if equipment were ordered in FY 21 but not delivered until FY 22. He said that there was \$4.7 million remaining in the Pandemic Reserve that continued to support pandemic costs that did not qualify for American Rescue Plan Act (ARPA) funding. He explained the fund was created as CAREs act funding expired and before ARPA funding had been released.

Mr. Bowman said that there were other funds besides the General Fund. He mentioned the economic development and housing funds were recommended to have the balances from FY 21 carried over to FY 22. He mentioned that there were other funds where the County served as the fiscal agent. He said that the proposed allocation of the General Fund balance did not compromise the County financial policies or the 10% and 1% reserves. He continued that the determination on the item before the Board did not address the use of a separate \$13.2 million fund. He said that there was \$2.9 million in combined federal grant revenue for the fire rescue department. He said the grant was the 3-year FEMA (Federal Emergency Management Agency) SAFER (Staffing For Adequate Fire and Emergency Response) grant, which provided 10 positions for FY 22. He said there was federal revenue for the public schools and \$500,000 for reimbursed expenditures. He mentioned that Attachment A included more details.

Ms. Price said that the last time pay raises were approved, there were County employees who were not covered. She asked if the pay raises were inclusive or if there were groups of employees that were not covered by the 6% pay raise.

Mr. Bowman said that the 6% applied to all County and regular employees who reported up to the County Executive and the Board of Supervisors, the employees and constitutional officers of the Registrar, and the salary supplements for the sheriff and Commonwealth attorney. He said there were MOUs with positions at the Circuit court, one position at the Virginia Cooperative Extension service, and one position at the Thomas Jefferson Sewer and Water Conservation District. He said those were employees who would be included in that. He said employees who would not be included were those who report to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) and the Emergency Communications Center (ECC) and that those employees would be impacted by decisions made by their respective governing boards.

Ms. LaPisto-Kirtley did not have any comments.

Ms. Palmer did not have any comments.

Ms. McKeel asked Mr. Bowman to clarify what the formula for tax allocation was, specifically with how it related to the \$10.3 million allocation to public schools.

Mr. Bowman said that the General Fund received all local tax revenue. He explained that the General Fund funded County operations, school operations, and both organizations capital and debt costs. He said there was a shorthand called the "60/40 split" for financial planning. He explained that any new revenue would be shared 60/40 between the school division and County government. He said that the capital was removed off the top, then the funds for the school division, and that the remainder would fall to the County government.

Ms. McKeel clarified that the schools received the 60% of the funds.

Mr. Bowman responded affirmatively.

Ms. McKeel said that the School Board decided how those funds would be spent.

Mr. Bowman said that the use of the \$10.3 million was up to the School Board.

Ms. McKeel added that the school division had many more employees than the County government.

Ms. Mallek did not have any comments.

Mr. Gallaway asked if the FTE changes had been about \$1.3 million.

Mr. Bowman responded affirmatively.

Mr. Gallaway asked if the FTE costs assumed the positions would be filled from January 1 through June 30.

Mr. Bowman said that some positions were assumed to start later in the year.

Mr. Gallaway asked if the cost could end up less than \$1.3 million.

Mr. Bowman said that it was possible depending on when employees started and what certifications and qualifications they brought when they started.

Mr. Gallaway said that there were no speakers signed up for the public hearing.

Ms. Price said that the proposal covered items 2 and 3 of the Board's 3-stage process. She said she supported the 6% pay raise and noted that the compensation study was equally important because different positions deserved different levels of compensation. She said that during the pandemic, the County had to perform cutbacks. She said that the impact was visible from the studies the Board had conducted. She mentioned that Consent Agenda Item 8.3, "Community Development Department Work Program Mid-Year Update," reflected that the County was 5.5 positions down in CDD. She said the study was needed to get people in the positions where they were needed. She noted that the previous year, teachers received a 5% pay raise while County government staff received a 3% raise, though part of the reason was because of an unfunded state mandate.

Ms. LaPisto-Kirtley said she supported the proposal.

Ms. Palmer said she supported the proposal.

Ms. McKeel said she supported the proposal.

Ms. Mallek said she supported the proposal. She said she was glad to see money being transferred to the capital program.

Mr. Gallaway said he was supportive of the proposal. He said that the 6% market adjustment was a rightsizing that may only get the County caught up. He said that the next step would be the compensation study, as Ms. Price mentioned. He said that the 6% raise was in no way enough to offset a decision about raises in the next budget cycle, and he hoped that the next budget would build on the raises to keep the County competitive. He said the situation that allowed these raises was not common, and he thought it was the right way to use these one-time funds. He was glad to see the part-time and temporary positions being restructured to full-time positions. He noted the funding the Board had redirected to the Capital Improvement Plan, and he hoped that the School Board would allocate some of the funding it received to the CIP as well. He said the money would be well directed.

Ms. Price **moved** to adopt the Ordinance to adopt the Resolution (Attachment B) to approve the appropriation for local government and school projects and programs, as described in Attachment A.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1. That the FY 22 Budget is amended to increase it by \$36,163,140.15;
- 2. That Appropriations #2022020; #2022021; #2022022; #2022023; #2022024; #2022025; #2022026; and #2022027 are approved; and
- 3. That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

* * * * *

APP#	Account String	Description	Amount
2022023	4-5121-23100-421800-160060-1614	SA2022023 Sheriff Bonuses ARPA Funded	\$45,000.00
2022023	4-5121-23100-421800-210000-1614	SA2022023 Sheriff Bonuses FICA ARPA Funded	\$3,442.00
2022023	4-5121-94000-499000-999999-9999	SA2022023 Sheriff Bonuses ARPA Funded	-\$48,442.00
2022023	4-1000-23100-421800-160060-9999	SA2022023 Sheriff Bonuses Comp Board Funded	\$33,000.00
2022023	4-1000-23100-421800-210000-9999	SA2022023 Sheriff Bonuses FICA - Comp Board Funded	\$2,525.00
2022023	3-1000-23100-323000-230201-9999	SA2022023 Sheriff Bonuses Comp Board Funded	\$35,525.00
2022020	3-2000-62000-351000-510100-6599	SA2022020 Use of Fund Balance	\$13,501.75
2022020	3-1005-99000-352000-510100-9999	SA2022020 ESOL WIDA Tests	\$13,501.75
2022020	4-1005-99000-493000-932000-9999	SA2022020 ESOL WIDA Tests	\$13,501.75
2022020	4-2000-62119-461341-301210-6501	SA2022020 ESOL WIDA Tests	\$13,501.75
2022020	3-3167-63167-333000-330001-6599	SA2022020 Grant - Federal	\$987,000.00
2022020	4-3167-63167-461565-112100-6499	SA2022020 Salaries-Teacher	\$200,000.00
2022020	4-3167-63167-461565-210000-6499	SA2022020 FICA	\$15,300.00
2022020	4-3167-63167-461565-221000-6499	SA2022020 Virginia Retirement Sys	\$32,597.34
2022020	4-3167-63167-461565-231000-6499	SA2022020 Health Insurance	\$23,941.67
2022020	4-3167-63167-461565-232000-6499	SA2022020 Dental Insurance	\$800.00
2022020	4-3167-63167-461565-241000-6499	SA2022020 VRS Group Life Insurance	\$2,578.34
2022020	4-3167-63167-461620-112100-6499	SA2022020 Salaries-Teacher	\$200,000.00
2022020	4-3167-63167-461620-210000-6499	SA2022020 FICA	\$15,300.00
2022020	4-3167-63167-461620-221000-6499	SA2022020 Virginia Retirement Sys	\$32,597.34
2022020	4-3167-63167-461620-231000-6499	SA2022020 Health Insurance	\$23,941.67
2022020	4-3167-63167-461620-232000-6499	SA2022020 Dental Insurance	\$800.00
2022020	4-3167-63167-461620-241000-6499	SA2022020 VRS Group Life Insurance	\$2,578.34
2022020	4-3167-63167-461720-112100-6499	SA2022020 Salaries-Teacher	\$200,000.00
2022020	4-3167-63167-461720-210000-6499	SA2022020 FICA	\$15,300.00
2022020	4-3167-63167-461720-221000-6499	SA2022020 Virginia Retirement Sys	\$32,597.32
2022020	4-3167-63167-461720-231000-6499	SA2022020 Health Insurance	\$23,941.66
2022020	4-3167-63167-461720-232000-6499	SA2022020 Dental Insurance	\$800.00
2022020	4-3167-63167-461720-241000-6499	SA2022020 VRS Group Life Insurance	\$2,578.32
2022020	4-3167-63167-461101-301210-6530	SA2022020 Contract Services	\$96,000.00
2022020	4-3167-63167-461101-601300-6530	SA2022020 Educ. & Recreation Sup.	\$65,348.00
2022020	3-3168-63168-333000-330001-6599	SA2022020 Federal Title IX-Homeless ED Revenue	\$185,000.00
2022020	4-3168-63168-461101-111400-6501	SA2022020 Salaries-Other Management	\$29,328.00
2022020	4-3168-63168-461101-112100-6501	SA2022020 Salaries-Teacher	\$20,546.88
2022020	4-3168-63168-461101-210000-6501	SA2022020 FICA	\$3,815.43
2022020	4-3168-63168-461101-221000-6501	SA2022020 Virginia Retirement System	\$12,000.00
2022020	4-3168-63168-461101-231000-6501	SA2022020 Health Insurance	\$12,199.99
2022020	4-3168-63168-461101-232000-6501	SA2022020 Dental Insurance	\$250.00
2022020	4-3168-63168-461101-241000-6501	SA2022020 VRS Group Life Insurance	\$900.00

2022020	4-3168-63168-461101-132100-6530	SA2022020 PT/Wages-Teacher	\$26,600.00
2022020	4-3168-63168-461101-135000-6530	SA2022020 PT/Wages-Office Clerical	\$23,525.12
2022020	4-3168-63168-461101-210000-6530	SA2022020 FICA	\$3,834.58
2022020	4-3168-63168-461101-301210-6530	SA2022020 Contract Services	\$22,000.00
2022020	4-3168-63168-461101-400000-6530	SA2022020 Internal Services	\$10,000.00
2022020	4-3168-63168-461101-579001-6530	SA2022020 Housing Assist. Payments	\$3,000.00
2022020	4-3168-63168-461101-580004-6530	SA2022020 Misc. Exp. Homeless	\$8,500.00
2022020	4-3168-63168-461101-601300-6530	SA2022020 Educ. & Recreation Sup.	\$8,500.00
2022025	3-1000-71600-319000-190395-9999	SA2022025 Reimbursement for Summer Camp PT wages, FICA, karate lessons, supplies	\$94,098.91
2022025	4-1000-71600-471000-130000-9999	SA2022025 PT wages	\$84,187.75
2022025	4-1000-71600-471000-210000-9999	SA2022025 FICA	\$6,320.38
2022025	4-1000-71600-471000-345200-9999	SA2022025 Karate lessons	\$1,995.00
2022025	4-1000-71600-471000-601300-9999	SA2022025 Supplies	\$1,595.78
2022021	4-1000-12500-481000-592000-9999	SA2022021 Cultural/Historical Initiatives Donation	\$85,000.00
2022021	4-1000-12400-412000-344400-9999	SA2022021 Reappropriate balance	\$139,459.00
2022021	4-1000-12400-412000-610700-9999	SA2022021 Operating costs for new positions	\$4,707.00
2022021	4-1000-15100-412000-344200-9999	SA2022021 Cost Allocation Plan	\$9,000.00
2022021	4-1000-15300-412000-345700-9999	SA2022021 ADP Payroll Clarity	\$65,000.00
2022021	4-1000-15400-412000-345700-9999	SA2022021 PCI - Tender Type Project	\$7,000.00
2022021	4-1000-15600-412000-580600-9999	SA2022021 Special Litigation	\$74,938.00
2022021	4-1000-15600-412000-130000-9999	SA2022021 Data Entry Clerk through FY 22	\$24,000.00
2022021	4-1000-15600-412000-210000-9999	SA2022021 Data Entry Clerk through FY 22	1836.00
2022021	4-1000-16100-412000-344100-9999	SA2022021 Local gov network audit/5 yr upgrade plan	19360.00
2022021	4-1000-17200-413000-379100-9999	SA2022021 Voting machines for June 8 primary	17250.00
2022021	4-1000-23100-421800-592000-9999	SA2022021 Re-appropriation	8096.00
2022021	4-1000-23100-421800-601011-9999	SA2022021 PO Carryforward	23750.00
2022021	4-1000-23100-421800-800502-9999	SA2022021 PO Carryforward	58611.00
2022021	4-1000-24100-422000-130000-9999	SA2022021 Minority recruitment effort	12000.00
2022021	4-1000-24100-422000-210000-9999	SA2022021 Minority recruitment effort	918.00
2022021	4-1000-31100-431000-591200-9999	SA2022021 Electronic Summons system re-approp	75424.00
2022021	4-1000-31100-431000-600403-1800	SA2022021 Unused from prior year	10766.00
2022021	4-1000-31100-431000-601011-9999	SA2022021 The Gun Shop PO and Ultimate Training Munitions PO	125093.00
2022021	4-1000-31100-431000-601010-9999	SA2022021 Ultimate Training Munitions PO	3199.00
2022021	4-1000-31100-431000-601310-9999	SA2022021 Bite suit	3068.00
2022021	4-1000-33100-432000-540000-9999	SA2022021 PO Carryforward	10000.00
2022021	4-1000-33400-432000-800500-9999	SA2022021 PO Carryforward	30500.00
2022021	4-1000-33400-432000-800502-9999	SA2022021 Re-appropriation	27000.00
2022021	4-1000-33500-432000-800100-9999	SA2022021 PO Carryforward	5508.00
2022021	4-1000-33500-432000-610200-9999	SA2022021 PO Carryforward	14008.00
2022021	4-1000-33600-432000-591000-9999	SA2022021 Unspent donations money	13521.00
2022021	4-1000-33500-432000-601104-9999	SA2022021 PO Carryforward	12299.00
2022021	4-1000-41100-443000-332000-9999	SA2022021 Solid Waste Study	425.00
2022021	4-1000-41100-443000-345700-9999	SA2022021 Space Planning Study	81443.00
2022021	4-1000-41220-482000-342200-9999	SA2022021 Thms Jeff MDES PO Reappropriation	12055.00
2022021	4-1000-41220-482000-331300-9999	SA2022021 Greenroof Maintenance PO Reappropriation	2980.00
2022021	4-1000-41230-482000-592100-1554	SA2022021 AHIP Funding reappropriation	100000.00
2022021	4-1000-51100-453000-610700-9999	SA2022021 Re-appropriation	6294.00
2022021	4-1000-71200-471000-331300-9999	SA2022021 Simpson Park perimeter walking trail	41000.00
2022021	4-1000-81100-481000-372200-9999	SA2022021 PO Carryforward	20000.00
2022021	4-1000-81100-481000-344400-9999	SA2022021 Cnsltng & mgmt svcs (\$45k), Rio Road Corridor Phs 1 (\$64k) and Phs 2 (\$100k), PO (\$2k), SP Reserve (\$100k)	311646.00
2022021	4-1000-81100-481000-345700-9999	SA2022021 No Parking signs	18979.00
2022021	4-1000-82100-481000-345700-9999	SA2022021 Broadway Blueprint project	12800.00
2022021	4-1000-82100-481000-342200-9999	SA2022021 Comp Plan	13616.00
2022021	4-1000-89100-481000-999999-9999	SA2022021 Transit Reserve	245000.00
2022021	4-1000-94000-499000-999962-9999	SA2022021 FY21 from FES and Non-Departmental	761308.00

2022021	4-1000-94000-499000-999958-9999	SA2022021 Re-appropriate Pandemic Reserve	4707763.00
2022021	3-1000-99000-352000-510100-9999	SA2022021 GF Reappropriations	7216620.00
2022021	4-1000-16100-412000-372200-9999	SA2022021 Cloud services from Maint/Repl/Licensing Fund	46989.00
2022021	3-1000-16100-351000-512014-9999	SA2022021 Cloud services from Maint/Repl/Licensing Fund	46989.00
2022021	4-7935-16100-412560-931000-9999	SA2022021 Cloud services to Gen Fund	46989.00
2022021	3-7935-16100-352000-510100-9999	SA2022021 Cloud services to Gen Fund	46989.00
2022021	4-1000-94000-499000-999956-9999	SA2022021 Kronos & GIS CIP project close out	471838.00
2022021	3-1000-99000-351000-512031-9999	SA2022021 Kronos & GIS CIP project close out	471838.00
2022021	3-9010-99000-352000-510100-9999	SA2022021 Kronos & GIS CIP project close out	471838.00
2022021	4-9010-99000-493000-931000-9999	SA2022021 Kronos & GIS CIP project close out	471838.00
2022021	3-5808-41401-352000-510100-9999	SA2022021 Reappropriate balance	27541.00
2022021	4-5808-41401-443000-800949-9999	SA2022021 Old Crozet School expenditures	27541.00
2022021	3-7200-99000-352000-510100-9999	SA2022021 Reappropriation	460460.00
2022021	4-7200-33400-412560-800500-9999	SA2022021 Reappropriate vehicle not purchased due to covid	38082.00
2022021	4-7200-23100-412560-800500-9999	SA2022021 Vehicle delivered in FY 22	37645.00
2022021	4-7200-31100-412560-800500-9999	SA2022021 Vehicle delivered in FY 22	384733.00
2022021	3-5807-82100-352000-510100-9999	SA2022021 Reappropriate balance	2826383.00
2022021	4-5807-82100-499000-999954-9999	SA2022021 Reappropriate Investment Pool	2124949.00
2022021	4-5807-82100-499000-999987-9999	SA2022021 Reappropriate Economic Opportunities Fund	526978.00
2022021	4-5807-82100-493000-934001-9999	SA2022021 Performance Agreements	107500.00
2022021	4-5807-82100-481000-130000-9999	SA2022021 Reappropriation	20000.00
2022021	4-5807-82100-481000-210000-9999	SA2022021 Reappropriation	1530.00
2022021	4-5807-82100-481000-345700-9999	SA2022021 Reappropriation	37200.00
2022021	4-5807-82100-481000-379300-9999	SA2022021 Reappropriation	8226.00
2022021	3-5801-99000-352000-510100-9999	SA2022021 Reappropriation	2839575.00
2022021	4-5801-94000-499000-999999-9999	SA2022021 Housing Fund Reserve	1939575.00
2022021	4-5801-89000-481000-560000-0057	SA2022021 Performance Agreement	900000.00
2022021	3-4700-91095-352000-510100-9999	SA2022021 Reappropriation	560400.00
2022021	3-4700-91095-351000-512000-9999	SA2022021 Transfer from ED Fund	107500.00
2022021	4-4700-91095-491095-560000-9999	SA2022021 Contribution to Other Entities (CV SBDC)	25000.00
2022021	4-4700-91095-491095-580000-9999	SA2022021 Miscellaneous Expenses	375000.00
2022021	4-4700-91095-491095-950029-9999	SA2022021 \$200k WillowTree; \$7.5k Afton Scientific; CoConstruct \$41k; Castle Hill Gaming \$19.4k	267900.00
2022021	3-4100-32100-352000-510100-9999	SA2022021 Reappropriation	1333293.00
2022021	4-4100-32110-435600-331210-9999	SA2022021 Reappropriation	17948.00
2022021	4-4100-32110-435600-331211-9999	SA2022021 Reappropriation	20000.00
2022021	4-4100-32110-435600-345200-9999	SA2022021 Reappropriation	46120.00
2022021	4-4100-32110-435600-372200-9999	SA2022021 Reappropriation	137231.00
2022021	4-4100-32110-435600-551000-9999	SA2022021 Reappropriation	49528.00
2022021	4-4100-32110-435600-551100-9999	SA2022021 Reappropriation	7900.00
2022021	4-4100-32110-435600-601100-9999	SA2022021 Reappropriation	14000.00
2022021	4-4100-32110-435600-800301-9999	SA2022021 Reappropriation	596686.00
2022021	4-4100-32110-435600-800710-9999	SA2022021 Reappropriation	42016.00
2022021	4-4100-32110-435600-800712-9999	SA2022021 Reappropriation	278667.00
2022021	4-4100-32120-435600-372200-9999	SA2022021 Reappropriation	26250.00
2022021	4-4100-32120-435600-379200-9999	SA2022021 Reappropriation	2100.00
2022021	4-4100-32120-435600-551000-9999	SA2022021 Reappropriation	4283.00
2022021	4-4100-32120-435600-601100-9999	SA2022021 Reappropriation	300.00
2022021	4-4100-32130-435600-331600-9999	SA2022021 Reappropriation	33929.00
2022021	4-4100-32130-435600-601100-9999	SA2022021 Reappropriation	1000.00
2022021	4-4100-32130-435600-610300-9999	SA2022021 Reappropriation	32758.00
2022021	4-4100-32130-435600-610700-9999	SA2022021 Reappropriation	9421.00
2022021	4-4100-32130-435600-800500-1003	SA2022021 Reappropriation	13156.00
2022021	4-5805-31029-431000-601000-9999	SA2022021 Reappropriation	2469.00
2022021	3-5805-31209-352000-510100-9999	SA2022021 Reappropriation	2469.00

2022026	3-5404-51400-333000-330001-9999	SA2022026 CDBG - SouthwoodRedevelopment Phase 1	1000000.00
2022026	4-5404-51400-499000-999999-9999	SA2022026 CDBG - SouthwoodRedevelopment Phase 2	1000000.00
2022026	3-5153-31100-333000-330412-9999	SA2022026 DCJS - Byrne/JAG - Grant Revenue Federal	16264.00
2022026	4-5153-31100-431000-120000-9999	SA2022026 Overtime	15102.00
2022026	4-5153-31100-431000-210000-9999	SA2022026 FICA	1162.00
2022026	4-5153-31100-431000-110000-9999	SA2022026 Salaries	0.00
2022026	3-5103-33500-333000-330001-9999	SA2022026 FY20 FEMA SAFER	1884180.00
2022026	4-5103-33500-432000-110000-9999	SA2022026 Salaries-Regular	1272870.00
2022026	4-5103-33500-432000-120000-9999	SA2022026 Overtime Wages	0.00
2022026	4-5103-33500-432000-120400-9999	SA2022026 Pay Exceptions	0.00
2022026	4-5103-33500-432000-130000-9999	SA2022026 Part-Time Wages	0.00
2022026	4-5103-33500-432000-210000-9999	SA2022026 FICA	97380.00
2022026	4-5103-33500-432000-221000-9999	SA2022026 Virginia Retirement Sys	0.00
2022026	4-5103-33500-432000-222100-9999	SA2022026 Annuity-Parttime	0.00
2022026	4-5103-33500-432000-222110-9999	SA2022026 VRS Hybrid Retirement	179730.00
2022026	4-5103-33500-432000-231000-9999	SA2022026 Health Insurance	251760.00
2022026	4-5103-33500-432000-232000-9999	SA2022026 Dental Insurance	7200.00
2022026	4-5103-33500-432000-233000-9999	SA2022026 HSA Contributions	0.00
2022026	4-5103-33500-432000-241000-9999	SA2022026 VRS Group Life Insurance	0.00
2022026	4-5103-33500-432000-242000-9999	SA2022026 Group Life/Part-Time	17070.00
2022026	4-5103-33500-432000-270000-9999	SA2022026 Worker's Compensation	58170.00
2022026	4-5103-33500-432000-280100-9999	SA2022026 Leave Payouts	0.00
2022026	4-5103-33500-432000-282040-9999	SA2022026 Total Rewards	0.00
2022022	4-5121-33500-432000-160060-1614	SA2022022 Fire Bonuses - ARPA Funded	\$471,000.00
2022022	4-5121-31100-431000-160060-1614	SA2022022 Police Bonuses - ARPA Funded	\$393,000.00
2022022	4-5121-33500-432000-210000-1614	SA2022022 Fire Bonuses FICA - ARPA Funded	\$36,031.50
2022022	4-5121-31100-431000-210000-1614	SA2022022 Police Bonuses FICA - ARPA Funded	\$28,778.50
2022022	4-5121-94000-499000-999999-9999	SA2022022 5121-CSFRF 21.027 (ARP Act)	-\$928,810.00
2022022	4-1000-31100-431000-160060-9999	SA2022022 Police Bonuses - State Reimbursement previously received	\$91,000.00
2022022	4-1000-31100-431000-210000-9999	SA2022022 Police Bonuses FICA - State Reimbursement previously received	\$7,171.00
2022022	3-1000-99000-352000-510100-9999	SA2022022 Police Bonuses - State Reimbursement previously received	\$98,171.00
2022027	4-9010-33001-432000-800510-9630	SA2022027 Insurance Reimbursement for loss of use	\$71,273.00
2022027	3-9010-33001-341000-410800-9630	SA2022027 Insurance Reimbursement for loss of use	\$71,273.00
2022027	4-1000-33400-432000-331500-9999	SA2022027 Insurance Reimbursement for Repairs	\$218,265.00
2022027	3-1000-33001-341000-410800-9999	SA2022027 Insurance Reimbursement for Repairs	\$218,265.00
2022027	4-1000-94000-499000-999962-9999	SA2022027 EV Charging Station Rebate	\$185,783.00
2022027	3-1000-41230-318000-180301-1557	SA2022027 EV Charging Station Rebate	\$185,783.00
2022024	3-1000-11000-311000-110150-1000	SA2022024 Revenue Update	-66000.00
2022024	3-1000-11000-311000-110155-1000	SA2022024 Revenue Update	10770571.00
2022024	3-1000-11000-311000-110255-1000	SA2022024 Revenue Update	243248.00
2022024	3-1000-11000-311000-110350-1000	SA2022024 Revenue Update	171591.00
2022024	3-1000-11000-311000-110355-1000	SA2022024 Revenue Update	2538186.00
2022024	3-1000-11000-311000-110450-1000	SA2022024 Revenue Update	2357.00
2022024	3-1000-11000-311000-110455-1000	SA2022024 Revenue Update	83900.00
2022024	3-1000-11000-311000-110601-1000	SA2022024 Revenue Update	65849.00
2022024	3-1000-11000-311000-110602-1000	SA2022024 Revenue Update	-14069.00
2022024	3-1000-11000-311000-110607-1000	SA2022024 Revenue Update	700.00
2022024	3-1000-11000-311000-110750-1000	SA2022024 Revenue Update	-1407.00
2022024	3-1000-11000-311000-110755-1000	SA2022024 Revenue Update	5178.00
2022024	3-1000-11000-311000-111606-1000	SA2022024 Revenue Update	-100.00
2022024	3-1000-12000-312000-110601-1000	SA2022024 Revenue Update	-27533.00
2022024	3-1000-12000-312000-110602-1000	SA2022024 Revenue Update	-17601.00
2022024	3-1000-12000-312000-120100-1000	SA2022024 Revenue Update	1538000.00
2022024	3-1000-12000-312000-120200-1000	SA2022024 Revenue Update	-65000.00

2022024	3-1000-12000-312000-120280-1000	SA2022024 Revenue Update	-14000.00
2022024	3-1000-12000-312000-120305-1000	SA2022024 Revenue Update	-27616.00
2022024	3-1000-12000-312000-120310-1000	SA2022024 Revenue Update	-78250.00
2022024	3-1000-12000-312000-120315-1000	SA2022024 Revenue Update	229197.00
2022024	3-1000-12000-312000-120316-1000	SA2022024 Revenue Update	160422.00
2022024	3-1000-12000-312000-120320-1000	SA2022024 Revenue Update	411809.00
2022024	3-1000-12000-312000-120335-1000	SA2022024 Revenue Update	-225770.00
2022024	3-1000-12000-312000-120340-1000	SA2022024 Revenue Update	78732.00
2022024	3-1000-12000-312000-120345-1000	SA2022024 Revenue Update	-33373.00
2022024	3-1000-12000-312000-120350-1000	SA2022024 Revenue Update	139658.00
2022024	3-1000-12000-312000-120355-1000	SA2022024 Revenue Update	-768.00
2022024	3-1000-12000-312000-120360-1000	SA2022024 Revenue Update	4233.00
2022024	3-1000-12000-312000-120365-1000	SA2022024 Revenue Update	-27760.00
2022024	3-1000-12000-312000-120500-1000	SA2022024 Revenue Update	156508.00
2022024	3-1000-12000-312000-120701-1000	SA2022024 Revenue Update	1100000.00
2022024	3-1000-12000-312000-120703-1000	SA2022024 Revenue Update	319000.00
2022024	3-1000-12000-312000-121000-1000	SA2022024 Revenue Update	246000.00
2022024	3-1000-12000-312000-122000-1000	SA2022024 Revenue Update	2016000.00
2022024	3-1000-15001-319000-190238-9999	SA2022024 Revenue Update	-713.00
2022024	3-1000-15001-323000-230801-9999	SA2022024 Revenue Update	3384.00
2022024	3-1000-15500-318000-180200-9999	SA2022024 Revenue Update	5000.00
2022024	3-1000-15700-319000-190239-9999	SA2022024 Revenue Update	5000.00
2022024	3-1000-22100-323000-230300-9999	SA2022024 Revenue Update	13796.00
2022024	3-1000-23100-323000-230201-9999	SA2022024 Revenue Update	7082.00
2022024	3-1000-24100-323000-230101-9999	SA2022024 Revenue Update	6506.00
2022024	3-1000-31100-313000-130100-9999	SA2022024 Revenue Update	10000.00
2022024	3-1000-33001-316000-160402-9999	SA2022024 Revenue Update	27528.00
2022024	3-1000-51001-324000-240110-9999	SA2022024 3 CPS Workers and Salary Adjustment	134722.00
2022024	3-1000-71000-351000-512034-9999	SA2022024 Revenue Update	369000.00
2022024	3-1000-81100-313000-130306-9999	SA2022024 Revenue Update	-13300.00
2022024	3-1000-81100-313000-130309-9999	SA2022024 Revenue Update	-5887.00
2022024	3-1000-81100-313000-130332-9999	SA2022024 Revenue Update	-7608.00
2022024	3-1000-81100-313000-130333-9999	SA2022024 Revenue Update	-13989.00
2022024	3-1000-81100-313000-130334-9999	SA2022024 Revenue Update	-6655.00
2022024	3-1000-81100-313000-130342-9999	SA2022024 Revenue Update	-6107.00
2022024	3-1000-81200-313000-130307-9999	SA2022024 Revenue Update	-7904.00
2022024	3-1000-81200-313000-130308-9999	SA2022024 Revenue Update	-244993.00
2022024	3-1000-99000-315000-150101-9999	SA2022024 Revenue Update	135912.00
2022024	3-1000-99000-318000-180301-9999	SA2022024 Revenue Update	27000.00
2022024	3-1000-99000-322000-220108-9999	SA2022024 Revenue Update	184000.00
2022024	3-1000-99000-322000-220109-9999	SA2022024 Revenue Update	478.00
2022024	3-1000-99000-322000-220135-9999	SA2022024 Revenue Update	14400.00
2022024	3-1000-99000-352000-510100-9999	SA2022024 Revenue Update - Water Resources Share	\$90,320.00
2022024	3-2000-62000-351000-512004-6599	SA2022024 Revenue Update - Tr from GF	\$10,325,268.00
2022024	3-5442-31100-351000-512004-9999	SA2022024 Dec 1 Salary Adjustment	4087.00
2022024	3-5802-99000-351000-512004-9999	SA2022024 Revenue Update - Water Resources Share	\$90,320.00
2022024	3-5803-12000-312000-121000-9999	SA2022024 Revenue Update	369000.00
2022024	3-5804-71910-351000-512004-9999	SA2022024 Dec 1 Salary Adjustment	6478.00
2022024	3-9010-99000-351000-512004-9621	SA2022024 Revenue Update - Capital Equity	\$2,352,791.00
2022024	3-9010-99000-351000-512074-9621	SA2022024 Revenue Update	\$4,304,879.00
2022024	3-9010-99000-352000-510100-9621	SA2022024 Revenue Update - Capital Equity	-\$6,657,670.00
2022024	4-1000-11100-411000-110000-9999	SA2022024 Dec 1 Salary Adjustment	\$5,116.00
2022024	4-1000-11100-411000-120000-9999	SA2022024 Dec 1 Salary Adjustment	357.00
2022024	4-1000-11100-411000-131100-9999	SA2022024 Dec 1 Salary Adjustment	4131.00
2022024	4-1000-11100-411000-210000-9999	SA2022024 Dec 1 Salary Adjustment	734.00
2022024	4-1000-11100-411000-221000-9999	SA2022024 Dec 1 Salary Adjustment	722.00

2022024	4-1000-11100-411000-241000-9999	SA2022024 Dec 1 Salary Adjustment	68.00
2022024	4-1000-12100-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment and move OD position to SP&P	-26633.00
2022024	4-1000-12100-412000-120000-9999	SA2022024 Dec 1 Salary Adjustment	105.00
2022024	4-1000-12100-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	-3253.00
2022024	4-1000-12100-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	-3760.00
2022024	4-1000-12100-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	-357.00
2022024	4-1000-12300-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	28603.00
2022024	4-1000-12300-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	2188.00
2022024	4-1000-12300-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	4039.00
2022024	4-1000-12300-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	383.00
2022024	4-1000-12400-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment and move OD position to SP&P	59904.00
2022024	4-1000-12400-412000-130000-9999	SA2022024 Dec 1 Salary Adjustment	8638.00
2022024	4-1000-12400-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	5244.00
2022024	4-1000-12400-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	8458.00
2022024	4-1000-12400-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	803.00
2022024	4-1000-12500-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	10770.00
2022024	4-1000-12500-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	824.00
2022024	4-1000-12500-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1521.00
2022024	4-1000-12500-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	144.00
2022024	4-1000-12600-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	15349.00
2022024	4-1000-12600-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	251.00
2022024	4-1000-12600-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	2167.00
2022024	4-1000-12600-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	206.00
2022024	4-1000-13100-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	88240.00
2022024	4-1000-13100-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	6331.00
2022024	4-1000-13100-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	12459.00
2022024	4-1000-13100-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	1182.00
2022024	4-1000-13100-412000-344400-9999	SA2022024 Compensation Study	150000.00
2022024	4-1000-14100-412000-110000-9999	SA2022024 Dec 1 Salary Adj, Asst Attorney, payouts, succession mgmt	164474.00
2022024	4-1000-14100-412000-210000-9999	SA2022024 Dec 1 Salary Adj, Asst Attorney, payouts, succession mgmt	11906.00
2022024	4-1000-14100-412000-221000-9999	SA2022024 Dec 1 Salary Adj, Asst Attorney, payouts, succession mgmt	21012.00
2022024	4-1000-14100-412000-221500-9999	SA2022024 New Asst Attorney	205.00
2022024	4-1000-14100-412000-231000-9999	SA2022024 New Asst Attorney, succession mgmt	5651.00
2022024	4-1000-14100-412000-232000-9999	SA2022024 New Asst Attorney, succession mgmt	160.00
2022024	4-1000-14100-412000-241000-9999	SA2022024 Dec 1 Salary Adj, Asst Attorney, payouts, succession mgmt	1583.00
2022024	4-1000-14100-412000-331100-9999	SA2022024 New Asst Attorney	200.00
2022024	4-1000-14100-412000-372200-9999	SA2022024 New Asst Attorney	700.00
2022024	4-1000-14100-412000-379300-9999	SA2022024 New Asst Attorney	3000.00
2022024	4-1000-14100-412000-440010-9999	SA2022024 New Asst Attorney	150.00
2022024	4-1000-14100-412000-520300-9999	SA2022024 New Asst Attorney	125.00
2022024	4-1000-14100-412000-551100-9999	SA2022024 New Asst Attorney	1000.00
2022024	4-1000-14100-412000-551200-9999	SA2022024 New Asst Attorney	1000.00
2022024	4-1000-14100-412000-551300-9999	SA2022024 New Asst Attorney	250.00
2022024	4-1000-14100-412000-580100-9999	SA2022024 New Asst Attorney	1200.00
2022024	4-1000-14100-412000-600100-9999	SA2022024 New Asst Attorney	200.00
2022024	4-1000-14100-412000-601200-9999	SA2022024 New Asst Attorney	1000.00
2022024	4-1000-14100-412000-610200-9999	SA2022024 New Asst Attorney	4000.00
2022024	4-1000-14100-412000-610700-9999	SA2022024 New Asst Attorney	3000.00
2022024	4-1000-15100-412000-110000-9999	SA2022024 Dec 1 Salary Adj and Contract Adm	50653.00
2022024	4-1000-15100-412000-221000-9999	SA2022024 Dec 1 Salary Adj and Contract Adm	7364.00
2022024	4-1000-15100-412000-241000-9999	SA2022024 Dec 1 Salary Adj and Contract Adm	699.00
2022024	4-1000-15200-412000-110000-9999	SA2022024 Dec 1 Salary Adj, Convert PT to Mgmt Analyst	36539.00
2022024	4-1000-15200-412000-120000-9999	SA2022024 Dec 1 Salary Adjustment	140.00
2022024	4-1000-15200-412000-130000-9999	SA2022024 Convert PT Wages to Mgmt Analyst	-8729.00
2022024	4-1000-15200-412000-210000-9999	SA2022024 Dec 1 Salary Adj, Convert PT to Mgmt Analyst	2138.00

2022024	4-1000-15200-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	4706.00
2022024	4-1000-15200-412000-221500-9999	SA2022024 Convert PT Wages to Mgmt Analyst	16.00
2022024	4-1000-15200-412000-231000-9999	SA2022024 Convert PT Wages to Mgmt Analyst	5874.00
2022024	4-1000-15200-412000-232000-9999	SA2022024 Convert PT Wages to Mgmt Analyst	20.00
2022024	4-1000-15200-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	447.00
2022024	4-1000-15300-412000-110000-9999	SA2022024 Accountant	25011.00
2022024	4-1000-15300-412000-120000-9999	SA2022024 Dec 1 Salary Adjustment	210.00
2022024	4-1000-15300-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment, Accountant	2197.00
2022024	4-1000-15300-412000-221000-9999	SA2022024 Accountant	3532.00
2022024	4-1000-15300-412000-221500-9999	SA2022024 Accountant	125.00
2022024	4-1000-15300-412000-231000-9999	SA2022024 Accountant	4196.00
2022024	4-1000-15300-412000-232000-9999	SA2022024 Accountant	120.00
2022024	4-1000-15300-412000-241000-9999	SA2022024 Accountant	335.00
2022024	4-1000-15300-412000-242000-9999	SA2022024 Convert PT Wages to Mgmt Analyst	26.00
2022024	4-1000-15300-412000-372200-9999	SA2022024 Accountant	750.00
2022024	4-1000-15300-412000-610700-9999	SA2022024 Accountant	1500.00
2022024	4-1000-15400-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	9876.00
2022024	4-1000-15400-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	755.00
2022024	4-1000-15400-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1395.00
2022024	4-1000-15400-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	132.00
2022024	4-1000-15500-412000-110000-9999	SA2022024 Dec 1 Salary Adj and Buyer	38169.00
2022024	4-1000-15500-412000-210000-9999	SA2022024 Dec 1 Salary Adj and Buyer	2920.00
2022024	4-1000-15100-412000-210000-9999	SA2022024 Contract Administrator	2053.00
2022024	4-1000-15500-412000-221000-9999	SA2022024 Dec 1 Salary Adj and Buyer	5389.00
2022024	4-1000-15500-412000-221500-9999	SA2022024 Buyer	102.00
2022024	4-1000-15100-412000-221500-9999	SA2022024 Contract Administrator	134.00
2022024	4-1000-15500-412000-231000-9999	SA2022024 Buyer	4196.00
2022024	4-1000-15100-412000-231000-9999	SA2022024 Contract Administrator	4196.00
2022024	4-1000-15500-412000-232000-9999	SA2022024 Buyer	120.00
2022024	4-1000-15100-412000-232000-9999	SA2022024 Contract Administrator	120.00
2022024	4-1000-15500-412000-241000-9999	SA2022024 Dec 1 Salary Adj and Buyer	511.00
2022024	4-1000-15500-412000-372200-9999	SA2022024 Buyer	500.00
2022024	4-1000-15100-412000-372200-9999	SA2022024 Contract Administrator	5000.00
2022024	4-1000-15500-412000-610700-9999	SA2022024 Buyer	1500.00
2022024	4-1000-15100-412000-610700-9999	SA2022024 Contract Administrator	1500.00
2022024	4-1000-15600-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	27267.00
2022024	4-1000-15600-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	2087.00
2022024	4-1000-15600-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	-185.00
2022024	4-1000-15600-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	-18.00
2022024	4-1000-15700-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	11384.00
2022024	4-1000-15700-412000-120000-9999	SA2022024 Dec 1 Salary Adjustment	193.00
2022024	4-1000-15700-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	886.00
2022024	4-1000-15700-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1301.00
2022024	4-1000-15700-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	124.00
2022024	4-1000-16100-412000-110000-9999	SA2022024 Dec 1 Salary Adj and Help Desk Analyst	97339.00
2022024	4-1000-16100-412000-120000-9999	SA2022024 Dec 1 Salary Adjustment	1015.00
2022024	4-1000-16100-412000-210000-9999	SA2022024 Dec 1 Salary Adj and Help Desk Analyst	7646.00
2022024	4-1000-16100-412000-221000-9999	SA2022024 Dec 1 Salary Adj and Help Desk Analyst	17839.00
2022024	4-1000-16100-412000-221500-9999	SA2022024 Help Desk Analyst	102.00
2022024	4-1000-16100-412000-231000-9999	SA2022024 Help Desk Analyst	4196.00
2022024	4-1000-16100-412000-232000-9999	SA2022024 Help Desk Analyst	120.00
2022024	4-1000-16100-412000-241000-9999	SA2022024 Dec 1 Salary Adj and Help Desk Analyst	1693.00
2022024	4-1000-16100-412000-345420-9999	SA2022024 Help Desk Analyst	-20000.00
2022024	4-1000-16100-412000-372200-9999	SA2022024 Body Worn Camera Program	147390.00
2022024	4-1000-16100-412000-379300-9999	SA2022024 Help Desk Analyst	300.00
2022024	4-1000-17100-413000-110000-9999	SA2022024 Dec 1 Salary Adjustment	27829.00

2022024	4-1000-17100-413000-120000-9999	SA2022024 Dec 1 Salary Adjustment	1418.00
2022024	4-1000-17100-413000-210000-9999	SA2022024 Dec 1 Salary Adjustment	2237.00
2022024	4-1000-17100-413000-221000-9999	SA2022024 Dec 1 Salary Adjustment	4430.00
2022024	4-1000-17100-413000-241000-9999	SA2022024 Dec 1 Salary Adjustment	421.00
2022024	4-1000-17200-413000-120000-9999	SA2022024 Dec 1 Salary Adjustment	140.00
2022024	4-1000-17200-413000-210000-9999	SA2022024 Dec 1 Salary Adjustment	1488.00
2022024	4-1000-21100-421000-110000-9999	SA2022024 Dec 1 Salary Adjustment	3695.00
2022024	4-1000-21100-421000-120000-9999	SA2022024 Dec 1 Salary Adjustment	350.00
2022024	4-1000-21100-421000-210000-9999	SA2022024 Dec 1 Salary Adjustment	711.00
2022024	4-1000-21100-421000-221000-9999	SA2022024 Dec 1 Salary Adjustment	522.00
2022024	4-1000-21100-421000-241000-9999	SA2022024 Dec 1 Salary Adjustment	49.00
2022024	4-1000-21400-421000-379600-9999	SA2022024 Update to match gen gov salary increase	2953.00
2022024	4-1000-22100-421700-110000-9999	SA2022024 Dec 1 Salary Adjustment	28029.00
2022024	4-1000-22100-421700-120000-9999	SA2022024 Dec 1 Salary Adjustment	350.00
2022024	4-1000-22100-421700-210000-9999	SA2022024 Dec 1 Salary Adjustment	1695.00
2022024	4-1000-22100-421700-221000-9999	SA2022024 Dec 1 Salary Adjustment	3836.00
2022024	4-1000-22100-421700-241000-9999	SA2022024 Dec 1 Salary Adjustment	364.00
2022024	4-1000-23100-421800-110000-9999	SA2022024 Dec 1 Salary Adjustment	61266.00
2022024	4-1000-23100-421800-120000-9999	SA2022024 Dec 1 Salary Adjustment	1552.00
2022024	4-1000-23100-421800-210000-9999	SA2022024 Dec 1 Salary Adjustment	4799.00
2022024	4-1000-23100-421800-221000-9999	SA2022024 Dec 1 Salary Adjustment	17502.00
2022024	4-1000-23100-421800-241000-9999	SA2022024 Dec 1 Salary Adjustment	1661.00
2022024	4-1000-24100-422000-110000-9999	SA2022024 Dec 1 Salary Adjustment	63965.00
2022024	4-1000-24100-422000-120000-9999	SA2022024 Dec 1 Salary Adjustment	539.00
2022024	4-1000-24100-422000-210000-9999	SA2022024 Dec 1 Salary Adjustment	4433.00
2022024	4-1000-24100-422000-221000-9999	SA2022024 Dec 1 Salary Adjustment	11249.00
2022024	4-1000-24100-422000-241000-9999	SA2022024 Dec 1 Salary Adjustment	929.00
2022024	4-1000-31100-431000-110000-9999	SA2022024 Dec 1 Salary Adj and 4 Officers	213558.00
2022024	4-1000-31100-431000-120000-9999	SA2022024 Dec 1 Salary Adj and 4 Officers	48230.00
2022024	4-1000-31100-431000-160700-9999	SA2022024 Dec 1 Salary Adjustment	536.00
2022024	4-1000-31100-431000-160805-9999	SA2022024 Dec 1 Salary Adjustment	3213.00
2022024	4-1000-31100-431000-210000-9999	SA2022024 Dec 1 Salary Adj and 4 Officers	16114.00
2022024	4-1000-31100-431000-221000-9999	SA2022024 Dec 1 Salary Adj and 4 Officers	30066.00
2022024	4-1000-31100-431000-231000-9999	SA2022024 4 Police Officers	16784.00
2022024	4-1000-31100-431000-232000-9999	SA2022024 4 Police Officers	480.00
2022024	4-1000-31100-431000-241000-9999	SA2022024 Dec 1 Salary Adj and 4 Officers	2853.00
2022024	4-1000-31100-431000-331500-9999	SA2022024 4 Police Officers	7833.00
2022024	4-1000-31100-431000-345100-9999	SA2022024 4 Police Officers	2720.00
2022024	4-1000-31100-431000-345200-9999	SA2022024 4 Police Officers	12032.00
2022024	4-1000-31100-431000-345700-9999	SA2022024 4 Police Officers	2600.00
2022024	4-1000-31100-431000-372200-9999	SA2022024 4 Police Officers	4320.00
2022024	4-1000-31100-431000-379000-9999	SA2022024 4 Police Officers	261.00
2022024	4-1000-31100-431000-379400-9999	SA2022024 4 Police Officers	941.00
2022024	4-1000-31100-431000-432104-9999	SA2022024 4 Police Officers	772.00
2022024	4-1000-31100-431000-450000-9999	SA2022024 4 Police Officers	24716.00
2022024	4-1000-31100-431000-520300-9999	SA2022024 4 Police Officers	4320.00
2022024	4-1000-31100-431000-530700-9999	SA2022024 4 Police Officers	884.00
2022024	4-1000-31100-431000-530900-9999	SA2022024 4 Police Officers	2434.00
2022024	4-1000-31100-431000-551100-9999	SA2022024 4 Police Officers	1617.00
2022024	4-1000-31100-431000-551200-9999	SA2022024 4 Police Officers	3136.00
2022024	4-1000-31100-431000-551300-9999	SA2022024 4 Police Officers	147.00
2022024	4-1000-31100-431000-600100-9999	SA2022024 4 Police Officers	400.00
2022024	4-1000-31100-431000-600800-9999	SA2022024 4 Police Officers	7319.00
2022024	4-1000-31100-431000-600900-9999	SA2022024 4 Police Officers	6171.00
2022024	4-1000-31100-431000-601000-9999	SA2022024 4 Police Officers	10137.00
2022024	4-1000-31100-431000-601011-9999	SA2022024 4 Police Officers	3330.00

2022024	4-1000-31100-431000-601100-9999	SA2022024 4 Police Officers	18840.00
2022024	4-1000-31100-431000-610100-9999	SA2022024 4 Police Officers	32600.00
2022024	4-1000-31100-431000-610300-9999	SA2022024 4 Police Officers	36400.00
2022024	4-1000-31100-431000-800125-9999	SA2022024 4 Police Officers	8816.00
2022024	4-1000-31100-431000-800500-9999	SA2022024 4 Police Officers	148000.00
2022024	4-1000-31100-431000-800502-9999	SA2022024 4 Police Officers	73305.00
2022024	4-1000-31100-431000-800700-9999	SA2022024 4 Police Officers	24080.00
2022024	4-1000-31100-493000-935102-9999	SA2022024 Dec 1 Salary Adjustment	4087.00
2022024	4-1000-33500-432000-110000-9999	SA2022024 Dec 1 Salary Adj and FEMA Adj	80198.00
2022024	4-1000-33500-432000-116500-9999	SA2022024 Dec 1 Salary Adjustment	428.00
2022024	4-1000-33500-432000-119998-9999	SA2022024 Dec 1 Salary Adjustment	992.00
2022024	4-1000-33500-432000-120000-9999	SA2022024 Dec 1 Salary Adjustment	20589.00
2022024	4-1000-33500-432000-210000-9999	SA2022024 Dec 1 Salary Adj and FEMA Adj	4971.00
2022024	4-1000-33500-432000-221000-9999	SA2022024 Dec 1 Salary Adj and FEMA Adj	11745.00
2022024	4-1000-33500-432000-231000-9999	SA2022024 FR to CIP One-Time for FEMA	-36925.00
2022024	4-1000-33500-432000-232000-9999	SA2022024 FR to CIP One-Time for FEMA	-1056.00
2022024	4-1000-33500-432000-241000-9999	SA2022024 Dec 1 Salary Adj and FEMA Adj	1114.00
2022024	4-1000-41100-443000-110000-9999	SA2022024 Dec 1 Salary Adjustment and Chief of Ops from 41410	65975.00
2022024	4-1000-41100-443000-210000-9999	SA2022024 Dec 1 Salary Adjustment	3132.00
2022024	4-1000-41100-443000-221000-9999	SA2022024 Dec 1 Salary Adjustment	9315.00
2022024	4-1000-41100-443000-241000-9999	SA2022024 Dec 1 Salary Adjustment	884.00
2022024	4-1000-41220-482000-110000-9999	SA2022024 Dec 1 Salary Adjustment	10093.00
2022024	4-1000-41220-482000-120000-9999	SA2022024 Dec 1 Salary Adjustment	35.00
2022024	4-1000-41220-482000-210000-9999	SA2022024 Dec 1 Salary Adjustment	775.00
2022024	4-1000-41220-482000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1425.00
2022024	4-1000-41220-482000-241000-9999	SA2022024 Dec 1 Salary Adjustment	135.00
2022024	4-1000-41230-482000-110000-9999	SA2022024 Dec 1 Salary Adjustment	15215.00
2022024	4-1000-41230-482000-210000-9999	SA2022024 Dec 1 Salary Adjustment	1164.00
2022024	4-1000-41230-482000-221000-9999	SA2022024 Dec 1 Salary Adjustment	2149.00
2022024	4-1000-41230-482000-241000-9999	SA2022024 Dec 1 Salary Adjustment	204.00
2022024	4-1000-41410-443000-110000-9999	SA2022024 Dec 1 Salary Adjustment and Chief of Ops to 41100	-54710.00
2022024	4-1000-41410-443000-120000-9999	SA2022024 Dec 1 Salary Adjustment	315.00
2022024	4-1000-41410-443000-210000-9999	SA2022024 Dec 1 Salary Adjustment	-4161.00
2022024	4-1000-41410-443000-221000-9999	SA2022024 Dec 1 Salary Adjustment	-4827.00
2022024	4-1000-41410-443000-241000-9999	SA2022024 Dec 1 Salary Adjustment	-458.00
2022024	4-1000-41420-443000-110000-9999	SA2022024 Dec 1 Salary Adjustment	3887.00
2022024	4-1000-41420-443000-120000-9999	SA2022024 Dec 1 Salary Adjustment	37.00
2022024	4-1000-41420-443000-210000-9999	SA2022024 Dec 1 Salary Adjustment	300.00
2022024	4-1000-41420-443000-221000-9999	SA2022024 Dec 1 Salary Adjustment	359.00
2022024	4-1000-41420-443000-241000-9999	SA2022024 Dec 1 Salary Adjustment	34.00
2022024	4-1000-41430-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	7466.00
2022024	4-1000-41430-412000-120000-9999	SA2022024 Dec 1 Salary Adjustment	6.00
2022024	4-1000-41430-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	571.00
2022024	4-1000-41430-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1055.00
2022024	4-1000-41430-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	100.00
2022024	4-1000-41440-443000-110000-9999	SA2022024 Dec 1 Salary Adjustment	4576.00
2022024	4-1000-41440-443000-120000-9999	SA2022024 Dec 1 Salary Adjustment	35.00
2022024	4-1000-41440-443000-210000-9999	SA2022024 Dec 1 Salary Adjustment	352.00
2022024	4-1000-41440-443000-221000-9999	SA2022024 Dec 1 Salary Adjustment	646.00
2022024	4-1000-41440-443000-241000-9999	SA2022024 Dec 1 Salary Adjustment	61.00
2022024	4-1000-49000-482000-110000-0060	SA2022024 Dec 1 Salary Adjustment	1859.00
2022024	4-1000-49000-482000-210000-0060	SA2022024 Dec 1 Salary Adjustment	142.00
2022024	4-1000-49000-482000-221000-0060	SA2022024 Dec 1 Salary Adjustment	263.00
2022024	4-1000-49000-482000-241000-0060	SA2022024 Dec 1 Salary Adjustment	25.00
2022024	4-1000-51100-453000-110000-9999	SA2022024 Dec 1 Salary Adj and 3 CPS Workers	241326.00
2022024	4-1000-51100-453000-120000-9999	SA2022024 Dec 1 Salary Adj and 3 CPS Workers	8073.00

2022024	4-1000-51100-453000-120400-9999	SA2022024 3 CPS Workers	1035.00
2022024	4-1000-51100-453000-210000-9999	SA2022024 Dec 1 Salary Adj and 3 CPS Workers	25284.00
2022024	4-1000-51100-453000-221000-9999	SA2022024 Dec 1 Salary Adj and 3 CPS Workers	52963.00
2022024	4-1000-51100-453000-221500-9999	SA2022024 3 CPS Workers	375.00
2022024	4-1000-51100-453000-231000-9999	SA2022024 3 CPS Workers	12588.00
2022024	4-1000-51100-453000-232000-9999	SA2022024 3 CPS Workers	360.00
2022024	4-1000-51100-453000-241000-9999	SA2022024 Dec 1 Salary Adj and 3 CPS Workers	5025.00
2022024	4-1000-51100-453000-379300-9999	SA2022024 3 CPS Workers	500.00
2022024	4-1000-51100-453000-432104-9999	SA2022024 3 CPS Workers	2145.00
2022024	4-1000-51100-453000-520300-9999	SA2022024 3 CPS Workers	1153.00
2022024	4-1000-51100-453000-551100-9999	SA2022024 3 CPS Workers	1485.00
2022024	4-1000-51100-453000-551200-9999	SA2022024 3 CPS Workers	405.00
2022024	4-1000-51100-453000-551300-9999	SA2022024 3 CPS Workers	294.00
2022024	4-1000-51100-453000-600100-9999	SA2022024 3 CPS Workers	504.00
2022024	4-1000-51100-453000-610700-9999	SA2022024 3 CPS Workers	6720.00
2022024	4-1000-51300-453000-110000-9999	SA2022024 Dec 1 Salary Adjustment	19444.00
2022024	4-1000-51300-453000-120000-9999	SA2022024 Dec 1 Salary Adjustment	35.00
2022024	4-1000-51300-453000-210000-9999	SA2022024 Dec 1 Salary Adjustment	1490.00
2022024	4-1000-51300-453000-221000-9999	SA2022024 Dec 1 Salary Adjustment	2746.00
2022024	4-1000-51300-453000-241000-9999	SA2022024 Dec 1 Salary Adjustment	261.00
2022024	4-1000-51400-481000-110000-9999	SA2022024 Dec 1 Salary Adjustment	16907.00
2022024	4-1000-51400-481000-120000-9999	SA2022024 Dec 1 Salary Adjustment	35.00
2022024	4-1000-51400-481000-130000-9999	SA2022024 Dec 1 Salary Adjustment	1750.00
2022024	4-1000-51400-481000-210000-9999	SA2022024 Dec 1 Salary Adjustment	1296.00
2022024	4-1000-51400-481000-221000-9999	SA2022024 Dec 1 Salary Adjustment	2388.00
2022024	4-1000-51400-481000-241000-9999	SA2022024 Dec 1 Salary Adjustment	227.00
2022024	4-1000-51500-453000-110000-9999	SA2022024 Dec 1 Salary Adjustment	8552.00
2022024	4-1000-51500-453000-120000-9999	SA2022024 Dec 1 Salary Adjustment	75.00
2022024	4-1000-51500-453000-210000-9999	SA2022024 Dec 1 Salary Adjustment	657.00
2022024	4-1000-51500-453000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1085.00
2022024	4-1000-51500-453000-241000-9999	SA2022024 Dec 1 Salary Adjustment	103.00
2022024	4-1000-71100-471000-110000-9999	SA2022024 Dec 1 Salary Adjustment	10127.00
2022024	4-1000-71100-471000-120000-9999	SA2022024 Dec 1 Salary Adjustment	70.00
2022024	4-1000-71100-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	475.00
2022024	4-1000-71100-471000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1430.00
2022024	4-1000-71100-471000-241000-9999	SA2022024 Dec 1 Salary Adjustment	136.00
2022024	4-1000-71200-471000-110000-9999	SA2022024 Dec 1 Salary Adjustment	33724.00
2022024	4-1000-71200-471000-120000-9999	SA2022024 Dec 1 Salary Adjustment	107.00
2022024	4-1000-71200-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	2838.00
2022024	4-1000-71200-471000-221000-9999	SA2022024 Dec 1 Salary Adjustment	4762.00
2022024	4-1000-71200-471000-241000-9999	SA2022024 Dec 1 Salary Adjustment	452.00
2022024	4-1000-71300-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	5280.00
2022024	4-1000-71400-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	3004.00
2022024	4-1000-71500-471000-110000-9999	SA2022024 Dec 1 Salary Adjustment	914.00
2022024	4-1000-71500-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	524.00
2022024	4-1000-71600-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	3052.00
2022024	4-1000-71700-471000-110000-9999	SA2022024 Dec 1 Salary Adjustment	1762.00
2022024	4-1000-71700-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	135.00
2022024	4-1000-71700-471000-221000-9999	SA2022024 Dec 1 Salary Adjustment	249.00
2022024	4-1000-71700-471000-241000-9999	SA2022024 Dec 1 Salary Adjustment	24.00
2022024	4-1000-71910-471000-700007-9999	SA2022024 Dec 1 Salary Adjustment	6478.00
2022024	4-1000-81100-481000-110000-9999	SA2022024 Dec 1 Salary Adjustment and move position to Building	-32848.00
2022024	4-1000-81100-481000-120000-9999	SA2022024 Dec 1 Salary Adjustment	216.00
2022024	4-1000-81100-481000-131100-9999	SA2022024 Dec 1 Salary Adjustment	1756.00
2022024	4-1000-81100-481000-210000-9999	SA2022024 Dec 1 Salary Adjustment	-3123.00
2022024	4-1000-81100-481000-221000-9999	SA2022024 Dec 1 Salary Adjustment	-4638.00

2022024	4-1000-81100-481000-241000-9999	SA2022024 Dec 1 Salary Adjustment	-440.00
2022024	4-1000-81100-481000-344400-9999	SA2022024 CDD - Contract Services	50000.00
2022024	4-1000-81100-481000-372200-9999	SA2022024 CDD -3 positions	1047.00
2022024	4-1000-81100-481000-432104-9999	SA2022024 CDD -3 positions	1033.00
2022024	4-1000-81100-481000-520300-9999	SA2022024 CDD -3 positions	3756.00
2022024	4-1000-81100-481000-530900-9999	SA2022024 CDD -3 positions	600.00
2022024	4-1000-81100-481000-600100-9999	SA2022024 CDD -3 positions	150.00
2022024	4-1000-81100-481000-600800-9999	SA2022024 CDD -3 positions	1200.00
2022024	4-1000-81100-481000-610700-9999	SA2022024 CDD -3 positions	11700.00
2022024	4-1000-81200-434000-110000-9999	SA2022024 Dec 1 Salary Adjustment, move position from Admin, 3 new positions	163082.00
2022024	4-1000-81200-434000-120000-9999	SA2022024 Dec 1 Salary Adjustment	661.00
2022024	4-1000-81200-434000-210000-9999	SA2022024 Dec 1 Salary Adjustment and 3 new positions	12531.00
2022024	4-1000-81200-434000-221000-9999	SA2022024 Dec 1 Salary Adjustment	13325.00
2022024	4-1000-81200-434000-222110-9999	SA2022024 CDD -3 positions	9738.00
2022024	4-1000-81200-434000-231000-9999	SA2022024 CDD -3 positions	13690.00
2022024	4-1000-81200-434000-232000-9999	SA2022024 CDD -3 positions	360.00
2022024	4-1000-81200-434000-241000-9999	SA2022024 Dec 1 Salary Adj and 3 new positions	2452.00
2022024	4-1000-81200-434000-450100-9999	SA2022024 CDD -3 positions	600.00
2022024	4-1000-81200-434000-551100-9999	SA2022024 CDD -3 positions	750.00
2022024	4-1000-81200-434000-580100-9999	SA2022024 CDD -3 positions	450.00
2022024	4-1000-81200-434000-600000-9999	SA2022024 CDD -3 positions	150.00
2022024	4-1000-81200-434000-600403-9999	SA2022024 CDD -3 positions	200.00
2022024	4-1000-81200-434000-601200-9999	SA2022024 CDD -3 positions	300.00
2022024	4-1000-81200-434000-800500-9999	SA2022024 CDD -3 positions	56000.00
2022024	4-1000-81300-481000-110000-9999	SA2022024 Dec 1 Salary Adjustment	51247.00
2022024	4-1000-81300-481000-120000-9999	SA2022024 Dec 1 Salary Adjustment	468.00
2022024	4-1000-81300-481000-210000-9999	SA2022024 Dec 1 Salary Adjustment	4021.00
2022024	4-1000-81300-481000-221000-9999	SA2022024 Dec 1 Salary Adjustment	7357.00
2022024	4-1000-81300-481000-241000-9999	SA2022024 Dec 1 Salary Adjustment	1553.00
2022024	4-1000-81400-481000-110000-9999	SA2022024 Dec 1 Salary Adjustment	10061.00
2022024	4-1000-81400-481000-120000-9999	SA2022024 Dec 1 Salary Adjustment	78.00
2022024	4-1000-81400-481000-210000-9999	SA2022024 Dec 1 Salary Adjustment	775.00
2022024	4-1000-81400-481000-221000-9999	SA2022024 Dec 1 Salary Adjustment	1421.00
2022024	4-1000-81400-481000-241000-9999	SA2022024 Dec 1 Salary Adjustment	135.00
2022024	4-1000-81500-481000-110000-9999	SA2022024 Dec 1 Salary Adjustment	53109.00
2022024	4-1000-81500-481000-120000-9999	SA2022024 Dec 1 Salary Adjustment	195.00
2022024	4-1000-81500-481000-210000-9999	SA2022024 Dec 1 Salary Adjustment	4079.00
2022024	4-1000-81500-481000-221000-9999	SA2022024 Dec 1 Salary Adjustment	7309.00
2022024	4-1000-81500-481000-241000-9999	SA2022024 Dec 1 Salary Adjustment	694.00
2022024	4-1000-81600-481000-110000-9999	SA2022024 Dec 1 Salary Adjustment	31023.00
2022024	4-1000-81600-481000-120000-9999	SA2022024 Dec 1 Salary Adjustment	156.00
2022024	4-1000-81600-481000-210000-9999	SA2022024 Dec 1 Salary Adjustment	2385.00
2022024	4-1000-81600-481000-221000-9999	SA2022024 Dec 1 Salary Adjustment	4380.00
2022024	4-1000-81600-481000-241000-9999	SA2022024 Dec 1 Salary Adjustment	416.00
2022024	4-1000-82100-481000-110000-9999	SA2022024 Dec 1 Salary Adj and Mgmt Analyst	27233.00
2022024	4-1000-82100-481000-210000-9999	SA2022024 Dec 1 Salary Adjustment	164.00
2022024	4-1000-82100-481000-221000-9999	SA2022024 Dec 1 Salary Adjustment	646.00
2022024	4-1000-82100-481000-241000-9999	SA2022024 Dec 1 Salary Adjustment	61.00
2022024	4-1000-89000-483000-110000-0061	SA2022024 Dec 1 Salary Adjustment	1400.00
2022024	4-1000-89000-483000-210000-0061	SA2022024 Dec 1 Salary Adjustment	1893.00
2022024	4-1000-92000-453000-579100-9999	SA2022024 Tax Relief update	30000.00
2022024	4-1000-99000-493000-932000-9999	SA2022024 Revenue Update - School Division Share	\$10,325,268.00
2022024	4-1000-99000-493000-935202-9999	SA2022024 Revenue Update - Water Resources Share	\$90,320.00
2022024	4-1000-99000-493000-939101-9999	SA2022024 Revenue Update - Capital Equity	\$2,352,791.00
2022024	4-1000-99000-493000-939102-9999	SA2022024 Revenue Update	\$4,304,879.00

2022024	4-2000-69998-461101-999991-6499	SA2022024 Revenue Update - Reserve	\$10,325,268.00
2022024	4-5021-12500-412000-110000-9999	SA2022024 Dec 1 Salary Adjustment	1963.00
2022024	4-5021-12500-412000-210000-9999	SA2022024 Dec 1 Salary Adjustment	150.00
2022024	4-5021-12500-412000-221000-9999	SA2022024 Dec 1 Salary Adjustment	308.00
2022024	4-5021-12500-412000-231000-9999	SA2022024 Dec 1 Salary Adjustment	-1450.00
2022024	4-5021-12500-412000-241000-9999	SA2022024 Dec 1 Salary Adjustment	23.00
2022024	4-5021-12500-481000-600300-9999	SA2022024 Dec 1 Salary Adjustment	-994.00
2022024	4-5121-15700-412000-110000-1603	SA2022024 Dec 1 Salary Adjustment	2109.00
2022024	4-5121-15700-412000-210000-1603	SA2022024 Dec 1 Salary Adjustment	161.00
2022024	4-5121-15700-412000-221000-1603	SA2022024 Dec 1 Salary Adjustment	298.00
2022024	4-5121-15700-412000-241000-1603	SA2022024 Dec 1 Salary Adjustment	28.00
2022024	4-5121-94000-499000-999999-9999	SA2022024 Dec 1 Salary Adjustment	-2596.00
2022024	4-5442-31100-431000-110000-9999	SA2022024 Dec 1 Salary Adjustment	3580.00
2022024	4-5442-31100-431000-210000-9999	SA2022024 Dec 1 Salary Adjustment	274.00
2022024	4-5442-31100-431000-241000-9999	SA2022024 Dec 1 Salary Adjustment	233.00
2022024	4-5802-99000-493000-931000-9999	SA2022024 Revenue Update - Water Resources Share	\$90,320.00
2022024	4-5803-99000-493000-931000-9999	SA2022024 Revenue Update	369000.00
2022024	4-5804-71910-471000-110000-9999	SA2022024 Dec 1 Salary Adjustment	5520.00
2022024	4-5804-71910-471000-210000-9999	SA2022024 Dec 1 Salary Adjustment	105.00
2022024	4-5804-71910-471000-241000-9999	SA2022024 Dec 1 Salary Adjustment	853.00

Agenda Item No. 20. **Public Hearing: An Ordinance to Amend County Code Chapter 15, Taxation.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation. The proposed ordinance would amend Article 9, Transient Occupancy Tax (§§ 15-900 Definitions, 15-901 Transient Occupancy Tax imposed; amount, 15-902 Collecting and remitting the tax; reports, 15-903 Preserving records, and 15-905 Enforcement; duty of Director of Finance), to provide that the retail sales and use tax and transient occupancy taxes on accommodations may be collected and remitted by an accommodations intermediary, instead of only by the accommodations provider, pursuant to Va. Code §§ 58.1-3818.8, 58.1-3819, and 58.1-3826.

The Executive Summary as forwarded to the Board states that the Department of Finance and Budget is recommending updates to the Transient Occupancy Tax regulations in Albemarle County Code Chapter 15, Taxation, to conform to recent changes in State law. Virginia Code §§ 58.1-3818.8, 58.1-3819, and 58.1-3826 were amended to provide that, beginning September 1, 2021, the retail sales and use tax and transient occupancy taxes on accommodations may be collected and remitted by an “accommodations intermediary”, such as VRBO, instead of only by the “accommodations provider” (the property owner).

The attached proposed ordinance (Attachment A) would revise Article 9, Transient Occupancy Tax, of Chapter 15, Taxation, to align with the recent change to Virginia Code §§ 58.1-3818.8, 58.1-3819, and 58.1-3826.

Staff does not anticipate any impact to the budget at this time.

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

Ms. Jian Lin, Chief of Revenue Administration for the Department of Finance and Budget, said she only had 4 slides to present, compared to Mr. Bowman. She said the public hearing was for the Board to consider the adoption of an ordinance to amend County Code Chapter 15, Taxation, Article 9, Transient Occupancy Tax, to align with Virginia Code.

Ms. Lin said that VA Code §§ 58.1-3818.8, -3819, and -3826 were recently amended. She explained that beginning September 1, 2021, the retail sales and use tax and the transient occupancy tax on accommodations may be collected and remitted by an "accommodation intermediary" such as VRBO, instead of only by the accommodations provider—the property owner.

Ms. Lin said that the recommended amendments in Attachment A would revise County Code Chapter 15, Article 9 to conform with the changes in the controlling state code by updating the following: the definitions; the applicability of transient occupancy tax to the "accommodations intermediary" and the "accommodations provider"; the duties and responsibilities of the "accommodations intermediary" and the "accommodations provider" to collect, calculate, and report the transient occupancy tax and preserve records; and the duty of Director of Finance for enforcement. She stated that staff recommended that the Board adopt the proposed ordinance in Attachment A.

Ms. Price appreciated the thorough presentation with limited slides.

Ms. LaPisto-Kirtley appreciated the brevity.

Ms. Palmer did not have any comments.

Ms. McKeel said that there would be no change to the budget with this proposal.

Ms. Lin said there was no anticipated impact to the budget.

Ms. Mallek asked if there was a plan for enforcement or mandatory reporting.

Ms. Lin said that the responsibility was with the "accommodation provider" to remit the taxes. She said the County awaited guidance on how to address an "accommodation intermediary."

Ms. Mallek said that the providers were the ones responsible and needed to be aware.

Mr. Gallaway did not have any comments. He noted that no one signed up for public comment.

Ms. LaPisto-Kirtley **moved** that the Board adopt the ordinance in Attachment A, "An Ordinance to Amend County Code Chapter 15, Taxation, Article 9, Transient Occupancy Tax."

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

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

ORDINANCE NO. 21-15(5)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, ARTICLE 9, TRANSIENT OCCUPANCY TAX, 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, Article 9, Transient Occupancy Tax, is hereby amended as follows:

By Amending:

Sec. 15-900 Definitions
Sec. 15-901 Transient occupancy tax imposed; amount.
Sec. 15-902 Collecting and remitting the tax; reports.
Sec. 15-903 Preserving records.
Sec. 15-905 Enforcement; duty of Director of Finance.

By Amending and Renaming:

Sec. 15-904 ~~Duty of lodging provider~~ when going out of business.

Chapter 15. Taxation Article 9. Transient Occupancy Tax

Sec. 15-900 Definitions.

As used in this article, the terms that appear in Virginia Code § 58.1-3818.8 have the definitions given in that section.

(Code 1988, § 8-41; Ord. No. 98-8(2), 6-10-98; § 15-900, Ord. 98-A(1), 8-5-98; Ord. 17-15(1), adopted 6-14-17, effective 8-1-17; Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21)

State law reference(s)—Va. Code §§ 58.1-3818.8, 3819.

Sec. 15-901 Transient occupancy tax imposed; amount.

A transient occupancy tax is hereby imposed on the use or possession of all rooms or spaces in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms for fewer than 30 consecutive days as follows:

- A. *Tax rate.* The rate of this tax is five percent of the amount charged for the use or possession.
- B. *Applicability of Virginia Code §§ 58.1-3819 and 58.1-3826 to this article.* Except as otherwise provided in this article, Virginia Code §§ 58.1-3819 and 58.1-3826 apply to this article.

(11-28-73; 8-15-74; 4-13-88; 3-19-97; § 8-41; Code 1988, § 8-42, Ord. No. 98-8(2), 6-10-98; § 15-901, Ord. 98-A(1), 8-5-98; Ord. 08-15(1), 10-1-08; Ord. 17-15(1), adopted 6-14-17, effective 8-1-17; Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21)

State law reference(s)—Va. Code §§ 58.1-3819, 3826.

Sec. 15-902 Collecting and remitting the tax; reports.

Each accommodations intermediary or accommodations provider shall collect and remit the tax imposed under this article and submit reports; in accordance with Virginia Code § 58.1-3826, and as follows:

- A. *Duty to collect the tax.* The accommodations intermediary or accommodations provider has the duty to collect the tax at the time payment for the lodging becomes due and payable, regardless of how payment is made.
- B. *Tax added to the cost of the room or space.* The accommodations intermediary or accommodations provider shall add the amount of the tax owed by the purchaser to the cost of the accommodation.
- C. *Taxes collected held in trust until they are remitted.* The taxes collected shall be held in trust by the accommodations intermediary or accommodations provider until remitted to the County.
- D. *Accommodations provider entitled to commission.* Every accommodations provider is allowed a commission of three percent of the amount of tax due and accounted for; however, an accommodations provider is not allowed a commission if any part of the amount of taxes due is delinquent at the time of payment.
- E. *Reporting.* The accommodations intermediary or accommodations provider shall complete a report on a form and containing the information as the Director of Finance may require, showing the amount of gross receipts collected and the tax required to be collected.
- F. *When report delivered and taxes remitted.* The accommodations intermediary or accommodations provider shall sign and deliver the report to the Director of Finance with remittance of the tax. The reports and remittance of the tax shall be made on or before the twentieth day of each month.

((§ 15-902: 8-15-74, 4-13-88; § 8-42; Code 1988, § 8-43, Ord. No. 98-8(2), 6-10-98; § 15-902, Ord. 98-A(1), 8-5-98) (§ 15-903: Code 1988, § 8-44; Ord. No. 98-8(2), 6-10-98; § 15-903, Ord. 98-A(1), 8-5-98) (§ 15-904: Code 1988, § 8-45; Ord. No. 98-8(2), 6-10-98; § 15-904, Ord. 98-A(1), 8-5-98); § 15-902, Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-903 Preserving records.

Each accommodations intermediary or accommodations provider who is liable for remitting the taxes imposed by this article shall keep complete records as follows:

- A. *Records required to be kept.* The accommodations intermediary or accommodations provider shall keep records showing the gross receipts, the amount charged the purchaser for each possession or use, the date thereof, the taxes collected thereon, and the amount of tax required to be collected by this article.
- B. *How long records must be kept.* The accommodations intermediary or accommodations provider shall retain the records identified in subsection (A) for three years.
- C. *Inspection of records by the Director of Finance.* The Director is authorized to examine the records at reasonable times and without unreasonable interference for the purpose of administering and enforcing this article. The Director is authorized to make copies of any records.

(Code 1988, § 8-46; Ord. No. 98-8(2), 6-10-98; § 15-905, Ord. 98-A(1), 8-5-98; § 15-903, Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-904 Duty when going out of business.

When any accommodations provider ceases to operate or otherwise dispose of its business, any tax payable under this article shall become immediately due and payable and that person shall immediately make a report and pay the tax due.

(Code 1988, § 8-47; Ord. No. 98-8(2), 6-10-98; § 15-906, Ord. 98-A(1), 8-5-98; § 15-904, Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-905 Enforcement; duty of Director of Finance.

The Director of Finance may promulgate rules and regulations for the interpretation, administration, and enforcement of this article. The Director shall ascertain the name of every accommodations provider liable for collecting the tax imposed under this article who fails, refuses, or neglects to collect the tax or to make the reports and remittances required by this article.

(Code 1988, § 8-48; Ord. No. 98-8(2), 6-10-98; § 15-907, Ord. 98-A(1), 8-5-98; § 15-905, Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-906 Violations of article.

- A. *Class 1 misdemeanor.* Any person who commits the following acts shall be guilty of a Class 1 misdemeanor:
 - 1. *Willful failure to collect, account for, or remit.* Any corporate or partnership officer as defined in Virginia Code § 58.1-3906, or any other person required to collect, account for, and remit the tax under this article, who willfully fails to collect or truthfully account for, and remit any such tax.
 - 2. *Evasion or attempt to evade.* Any person who willfully evades or attempts to evade the tax or payment thereof.

- B. *Conviction does not relieve.* A person's conviction under this section does not relieve any person from the payment, collection, or remittance of the taxes or penalties provided for in this article.
- C. *Agreement to pay taxes or penalties does not relieve criminal liability until fully paid.* Any agreement by any person to pay the taxes or penalties provided for in this article by a series of installment payments does not relieve any person of criminal liability for violating this article until the full amount of taxes and penalties agreed to be paid by that a person is received by the Director of Finance.
- D. *Each violating act is a separate offense.* Each failure, refusal, neglect, or violation, and each day's continuance thereof, is a separate offense.

(Code 1988, § 8-52; Ord. No. 98-8(2), 6-10-98; § 15-911, Ord. 98-A(1), 8-5-98; Ord. 07-15(2), 10-3-07, effective 1-1-08; § 15-906, Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code §§ 58.1-3906, 58.1-3907; as to punishment for class 1 misdemeanor, see § 18.2-11.

Agenda Item No. 21. **Public Hearing: Agricultural and Forestal Districts (AFDs).** Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, to review certain districts and to add lands to certain districts, as specified below:

- a) **AFD 2021-06 Glen Oaks District AFD – District Review.** The proposed ordinance would amend Section 3-216, Glen Oaks Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 1, 2026, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to December 1, 2026; and
- b) **AFD 2021-07 Free Union AFD – Addition.** The proposed ordinance would amend Section 3-215, Free Union Agricultural and Forestal District, to add TMP 7-26B to the district; and
- c) **AFD 2021-08 Blue Run AFD – Addition.** The proposed ordinance would amend Section 3-208, Blue Run Agricultural and Forestal District, to add TMPs 22-12, 22-16, and 34-51 to the district.

The Executive Summary as forwarded to the Board states that localities are enabled to establish agricultural and forestal districts (AFDs) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). AFDs serve two primary purposes: (1) to conserve and protect agricultural and forestal lands; and (2) to develop and improve agricultural and forestal lands. Land within an AFD is prohibited from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior Board approval. In addition, the County is prohibited from exercising its zoning power in a way that would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Agricultural and Forestal Districts Act unless those restrictions or regulations bear a direct relationship to public health and safety (Virginia Code § 15.2-4312).

The consolidated public hearing and the proposed ordinance pertain to three requested additions to existing AFDs, and the periodic reviews of one AFD.

A landowner may apply to add land to an AFD at any time (Virginia Code § 15.2-4310). Virginia Code §§ 15.2-4307 and 15.2-4309 require the Agricultural and Forestal District Advisory Committee and the Planning Commission to review such applications and report their recommendations to the Board of Supervisors, which must hold a public hearing and, by ordinance, may add land to an existing district as applied for, or with any modifications the Board of Supervisors deems appropriate.

Virginia Code § 15.2-4311 requires the periodic review of AFDs to determine whether they should continue, be modified, or be terminated, unless the Board determines that review is unnecessary. During the review process, land within an AFD may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review. Virginia Code § 15.2-4311 requires that the Board conduct a public hearing on AFD reviews after they have been reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations.

The Advisory Committee and the Planning Commission reviewed the following proposed district additions and recommend approval. The November 9, 2021 staff reports to the Planning Commission are attached (Attachments C and D):

AFD202100007 Free Union Addition (Conner)

The proposed addition (Tax Map 7 Parcel 26B; 51.98 acres) contains 33.9 acres of important agricultural soils, and has two development rights.

AFD202100008 Blue Run Addition (Moorman)

The proposed addition (Tax Map 22 Parcels 12, 16; Tax Map 34 Parcel 51; 248.06 acres) contains 226.3 acres of important agricultural soils. Each of the three parcels has five development rights.

Pursuant to the Board's direction in November 2018, the proposed ordinance (Attachment A) includes a five-year renewal period for AFDs containing parcels enrolled in open-space use valuation that have no development rights, and a 10-year review period for districts that have no such parcels. In this case, four of the five parcels in the Glen Oaks AFD have no development rights and are in the Open Space tax category. The Advisory Committee and the Planning Commission reviewed the Glen Oaks

district and recommend renewal for five years. The November 9, 2021 staff report to the Planning Commission is attached (Attachment B).

AFD202100006 Glens Oaks District Review:

The Glen Oaks AFD is located to the southeast of the Village of Rivanna development area, on the north side of the Rivanna River, and is undergoing its periodic 10-year review. The AFD was created in December 2011 and includes five parcels totaling 353.8 acres. The recommended review period for this AFD is five years, so the next review would occur prior to December 1, 2026.

There is no budget impact.

After conducting public hearings on the proposed AFD additions and the proposed AFD review, which may be held together as one public hearing, staff recommends that the Board adopt the attached ordinance to approve the additions to the Free Union and Blue Run districts, and to continue the Glen Oaks AFD.

Mr. Scott Clark, Senior Planner, said that there were AFD items before the Board. He said there was the Glen Oaks District review, the Conner Free Union addition, and the Moorman Blue Run addition. He said that there was a new policy for district reviews adopted in 2018. He explained that the Board directed staff to prepare districts for renewal for a 5-year period rather than a 10-year period so that landowners could be notified that their parcels were in the open-space tax category and had no development rights, so they may be removed from the district after the 5-year review period. He said landowners were given different opportunities to meet the tax burdens.

Mr. Clark said there was one district review to consider, the Glen Oaks District. He said it was over 350 acres on the southeast side of the Village of Rivanna along the main branch of the Rivanna River. He said there had been no withdrawal requests for the district. He said there were 5 parcels in the district, and 4 had no development rights and were included in the open space tax category. He continued that the fifth parcel was under a conservation easement and was taxed differently. He said the district needed to be renewed for a 5-year period. He said that the Advisory Committee and the Planning Commission voted to recommend renewal of the district for 5 years.

Mr. Clark said that there was an addition to the Free Union District proposed for the Conner Property which contained 34 acres of high-quality agricultural soil. He said that the parcel was more than 1 mile from the original core of the district, however, a change to the state code allowed such parcels to be added to a district if they were agriculturally significant, and the Board had approved such additions in the past. He mentioned that the Advisory Committee and the Planning Commission voted to recommend approval of the proposed addition.

Mr. Clark said that the next item was the Moorman addition to the Blue Run District. He said the property was 248 acres, which was 91% high-quality soil, and was more than 1 mile from the district core. He mentioned that the property was agriculturally significant, and each of the parcels in the property had 5 development rights. He mentioned that the Advisory Committee and Planning Commission voted to recommend approval.

Ms. Price did not have any comments.

Ms. LaPisto-Kirtley did not have any comments.

Ms. Palmer said the AFDs were to support and protect agricultural soil. She asked what the Board needed to do to get specific criteria for people to follow to keep their land in the open space category.

Mr. Clark said that the policy only affected landowners who sought to qualify for the open space tax category and who did not have development rights. He said that if landowners had development rights, then they had the option to join an AFD or an open space use agreement. He said that the issue for other landowners was that the open space qualifying standards were clear, strict, and set by state code. He explained the County did not have an alternative route for landowners without development rights to qualify. He said the state legislation would have to change.

Ms. McKeel did not have any comments.

Ms. Mallek said land could be put into an easement to maintain a pollinator meadow.

Mr. Gallaway noted that there was no one signed up for public comment.

Ms. Price **moved** that the Board adopt the ordinance dated November 5, 2021, amending Chapter 3 of the Albemarle County Code, approving the additions to the Blue Run and Free Union AFDs, and continuing the Glen Oaks AFD.

Ms. McKeel **seconded** the motion. The motion carried unanimously (6-0). 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. 21-3(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

Error! Bookmark not defined.**By Amending:**

Sec. 3-208 Blue Run Agricultural and Forestal District
Sec. 3-215 Free Union Agricultural and Forestal District
Sec. 3-216 Glen Oaks Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE 2. DISTRICTS OF STATEWIDE SIGNIFICANCE

DIVISION 2. DISTRICTS

Sec. 3-208 Blue Run Agricultural and Forestal District.

The district known as the "Blue Run Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on June 18, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 22: parcels 10, 12, 16.
 - 2. Tax map 34, parcel 51.
 - 3. Tax map 35: parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43.
 - 4. Tax map 36: parcels 6A, 9, 20.
 - 5. Tax map 49: parcels 4A1, 4A5, 24, 24A, 24B.
 - 6. Tax map 50: parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B.
 - 7. Tax map 51: parcels 13, 14.
- C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to December 5, 2022.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); § 3-208, Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15; Ord. 18-3(1), 11-7-18; Ord. 21-3(3), 12-1-21)

Sec. 3-215 Free Union Agricultural and Forestal District.

The district known as the "Free Union Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on September 21, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 7: parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C, 26B, 33.
 - 2. Tax map 16: parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 52B1, 52B2, 54.
 - 3. Tax map 17: parcels 8C, 17C, 18H, 20A2, 22.
 - 4. Tax map 29: parcels 1D, 1H (part), 31A.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to September 18, 2024.

(Code 1988, § 2.1-4(m); § 3-213, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 08-3(3), 10-8-08; Ord. 09-3(4), 12-2-09; § 3-215, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19; Ord. 21-3(3), 12-1-21)

Sec. 3-216 Glen Oaks Agricultural and Forestal District.

The district known as the "Glen Oaks Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on December 7, 2011.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 93A5: parcels K2A11, K2A12, K2A13.

2. Tax map 94: parcels 15A1, 15A2.

C. *Review.* The district is reviewed once every five years and will next be reviewed prior to December 1, 2026.

(§ 3-213.5, Ord. 11-3(4), 12-7-11; Ord. 13-3(1), 12-4-13; § 3-216, Ord. 18-3(1), 11-7-18; Ord. 21-3(3), 12-1-21)

Agenda Item No. 22. **Public Hearing: Special Exception Procedures. ZTA202100002 Special Exception Procedures.** This proposed ordinance would amend certain sections of County Code Chapter 18 (Zoning). To the extent that the following County Code sections identify the Albemarle County Planning Commission and certain administrative agents as responsible for considering and acting on requests for zoning waivers, modifications, variations, and substitutions, the proposed ordinance would amend each of these sections by substituting the Albemarle County Board of Supervisors for the Commission and those agents (respectively), in order to clarify and confirm that the Board is to consider and act on zoning special exceptions, consistent with applicable case law: § 18-4.2 (Critical slopes); § 18-4.2.2 (Building site area and dimensions); § 18-4.2.5 (Modification or waiver); § 18-4.6.6 (Lot access requirements); §18-4.10.2.1; § 18-4.10.3.1 (Exceptions—Excluded from application); §18-4.10.3.2 (Exceptions—Limited); § 18-4.12.2 (Applicability); §18-4.12.13 (Loading areas); § 18-4.12.15 (Minimum design requirements and improvements for parking areas); § 18-4.12.16 (Minimum design requirements and improvements for parking spaces within parking areas or parking bays); § 18-4.12.17 (Minimum design requirements and improvements for vehicle access aisles); § 18-4.17.5 (Modification or waiver); § 18-4.18.07 (Modification or waiver); § 18-5.1 (Supplementary regulations); § 18-5.1.24 (Subordinate retail sales); § 18-5.1.44 (Farm worker housing); § 18-5.2A (Home occupations in the rural areas zoning district); § 18-5.5.3 (Variations from approved plans, codes, and standards of developments); § 18-20B.3 (Area and bulk regulations); §18-20B.7 (Sidewalks and street trees). In addition, the proposed ordinance would repeal County Code § 18-2.5 (Procedures for administrative waivers), and update other outdated references and provisions.

The Executive Summary as forwarded to the Board states that at its meeting on September 28, 2021, the Albemarle County Planning Commission unanimously recommended approval of the September 13, 2021 draft ordinance (Attachment A2), with the revisions recommended by staff in the Planning Commission presentation, as outlined in the Action Memo (Attachment B).

Incorporating staff's recommended revisions, the proposed draft ordinance (Attachment D) would update provisions that previously authorized the Planning Commission, the Planning Director, and other officers to grant waivers, modifications, and variations of Zoning Ordinance provisions administratively. The Virginia Supreme Court has ruled that these special exceptions are legislative acts reserved for local governing bodies.

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

Ms. Rebecca Ragsdale, Principal Planner, said before the Board was a zoning text amendment to address special exception procedures. She said it was a text amendment prioritized as part of the Community Development Work Program, also referred to as the zoning modernization list. She explained that there was a court ruling in 2012 clarifying that there could be no administrative or planning commission approval of certain waivers or modifications to the zoning ordinance, to include variations in planning districts. She said it was limited to the zoning ordinance and did not impact the subdivision ordinance. She said that the modifications that were performed administratively had to be performed legislatively.

Ms. Ragsdale explained that special exceptions were created in 2012 to address those issues, and work needed to be done to update the ordinance. She said the Board adopted a resolution of intent in July, and the Planning Commission voted to recommend approval in September. She said the slide listed the areas in the code that were left to address. She said that the ordinance before the Board, dated November 24, included repealing section 2.5 of the code because the County could no longer grant administrative waivers. She said the ordinance was in Attachment D, and the updates were necessary to bring the ordinance in line with court rulings and state code.

Ms. Price did not have any comments.

Ms. LaPisto-Kirtley did not have any comments.

Ms. Palmer asked what business would go to the Planning Commission first.

Ms. Ragsdale said there may be instances where the special exception language allowed items to be brought to the Planning Commission for feedback to the Board. She continued that a lot of the appeals processes involving the Planning Commission had been eliminated because it was not authorized to be the ruling body.

Ms. Palmer said it was helpful for her to read the Planning Commission minutes to understand proposals. She wanted to know how staff made the decision to send the project to the Planning Commission first.

Ms. Ragsdale said it happened if the staff felt it needed feedback from the Planning Commission or if it was not recommending approval. She said if staff had concerns, then the rule of thumb was to seek Planning Commission input.

Ms. McKeel said she read the Planning Commission minutes as well. She urged the staff to err on the side of sending proposals to the Commission because it was helpful.

Ms. Mallek appreciated that medium trees could be planted when the site was appropriate. She said that large trees broke the sidewalks when there was not enough space.

Mr. Gallaway note that there was no one signed up for public comment.

Ms. LaPisto-Kirtley **moved** that the Board adopt the attached ordinance dated November 24, 2021, Attachment D.

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. 21-18(5)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE IV, PROCEDURE, 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 18, Zoning, Article I, General Provisions, and Article IV, Procedure, are hereby amended and reordained as follows:

By Repealing:

Sec. 2.5 Procedures for administrative waivers

By Amending:

Sec. 4.2 Critical slopes
Sec 4.2.2 Building site area and dimensions
Sec. 4.2.5 Modification or waiver
Sec. 4.6.6 Lot access requirements
Sec. 4.10.3.1 Exceptions—Excluded from application
Sec. 4.10.3.2 Exceptions—Limited
Sec. 4.12.2 Applicability
Sec. 4.12.13 Loading areas
Sec. 4.12.15 Minimum design requirements and improvements for parking areas
Sec. 4.12.16 Minimum design requirements and improvements for parking spaces within parking areas or parking bays
Sec. 4.12.17 Minimum design requirements and improvements for vehicle access aisles
Sec. 4.17.5 Modification or waiver
Sec. 4.18.07 Modification or waiver
Sec. 5.1 Supplementary regulations
Sec. 5.2A Home occupations in the rural areas zoning district
Sec. 8.5.5.3 Variations from approved plans, codes, and standards of developments
Sec. 20B.3 Area and bulk regulations
Sec. 20B.7 Sidewalks and street trees

Sec. 2.5 Repealed 12-1-21.

Sec. 4.2 Critical slopes.

The provisions in this section through section 4.2.5 implement the comprehensive plan by protecting and conserving steep hillsides together with public drinking water supplies and flood plain areas because of the increased potential for soil erosion, sedimentation, water pollution and sewage disposal problems associated with the disturbance of critical slopes. The disturbance of critical slopes may result in: rapid and/or large-scale movement of soil and rock; excessive stormwater run-off; siltation of natural and man-made bodies of water; loss of aesthetic resource; and in the event of onsite sewage system failure, a greater travel distance of septic effluent, all of which constitute potential dangers to the public health, safety and/or welfare. The regulations in sections 4.2.1, 4.2.2, 4.2.3 and 4.2.4 are intended to direct building and onsite sewage system locations to terrain more suitable to development and to discourage development on critical slopes, and to supplement other regulations regarding the protection of public water supplies and encroachment of development into flood plains.

Each request to waive or modify any requirement of sections 4.2.1, 4.2.2, 4.2.3 or 4.2.4 under section 4.2.5 shall be by special exception under section 33.5.

(§ 20-4.2, 12-10-80; 11-15-89; § 18-4.2, Ord. 98-A(1), 8-5-98; Ord. 12-18(4), 7-11-12; Ord. 21-18(5), 12-1-21)

Sec. 4.2.2 Building site area and dimensions

Each building site shall be subject to the following minimum area and dimension requirements:

- a. *Uses not served by a public or central sewage system.* Building sites for uses not served by a public or central sewage system shall be subject to the following:
 1. *Dwelling units.* Each building site for a dwelling unit shall have an area of 30,000 square feet or greater and shall be of such dimensions that no one dimension exceeds any other by a ratio of more than five to one as described by a rectangle inscribed within the building site. The building site shall have adequate area for locating two subsurface drainfields approved by the Virginia Department of Health if the lot will be served by a conventional onsite sewage system.
 2. *Development subject to section 32 of this chapter.* Each building site in a development subject to section 32 of this chapter shall have an area of 30,000 square feet or greater and shall be of such dimensions that no one dimension exceeds any other by a ratio of more than five to one as described by a rectangle inscribed within the building site. The building site shall have adequate area for all buildings and structures, two subsurface drainfields approved by the Virginia Department of Health if the lot will be served by a conventional onsite sewage system, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.
 3. *Special exception.* Notwithstanding section 4.2.5, the rectangular shape required by subsections (1) and (2) may be waived or modified by special exception under section 33.5 upon the board of supervisors' consideration of the recommendation from the Virginia Department of Health and information provided by the developer showing that: (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; (ii) no reasonable alternative building site exists; and (iii) modifying or waiving the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to.
- b. *Uses served by a central sewage system.* Building sites for uses served by a central sewage system shall be demonstrated by the applicant to have adequate area, as follows:
 1. *Residential development.* Each building site in a residential development shall have adequate area for all dwelling unit(s) together with an area equivalent to the sum of the applicable required yard areas for the applicable zoning district and, if parking is provided in bays, the parking area.
 2. *Development subject to section 32 of this chapter.* Each building site in a development subject to section 32 of this chapter shall have adequate area for all structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.

(§ 20-4.2.2, 12-10-80; §§ 20-4.2.2, 20-4.2.2.1, 11-15-89; §§ 18-4.22, 18-4.2.2.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(7), 10-17-01; Ord. 12-18(4), 7-11-12; Ord. 21-18(5), 12-1-21)

Sec. 4.2.5 Modification or waiver.

Any requirement of section 4.2.1, 4.2.2, 4.2.3 or 4.2.4 may be modified or waived by special exception of the Board of Supervisors as provided in section 33.5 and herein:

- a. *Modification or waiver generally.* The Board of Supervisors may modify or waive any requirement as provided in subsection (b), as follows:
 1. *Request.* A developer or subdivider requesting a modification or waiver shall file a written request in accordance with section 32.3.10(d) of this chapter and identify and state how the request would satisfy one or more of the findings set forth in subsection 4.2.5(a)(3). If the request pertains to a modification or waiver of the prohibition of disturbing slopes of 25 percent or greater (hereinafter, "critical slopes"), the request also shall state the reason for the modification or waiver, explaining how the modification or waiver, if granted, would address the rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resources, and, in the event of septic system failure, a greater travel distance of septic effluent (collectively referred to as the "public health, safety, and welfare factors") that might otherwise result from the disturbance of critical slopes.
 2. *Consideration of recommendation; determination by county engineer.* In reviewing a request for a modification or waiver, the Board of Supervisors shall consider the recommendation of the agent as to whether any of the findings set forth in subsection 4.2.5(a)(3) can be made by the commission. If the request pertains to a modification or waiver of the prohibition of disturbing critical slopes, the Board of Supervisors shall consider the determination by the county engineer as to whether the developer or subdivider will address each of the public health, safety and welfare factors so that the disturbance of the critical slopes will not pose a threat to the public drinking water supplies and flood plain areas, and that soil erosion, sedimentation, water pollution and septic disposal issues will be mitigated to the satisfaction of the county engineer. The county engineer shall evaluate the potential for soil erosion, sedimentation and water pollution that might result from the disturbance of slopes of 25 percent or greater in accordance with the current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, Chapter 17, Water Protection, of the Code.
 3. *Findings.* The Board of Supervisors may grant a modification or waiver under this subsection (a) if it finds that the modification or waiver would not be detrimental to the public health, safety

or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and at least one of the following:

- a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
 - b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;
 - c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or
 - d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.
4. *Conditions.* In granting a modification or waiver, the Board of Supervisors may impose conditions deemed necessary to protect the public health, safety or welfare and to insure that the development will be consistent with the intent and purposes of section 4.2.
- b. *Waivers under specified circumstances.* The Board of Supervisors may waive the prohibition of disturbing critical slopes on any parcel not within the Rural Areas (RA), Monticello Historic District (MHD) or Village Residential (VR) zoning districts in the following circumstances: (i) the critical slopes were created during the development of the property pursuant to a site plan approved by the county; or (ii) the critical slopes will be disturbed to replace an existing structure located on the critical slopes and the extent of the disturbance is the minimum necessary to replace the existing structure with a new structure whose footprint does not exceed the footprint of the existing structure.

The Board of Supervisors may grant a waiver under this subsection (b) if it finds that:

1. The property is not identified in the open space plan as one having any protected resources and a field inspection has confirmed that there are no significant or critical features on the property identified for protection in the open space plan;
2. There is no reasonable alternative that would eliminate or reduce the disturbance of critical slopes;
3. The developer or subdivider submitted and obtained approval from the program authority of an erosion and sediment control plan, regardless of whether the area disturbed is less than 10,000 square feet; and
4. The developer or subdivider submitted and obtained approval from the county engineer of a plan that describes how the movement of soil and rock, stormwater runoff, siltation of natural and man-made bodies of water, the loss of aesthetic resources identified in the open space element of the comprehensive plan and, in the event of the failure of a treatment works and subsurface drainfield, a greater travel distance of septic effluent, will be mitigated through design, construction techniques, revegetation, stormwater management and other best management practices.

(§ 20-4.2.5, 12-10-80, 11-15-89; § 18-4.2.5, Ord. 98-A(1), 8-5-98; Ord. 01-18(4), 5-9-01; Ord. 09-18(1), 1-14-09; Ord. 21-18(5), 12-1-21)

Sec. 4.6.6 Lot access requirements.

Vehicular access on a lot shall be provided as follows:

- a. In all zoning districts, a structure requiring a permit under the Uniform Statewide Building Code may be established only on a lot having frontage on a public or private street as authorized by the subdivision ordinance, except that this requirement shall not apply to lots lacking such frontage on the effective date of this chapter.
- b. In the rural areas zoning district, in addition to the requirements in subsection (a) and in order to provide public safety vehicles with safe and reasonable access to a new dwelling unit on a lot, each driveway that will serve a new dwelling unit: (1) shall not exceed a 16 percent grade; (2) shall have a travelway that is at least ten feet in width; (3) shall extend to within 50 feet of each dwelling unit on the lot; and (4) shall include a rectangular zone superjacent to the driveway that is clear of all obstructions, including any structures and vegetation, that is at least ten feet in width and 14 feet in height. The landowner shall demonstrate to the satisfaction of the county engineer that the driveway will meet the requirements of this subsection before a building permit is issued.
- c. Notwithstanding the requirements of subsection (b), the county engineer, with the recommendation of the fire marshal, may authorize a driveway having a grade that exceeds 16 percent if the landowner demonstrates to the satisfaction of the county engineer and the fire marshal that public safety vehicles would be able to access the dwelling unit even though the grade may exceed 16 percent. In considering a waiver request, the Board of Supervisors shall consider: (1) the length of the segment of the driveway that would exceed 16 percent; (2) whether the segment that would exceed 16 percent would require the public safety vehicle to travel uphill towards the dwelling unit; (3) whether fire suppression equipment such as sprinklers would be installed within the dwelling unit; and (4) whether the dwelling unit is within 50 feet of a public or private street. In authorizing such a grade, the Board of Supervisors may impose reasonable conditions to assure that the public safety vehicles may access the dwelling unit including, but not limited to, a condition limiting the maximum length any segment of the driveway may exceed 16 percent.

- d. Any lot which was lawfully a lot of record on the effective date of subsection (b) shall be exempt from the requirements of that subsection for the establishment of the first single-family detached dwelling unit on the lot if the county engineer determines that those requirements would prohibit the practicable development of the lot for that first single-family detached dwelling unit.

(§ 20-4.6.6, 12-10-80; 5-21-86; § 18-4.6.6, Ord. 98-A(1), 8-5-98; Ord. 08-18(1), 2-6-08; Ord. 21-18(5), 12-1-21)

Sec. 4.10.3.1 Exceptions—Excluded from application.

The structures identified below shall be subject to height limitations as follows:

- a. The height limitations of this chapter shall not apply to barns, silos, farm buildings, agricultural museums designed to appear as traditional farm buildings, residential chimneys, spires, flag poles, monuments, transmission towers and cables, smokestacks, water tanks, or radio or television antennas or towers.
- b. Any structure identified in subsection (a), other than one now or hereafter located on an existing public utility easement, shall not: (1) be located closer in distance to any lot line than the height of the structure; and (2) within a residential district, exceed 100 feet in height, except for telecommunications facilities owned or operated in whole or in part by the county, which shall not exceed 115 feet in height.
- c. The Board of Supervisors may modify or waive either requirement of subsection (b) in an individual case if it determines that the public health, safety or welfare would be equally or better served by the modification or waiver. In granting such modification or waiver, the Board of Supervisors may impose such conditions as it deems necessary to protect the public health, safety or welfare.

(12-10-80; 12-20-89; Ord. 01-18(4), 5-9-01; Ord. 01-18(5), 5-16-01; Ord. 21-18(5), 12-1-21)

Sec. 4.10.3.2 Exceptions—Limited.

The following structures are excepted from the height limitations in the applicable zoning districts:

- a. Towers, gables, penthouses, scenery lofts, cupolas, similar structures and necessary mechanical appurtenances may be erected on a building to a height 20 percent greater than the limit established for the district in which the building is located, provided that no such exception shall be used for sleeping or housekeeping purposes or for any commercial or industrial purpose; and provided further that access by the general public to any such area shall be expressly prohibited.
- b. Poles that support outdoor luminaires for lighting athletic facilities, subject to approval of a modification by the Board of Supervisors as provided in section 4.17.5(a)(3).

(12-10-80; Ord. 08-18(5), 7-9-08; Ord. 21-18(5), 12-1-21)

Sec. 4.12.2 Applicability.

The regulations of section 4.12 shall apply as follows:

- a. *General applicability.* Except as provided in section 4.12.3, these parking, stacking and loading regulations shall apply to: (1) each new use or structure approved after the date of adoption of these regulations; and (2) each change or intensification of any use that necessitates additional parking, but only to the extent of the additional parking. Each use or structure to which these regulations apply shall be subject to the following:
 - 1. All parking areas having four or more spaces, regardless of whether the number of spaces exceeds the applicable minimum number required by sections 4.12.6 or 4.12.7, and all stacking and loading areas, shall satisfy the minimum specifications for parking area design required in section 4.12.15.
 - 2. Neither a certificate of occupancy nor a zoning compliance clearance shall be issued until the zoning administrator determines that the required parking, stacking and loading improvements have been completed and are operational for the use or structure for which the improvements are required.
 - 3. All parking spaces provided in excess of the minimum number of spaces required by sections 4.12.6 and 4.12.7 shall comply with the requirements of this section 4.12 and section 32.
- b. *Exceptions.* These parking, stacking and loading regulations shall not apply to parking, stacking or loading spaces for uses or structures approved by the county in a valid preliminary or final site plan or a valid preliminary or final subdivision plat prior to the date of adoption of section 4.12, regardless of whether those spaces have been constructed or otherwise established.
- c. *Modification or waiver.* The limitation on the maximum number of parking spaces required by subsection 4.12.4(a) and the design requirements in sections 4.12.15, 4.12.16, 4.12.17, 4.12.18 and 4.12.19 may be modified or waived, and in any commercial or industrial zoning district the minimum number of parking spaces required by section 4.12.6 may be modified, in an individual case if the Board of Supervisors finds that the public health, safety or welfare would be equally or better served by the modification or waiver and that the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter.
 - 1. For each request to modify the minimum number of parking spaces required by section 4.12.6, the developer shall submit a study prepared by a transportation planner, traffic consultant,

licensed engineer or architect justifying the modification. The study shall include the following: (i) a calculation of the number of off-street parking spaces required by section 4.12.6; (ii) the total square footage of all uses within the existing and proposed development and the square footage devoted to each type of use therein; (iii) trip generation rates expected for the uses within the existing and proposed development; (iv) data pertaining to a similar use or uses and the associated parking needs; (v) the developer's plan to provide alternative solutions to off-street parking on the lot; (vi) the developer's plan to provide incentives for employees to use transportation modes other than single-occupancy motor vehicles; and (vii) an amended site plan, or if no site plan exists, a schematic drawing, demonstrating that the number of off-street parking spaces required by section 4.12.6 can be established on the lot, and showing which spaces would not be established if the modification is granted.

2. The Board of Supervisors may modify or waive a design requirement in sections 4.12.15, 4.12.16, 4.12.17, 4.12.18 and 4.12.19 only after consultation with the county engineer, who shall advise the zoning administrator whether the proposed waiver or modification would equally or better serve the public health, safety or welfare.
3. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare. In granting a request to modify the minimum number of parking spaces required by section 4.12.6, the Board of Supervisors may also require that the developer reserve an area on the lot equal to the reduced number of parking spaces for a specified period, and under conditions, imposed by the zoning administrator.

(§ 4.12.2, 12-10-80; Ord. 03-18(1), 2-5-03; Ord. 21-18(5), 12-1-21)

Sec. 4.12.13 Loading areas.

Off-street loading areas shall be provided as follows:

- a. Loading spaces shall be provided on the same lot with the use to which it is appurtenant and shall be adjacent to the structure it serves.
- b. Loading spaces shall be designed so as not to impede any required parking spaces, or any pedestrian or vehicular circulation.
- c. Loading spaces shall be provided in addition to and exclusive of any parking requirement on the basis of: (1) one space for the first 8,000 square feet of retail gross leasable area, plus one space for each additional 20,000 square feet of retail gross leasable area; (2) one space for the first 8,000 square feet of office space plus one space for each additional 20,000 square feet of office space; or (3) one space for the first 10,000 square feet of industrial floor area plus one space for each additional 20,000 square feet of industrial floor area.
- d. Additional loading spaces may be required or requested during review of the site plan.
- e. Each site plan that depicts a commercial or industrial building of 4,000 gross square feet or more shall provide a dumpster pad that does not impede any required parking or loading spaces, nor any pedestrian or vehicular circulation aisles.
- f. The requirements of this subsection may be modified or waived in an individual case if the Board of Supervisors, in consultation with the county engineer, finds that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from sound engineering and design practice; and that the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare.

(§ 4.12.7, 12-10-80; Ord. 01-18(4), 5-9-01; Ord. 03-18(1), 2-5-03; Ord. 21-18(5), 12-1-21)

Sec. 4.12.15 Minimum design requirements and improvements for parking areas.

The following design requirements and minimum improvements shall be provided for all off-street parking areas consisting of four or more parking spaces:

- a. *Surface materials.* All parking areas consisting of four or more spaces shall be surfaced. The surface materials for parking areas and access aisles shall be subject to review and approval by the county engineer, based upon the intensity of usage and Virginia Department of Transportation pavement design guidelines and specifications. The county engineer may approve the use of alternative surfaces deemed equivalent in regard to strength, durability, sustainability and long term maintenance for the intensity of the use.
- b. *Grading and drainage systems.* Parking area grading and drainage systems shall be designed and constructed to minimize, to the greatest extent practical, the amount of surface runoff exiting or entering through entrances to public streets.
- c. *Maximum grade.* The maximum grade for parking spaces, loading spaces, and access aisles abutting parking or loading spaces shall not exceed five percent in any direction.
- d. *Sight distance.* Minimum intersection sight distance for internal intersections of access aisles, intersections of access aisles and pedestrian ways, and access aisles around buildings shall not be less than 100 feet. The county engineer may increase this minimum, if the travel speed is anticipated to exceed ten miles per hour, to a sight distance commensurate with the anticipated

travel speed. If the county engineer anticipates that travel speeds of 20 miles per hour or greater may be reasonably achieved along a primary travelway serving a development, he may require that the travelway comply with the private road horizontal and vertical standards stated in Table A of section 14-514 of the Code for the anticipated traffic volume. Sight distance shall be measured as provided in Section 602 of the Albemarle County Design Standards Manual.

- e. *Accessibility to loading spaces, loading docks and dumpsters.* Parking areas shall be designed so that all loading spaces, loading docks, and dumpsters are accessible by delivery and service vehicles when all parking spaces are occupied.
- f. *Protective barriers and design.* When deemed necessary and reasonable to assure that safe and convenient access is provided, the county engineer may require: (1) raised traffic islands at the ends of parking rows to protect parked vehicles and to prohibit parking in unauthorized areas; (2) traffic islands and other such traffic control devices; and (3) a design that provides no parking along the accessways providing the principal ingress, egress and circulation on the site.
- g. *Curb and gutter in parking areas and along travelways.* Curbs shall be established at the edges of parking areas or access aisles in the following circumstances: (1) in all commercial or institutional developments requiring eight or more parking spaces; (2) in all multi-family dwelling and townhouse developments requiring eight or more parking spaces; (3) where necessary to control or direct stormwater runoff; (4) where a sidewalk is located closer than four feet from the edge of an access aisle; and (5) where necessary to contain vehicular traffic to protect pedestrians and/or property. Gutters shall be required where necessary to control or direct stormwater runoff. The Board of Supervisors may waive or modify this requirement if deemed necessary to accommodate stormwater management/BMP facility design or existing uses located in the Rural Areas (RA) zoning district.
- h. *Separation of parking area from public street or private road.* Where off-street parking is provided, parking areas shall be established sufficiently inside the site so as to prevent queuing onto a public street or private road. The minimum required separation shall be determined by the county engineer and will be based on the intensity of traffic on the site. In any case, the minimum separation should not be less than one car length for the most minimal use.
- i. *Location of handicapped parking spaces.* Parking areas shall be designed so that handicapped parking spaces are located to provide persons with direct unobstructed access to buildings by the shortest practical route, and to eliminate the need to cross vehicular access aisles wherever possible.

(§ 4.12.6.3, 12-10-80; 6-14-89; § 4.12.6.5(c)(part), 12-10-80; 11-16-83; 6-14-89; Ord. 01-18(6), 10-3-01; Ord. 03-18(1), 2-5-03; Ord. 21-18(5), 12-1-21; Ord. 21-18(5), 12-1-21)

Sec. 4.12.16 Minimum design requirements and improvements for parking spaces within parking areas or parking bays.

The following design requirements and minimum improvements shall be provided for all parking spaces within parking areas or parking bays:

- a. *Arrangement of spaces.* All parking spaces shall be perpendicular, angled, parallel or curvilinear to the vehicle access aisle. Angled parking may be provided at 60, 45 or 30 degrees from the access aisle.
- b. *Design of spaces.* All parking spaces shall be designed so that no part of any vehicle will extend over any lot line, right-of-way line, sidewalk, walkway, and driveway or aisle space.
- c. *Minimum parking space size.* Parking spaces shall be the minimum sizes, and have the minimum aisle width, provided below:
 1. *Perpendicular parking.* For perpendicular parking, the minimum space and aisle widths shall be:

Width (ft.)	Length (ft.)	Aisle Width (ft.)
10	18	20
9	18	24

2. *Parallel parking.* For parallel parking, the minimum space shall be:

Width (ft.)	Length (ft.)
9	20

3. *Angled parking.* For angled parking, the minimum space and aisle widths shall be:

ANGLED PARKING DIMENSIONS—ONE WAY CIRCULATION											
ANGLE (DEGS.)	AISLE WIDTH	STALL DEPTH	WIDTH	LENGTH	A	B	E	F	G	H	I
60	16	20.1	9	18	4.5	10.4	35.7	36.1	56.2	87.8	107.9
45	14	19.1	9	18	6.4	12.7	31.8	33.1	52.2	78.9	98
30	12	16.8	9	18	7.8	18	25.8	28.8	45.6	66.6	83.4

ANGLED PARKING DIMENSIONS—TWO WAY CIRCULATION

ANGLE (DEGS.)	AISLE WIDTH	STALL DEPTH	WIDTH	LENGTH	A	B	E	F	G	H	I
60	20	20.1	9	18	4.5	10.4	35.7	40.1	60.2	95.8	115.9
45	20	19.1	9	18	6.4	12.7	31.8	39.1	58.2	90.9	110
30	20	16.8	9	18	7.8	18	25.8	36.8	53.6	82.6	99.4

All depths, widths and lengths in the tables above are stated in feet. All angled parking must have a parking envelope that is nine feet by 18 feet within each angled parking space. The dimensions of angled parking (as provided in the above tables in columns A, B, E, F, G, H and I) shall be measured as provided in Section 602.1 (Figure 6-4) of the Albemarle County Design Standards Manual.

- 4. *Curvilinear parking.* For curvilinear parking, the minimum space and aisle widths shall be the same as for perpendicular parking, except that the width of the parking space shall be measured at the narrowest point along the length of the space, and provided that a 100-foot sight distance is maintained. The site distance shall be measured as provided in Section 602.1 (Figure 6-5) of the Albemarle County Design Standards Manual.
- 5. *Handicapped parking spaces.* For handicapped parking, vehicular access aisle widths shall be the same as for perpendicular parking. In addition, a handicapped access aisle shall be provided adjacent to each handicapped parking space, provided that the aisle may be shared between adjacent handicapped parking spaces. The minimum space and aisle widths shall be:

Width (ft.)	Length (ft.)	Handicap Access Aisle Width (ft.)	Van Access Aisle Width (ft.)
8	18	5	8

- 6. *Minimum length reduction.* Perpendicular and curvilinear parking space minimum length requirements may be reduced by not more than two feet when any of the following conditions are satisfied: (i) one or more rows of parking are separated by planting islands, median, or other such features (other than sidewalks) and allow for an unobstructed overhang, from each row, equivalent to the reduction; or (ii) one or more rows of parking adjacent to a building are separated from the building by planting islands, or other such features (other than sidewalks) and allow for an unobstructed overhang, from each row, equivalent to the reduction.
- d. *Delineation of parking spaces.* Parking spaces shall be delineated in a manner that identifies and preserves the required dimensions by paint striping, signage, or by another means approved by the zoning administrator. The zoning administrator may authorize that bumper blocks or posts be used to delineate parking spaces on surfaces that are not conducive to paint striping.
- e. *Bumper blocks.* Bumper blocks shall be provided in parking spaces in the following circumstances, unless waived by the Board of Supervisors: (1) the parking area has no curb or curb and gutter; (2) the parking has curb or curb and gutter and there is a sidewalk located closer than two feet from the edge of the parking area, except that bumper blocks shall not be required where a sidewalk has a minimum width of six feet. Bumper blocks shall be constructed of a durable material such as concrete or treated timbers. Each bumper block shall be a minimum length of six feet, a maximum height of five inches, and shall be securely anchored into the pavement in at least two places.

(§ 4.12.6.5, 12-10-80; 11-16-83; 6-14-89; Ord. 01-18(6), 10-3-01; Ord. 03-18(1), 2-5-03; Ord. 21-18(5), 12-1-21)

Sec. 4.12.17 Minimum design requirements and improvements for vehicle access aisles.

The following design requirements and minimum improvements shall be provided for all vehicle access aisles:

- a. *Grade for vehicle access aisles not adjacent to parking spaces.* Vehicle access aisles that are not adjacent to parking spaces, shall not exceed a grade of ten percent. The Board of Supervisors may increase the maximum grade, upon a finding that no reasonable design alternative would reduce or alleviate the need and that the increase in grade would be in the best interest of public health, safety and welfare. The developer must request the waiver in writing and provide all information necessary to justify that no reasonable design alternative exists. In no case shall the grade exceed private road standards set forth in section 14-514 of the Code.
- b. *Entrances.* Entrances to parking areas from public streets or private roads shall be designed and constructed in accordance with Virginia Department of Transportation standards. An adequate landing and/or grade transition shall be provided for vehicle access aisles at the intersection with public streets or private roads to allow for the stopping of vehicles and sight distance, as deemed necessary by the county engineer to assure public safety. As a guideline, the approach grade should not exceed four percent for a distance of not less than 40 feet measured from the edge of the street or road being intersected.
- c. *Vehicle access aisle standards.* Vehicular access aisles that are not adjacent to parking spaces shall comply with the following:
 - 1. *Two-way access aisles.* The minimum travelway width for two-way access aisles shall be 20 feet.

2. *One-way access aisles.* One-way circulation is allowed provided the circulation loop or pattern is contained within the site or sites. Public streets or private roads shall not be used as part of the circulation loop or pattern. The minimum travelway width for one-way access aisles shall be 12 feet, with the following exceptions:
 - (a) *Bypass traffic.* A travelway width of up to 16 feet may be required to allow for bypass traffic, when deemed necessary by the county engineer. In making this determination, the county engineer shall consider the site specific factors including, but not limited to, the length of the travelway, nature of the land use, and internal traffic circulation.
 - (b) *Bank teller and ATM canopy and lanes.* The travelway width may be reduced for bank teller and ATM canopies and lanes if the county engineer determines that a reduction is necessary to accommodate the specific architectural, structural and customer service needs of a proposed application, and the reduction will not reduce public safety.
- d. *Turning radii.* Turning radii shall be limited by the requirement to maintain 100-foot sight distance. Turning movements for delivery vehicles or other expected truck traffic shall be evaluated by the county engineer using AASHTO single unit truck standards or other AASHTO standard vehicle as appropriate.

(§ 4.12.6.2, 12-10-80; 6-14-89; § 4.12.6.3 (part), 12-10-80; 6-14-89; Ord. 03-18(1), 2-5-03; Ord. 21-18(5), 12-1-21)

Sec. 4.17.5 Modification or waiver.

Modifications and waivers may be granted in an individual case as provided herein:

- a. The Board of Supervisors may modify or waive any standard set forth in section 4.17.4(a) under subsections 4.17.5(a)(1) and (2), and may modify the maximum height of poles supporting outdoor luminaires lighting athletic facilities under subsection 4.17.5(a)(3), in the following circumstances:
 1. Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.
 2. Upon finding that an outdoor luminaire, or system of outdoor luminaires, required for an athletic facility cannot reasonably comply with the standard and provide sufficient illumination of the facility for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable.
 3. Upon finding that the maximum permitted height of a pole supporting an outdoor luminaire lighting an athletic facility under the applicable district regulations would prevent the luminaire from providing sufficient illumination of the facility for its safe use, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable.
- b. Prior to considering a request to modify or waive, five days' written notice shall be provided to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the Board of Supervisors will consider the request.
- c. The Board of Supervisors may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor lighting regulations.

(Ord. 98-18(1), 8-12-98; Ord. 01-18(4), 5-9-01; Ord. 01-18(8), 10-17-01; Ord. 08-18(5), 7-9-08; Ord. 21-18(5), 12-1-21)

Sec. 4.18.07 Modification or waiver.

Any standard of section 4.18.04 may be modified or waived in an individual case, as provided herein:

- a. The Board of Supervisors may modify or waive the standard set forth in section 4.18.04 in a particular case upon finding that strict application of the standard would cause undue hardship and not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of this section 4.18 at least to an equivalent degree.
- b. The Board of Supervisors may impose conditions on the modification or waiver that it deems appropriate to further the purposes of this chapter.
- c. Prior to considering a request to modify or waive, five days' written notice shall be provided to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the Board of Supervisors will consider the request.

(Ord. 00-18(3); Ord. 01-18(4), 5-9-01; Ord. 21-18(5), 12-1-21)

State law reference(s)—Va. Code § 15.2-2280

Sec. 5.1 Supplementary regulations.

The following supplementary regulations apply to referenced uses in all districts whether or not such uses are permitted by right or by special use permit. These supplementary regulations are in addition to all other requirements of this chapter, the Code, and all other applicable laws. Unless a waiver or modification is expressly prohibited, any requirement of section 5 may be modified or waived in an individual case, as provided herein:

- a. The Board of Supervisors may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in section 4 or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

(12-10-80; 9-9-92; Ord. 01-18(4), 5-9-01; Ord. 11-18(1), 1-12-11; Ord. 21-18(5), 12-1-21)

Sec. 5.2A Home occupations in the rural areas zoning district.

Each home occupation authorized in the rural areas zoning district shall be subject to the following:

- a. *Purpose and intent.* The purpose for authorizing home occupations in the rural areas zoning district is to encourage limited home-based economic development, balanced with the need to protect and preserve the quality and character of the county's agricultural areas and residential neighborhoods in the rural areas zoning district. The regulations in this section are intended to ensure that authorized home occupations will be compatible with other permitted uses, the agricultural areas, and the residential neighborhoods by regulating the scale, hours, external activities, external appearance and other impacts that may arise from a home occupation.
- b. *Location and area occupied by a home occupation.* A home occupation shall be located and sized as follows:
 1. *Major home occupations.* A major home occupation shall be conducted within the dwelling unit or accessory structures, or both, provided that not more than 25 percent of the gross floor area of the dwelling unit shall be used for the home occupation and further provided that the cumulative area used for the home occupation, including the gross floor area within the dwelling unit or any accessory structure and the area used for outdoor storage as provided in section 5.2A(g), shall not exceed 1,500 square feet. Plants that are planted in the ground that are to be used for a major home occupation do not count toward the 1,500 square feet limitation.
 2. *Minor home occupations.* A minor home occupation shall be conducted entirely within the dwelling unit, provided that not more than 25 percent of the gross floor area of the dwelling unit shall be used for the home occupation and further provided that the gross floor area used for the home occupation shall not exceed 1,500 square feet.
- c. *Exterior appearance.* The exterior appearance of a parcel with a home occupation shall be subject to the following:
 1. *Major home occupations.* There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a major home occupation, except that one home occupation sign may be erected as authorized by section 4.15. Accessory structures shall be similar in façade to a single-family dwelling, private garage, shed, barn or other structure normally expected in a residential area and shall be specifically compatible in design and scale with other residential development in the area in which it is located. Any accessory structure that does not conform to the applicable setback and yard requirements for primary structures shall not be used for a home occupation.
 2. *Minor home occupations.* There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a minor home occupation.
- d. *Visitors and sales.* Visitors and sales related to a home occupation shall be subject to the following:
 1. *Major home occupations.* Customers, clients and students may visit a major home occupation. The sale of goods by the major home occupation to a customer who comes to the site is prohibited except for goods that are hand-crafted on-site and accessory goods that are directly related to a major home occupation, including but not limited to tools for pottery making and frames for artwork.
 2. *Minor home occupations.* No customers, clients or students may visit a minor home occupation for a purpose related to the home occupation. The sale of goods or the provision of services by the minor home occupation to a customer, client or student at the site is prohibited.
- e. *Traffic generated by a major home occupation.* The traffic generated by a major home occupation shall not exceed ten vehicle round trips per day or more than 30 vehicle round trips per week. For the purposes of this section, a "vehicle round trip" means one vehicle entering and exiting the site.
- f. *Parking.* All vehicles used in a home occupation and all vehicles of employees, customers, clients or students related to a major home occupation shall be parked on-site.

- g. *Outdoor storage.* The storage of goods, products, equipment other than vehicles used in a home occupation, or any materials associated with a home occupation, other than natural landscaping materials such as mulch and plants, outside of an enclosed structure is prohibited.
- h. *Days and hours of operation for major home occupations.* Major home occupations may operate up to six days per week and the hours of operation shall be between 7:00 a.m. and 8:00 p.m. for those home occupations that have employees, customers, clients or students visiting the site.
- i. *Number of vehicles used in a home occupation.* The number of vehicles that may be used in a home occupation that are parked or stored on-site shall not exceed two motor vehicles and two trailers.
- j. *Number of home occupations.* More than one home occupation is permitted on a parcel, provided that the area occupied and the traffic generated by the home occupations shall be considered cumulatively and all requirements of this section shall apply.
- k. *Performance standards.* All home occupations shall comply with the performance standards in section 4.14.
- l. *Prohibited home occupations.* The following uses are prohibited as home occupations: (1) any use (except landscape contractors) requiring a special use permit under section 10.2.2; (2) animal rescue centers; (3) junkyards; (4) restaurants; (5) storage yards; (6) gun sales, unless the guns are made on-site by one or more family members residing within the dwelling unit; (7) on-site pet grooming; (8) body shops; (9) equipment, trailers, vehicles or machinery rentals; (10) shooting ranges; (11) commercial stables; (12) rummage or garage sales other than those determined by the zoning administrator to be occasional; (13) veterinary clinics or hospitals; (14) pyrotechnic (fireworks or bomb) device manufacturing or sales; and (15) any other use not expressly listed that is determined by the zoning administrator to be contrary to the purpose and intent of section 5.2A.
- m. *Waivers and modifications.* The waiver or modification of any requirement of section 5.2A is prohibited except as provided herein:
 - 1. *Area.* The area requirements in section 5.2A(b) may be waived or modified by the Board of Supervisors, provided that the waiver or modification shall not authorize the home occupation to occupy more than 49 percent of the gross floor area of the dwelling. In granting a waiver or modification of the area requirement, the commission shall make the following findings in addition to those findings in section 5.1: (1) the nature of the home occupation requires storage or additional space within the dwelling unit to conduct the home occupation; (2) the primary use of the dwelling unit as a residence is maintained; and (3) the waiver or modification would not change the character of the neighboring agricultural area or the residential neighborhood.
 - 2. *Traffic.* The traffic limitation in section 5.2A(e) may be waived or modified. In granting a waiver or modification of the traffic limitation, the Board of Supervisors shall find, in addition to those findings in section 5.1, that the waiver or modification would not change the character of the neighboring agricultural area or the residential neighborhood.
- n. *Zoning clearance required; notice of request.* No home occupation shall commence without a zoning clearance issued under section 31.5. For each zoning clearance requested for a major home occupation, the zoning administrator shall provide written notice that an application for a zoning clearance has been submitted to the owner of each abutting parcel under different ownership than the parcel on which the proposed home occupation would be located. The notice shall identify the proposed home occupation, its size, its location, and whether any waiver or modification is requested. The notice shall invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed at least five days prior to the action on the zoning clearance as provided in section 32.4.2.5.

(Ord. 11-18(1), 1-12-11; Ord. 19-18(3), 6-5-19; Ord. 20-18(2), 9-2-20; Ord. 21-18(5), 12-1-21)

Sec. 8.5.5.3 Variations from approved plans, codes, and standards of developments.

The Board of Supervisors may allow a site plan or subdivision plat for a planned development to vary from an approved application plan, standard of development and, also, in the case of a neighborhood model district, a code of development, as provided herein:

- a. The Board of Supervisors is authorized to grant a variation from the following provisions of an approved plan, code or standard:
 - 1. Minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes;
 - 2. Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same;
 - 3. Changes to phasing plans;
 - 4. Minor changes to landscape or architectural standards;
 - 5. Minor changes to street design and street location, subject to a recommendation for approval by the county engineer; and
 - 6. Minor changes to the design and location of stormwater management facilities, minor land disturbance including disturbance within conservation areas, and mitigation, all subject to a recommendation for approval by the county engineer.

- b. The applicant shall submit a written request for a variation to the director of planning. The request shall specify the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation. The director may reject a request that fails to include the required information.
 - c. The Board of Supervisors is authorized to grant a variation upon a determination that the variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application.
 - d. The director of planning may require that the applicant provide an updated application plan and, in the case of changes to a code of development, a complete amended code of development, reflecting the approved variation and the date of the variation. If the director requires an updated application plan or code of development, the granting of the variation shall be conditional upon the applicant providing the plan or code within 30 days after approval of the variation and a determination by the director that the plan or code were revised to correctly reflect the granted variation.
 - e. Any variation not expressly provided for herein may be accomplished by zoning map amendment.
- (§ 8.5.6.3, 12-10-80; 9-9-92; § 8.5.5.3, Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09; Ord. 21-18(5), 12-1-21)

Sec. 20B.3 Area and bulk regulations.

Area and bulk regulations within the DCD are as follows:

- A. *Area and bulk regulations, generally.* Any buildings, structures (collectively, "buildings") and improvements established on and after June 11, 2008 and to which subsection 20B.3(B) does not apply, shall be subject to the following area and bulk regulations and subsections 20B.3(C) through (J):

Building Setbacks (See Figure 1)	
Primary Buildings	
Front-Minimum	1 foot
Front-Maximum	10 feet, except up to 20 feet with administrative modification (See subsection 20B.3(H))
Side-Minimum except from accessway or alley	0 feet
Side-Minimum from accessway or alley	3 feet, except 1 foot within a building façade break
Side-Maximum (See Figure 2)	20 feet, except with administrative waiver (See subsection 20B.3(H))
Rear (Minimum)	0 feet
Secondary Buildings	
Front-Minimum	1 foot
Front-Maximum	Prevailing building pattern, as determined by director of planning
Side-Minimum except from accessway or alley	0 feet
Side-Minimum from accessway or alley	3 feet, except 1 foot within a building façade break
Side-Maximum	Prevailing building pattern, as determined by director of planning
Rear-Minimum	0 feet
	See also subsection 20B.3(C) for corner lots
Parking Setbacks	
Front-Minimum-As a primary use (stand alone parking)	Same as maximum front building setback (10 feet, except up to 20 feet with modification (See subsection 20B.3(J))
Front-Minimum-As an accessory use	No closer to the right-of-way than any existing or proposed primary structure on the lot. Parking areas shall be located to the rear and/or side of the primary structures, as viewed from the right-of-way to which the lot abuts. On corner lots, the parking areas shall be located to the side or rear of the primary structure, and not between the structure and any rights-of-way that intersect at the corner.
Side-Minimum-As a primary use (stand alone parking)	0 feet
Side-Minimum-As an accessory use	3 feet
Rear (Minimum)	0 feet
Stepbacks (See Figure 4)	
Front-Minimum	Floors above 40 feet or the third story shall be stepped back a minimum of 15 feet
Building façade breaks (See Figure 3)	
Front-Minimum	Every 200 linear feet (See section 20B.3(E)), except with administrative waiver (See section 20B.3(H))

Lot size	
Minimum	1500 square feet
Density	
Residential-Maximum	36 dwelling units per acre
Frontage	
Minimum	None
Building Height (See Figure 4)	
Minimum height-by right	30 feet or 2 stories
Minimum height-by special use permit	1 story
Maximum height-by right	50 feet or 4 stories
Maximum height-by special use permit	70 feet or 6 stories

- B. *Area and bulk regulations, pre-existing buildings, structures and improvements.* Notwithstanding subsections 6.3(A)(1) and (3), and subsection 20B.3(A) of this chapter, any building or structure established before, and existing on, June 11, 2008, may be extended or enlarged without complying with the maximum front and maximum side yard setbacks and the minimum front yard setback for parking as an accessory use.
- C. *Corner lots; determination of front and other sides.* Notwithstanding sections 4.6.2(b) and 4.6.3 of this chapter to the extent they determine when front yard setbacks apply, for purposes of determining setbacks the director of planning (the "director") shall determine which side of a corner lot abutting a street shall be the front based upon the prevailing building pattern that has developed in the vicinity of the lot, and shall then determine which other sides will be the sides and rear of the lot.
- D. *Minimum standards for a building façade break.* Each building façade break shall provide either pedestrian access or motor vehicle and pedestrian access to the side and/or rear of the building on the same lot. A building façade break providing only pedestrian access shall be a sidewalk having a minimum width of five feet. A building façade break providing both motor vehicle and pedestrian access shall have a travelway at least 12 feet in width and a sidewalk on at least one side having a minimum width of five feet. The travelway and the sidewalk shall be designed and constructed to the applicable standards in the design standards manual. Buildings separated by a building façade break shall have a minimum separation of the width of the pedestrian access or motor vehicle and pedestrian access at all points above the ground. See Figure 3.
- E. *Building entrances.* Each building abutting a street shall have a primary entrance from either the front or side of the building. A building also may have secondary entrances on the side or rear of the building. If the primary entrance is located on the side of a building, its doors shall face the front of the building.
- F. *Stories.* For the purposes of this section 20B, each story shall be visibly discernible from the street and be composed of habitable space and/or occupiable space, as defined by the Virginia Uniform Statewide Building Code. Visibly discernible stories shall be achieved through the use of windows or building entries on each story, using varied building materials, special ground-floor design treatments, or other façade elements or other architectural details. In accordance with the procedures stated in subsection 20B.3(H), the Board of Supervisors may waive the requirement that windows, building entries or other façade elements be used to make each story visibly discernible if the applicant demonstrates to the satisfaction of the Board of Supervisors that the use of other architectural details would render the stories visibly discernible to an equivalent degree.
- G. *No structures within easements within setbacks.* No structures shall be established within easements located within setbacks.
- H. *Modifications or waivers to change maximum setbacks or minimum building façade break.* In accordance with the procedures stated in subsection 20B.3(I), the ~~director~~ Board of Supervisors may modify the ten foot front building setback and authorize the front building setback to be increased to up to 20 feet, may waive the maximum side yard setback and establish a different setback, and may waive the minimum building façade break and establish a different minimum building façade break. The Board of Supervisors may grant a waiver or modification in the following circumstances: (i) to allow outdoor café seating; (ii) to accommodate public spaces and plazas; (iii) where topography, easements, or unusual physical conditions make compliance with the requirement impracticable; (iv) where the required sidewalk and street trees are located on the lot instead of in a public right-of-way; (v) the strict application of the requirement would not further the purposes of this chapter or otherwise serve the public health, safety or welfare, and the waiver or modification would better achieve the goals of the comprehensive plan or provide a design that better meets the purpose and intent of the DCD; or (vi) the waiver or modification would allow the building to be consistent with the prevailing building pattern that has developed in the vicinity of the lot.
- I. *Procedure for modifications and waivers.* Applications for modifications or waivers (collectively, "waivers") authorized to be reviewed and acted upon by the Board of Supervisors pursuant to this section 20B shall be reviewed and acted upon according to the following procedure:
1. *Application.* The applicant shall file a written request with the department of community development stating why one or more of the applicable circumstances exist or criteria are satisfied to allow the waiver to be granted.
 2. *Action by the Board of Supervisors.* The Board of Supervisors shall act on the waiver request in conjunction with the county's action of the site plan, subdivision plat or special use permit or,

if no such action is required, within 90 days of the date the application was submitted and determined to be complete. The Board of Supervisors may grant the waiver if they determine that one or more applicable circumstances exist or criteria are satisfied. In granting a waiver, the Board of Supervisors may impose conditions deemed necessary to protect the public health, safety, or welfare.

- J. *Waiver to allow alternative location of parking area.* The parking area setback requirements in subsection 20B.3(A) may be waived as follows:
1. *Consideration by Board of Supervisors.* The Board of Supervisors may waive the parking area setback requirements in subsection 20B.3(A) and allow a parking area to be located between a street and a primary structure, subject to reasonable conditions that it may impose, upon a finding that:
 - a. There are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, narrowness or shallowness or the size or shape of the lot that make it impossible or unfeasible to provide parking to the side or rear of a primary structure;
 - b. The potential safety of patrons and employees cannot be achieved with adequate lighting and other reasonable design solutions; or
 - c. The strict application of the applicable regulations in subsection 20B.3(A) would not further the purposes of this chapter or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.
- K. *Terms defined.* The term "primary building" means the buildings or structures on a lot that comply with the minimum and maximum front yard setback requirements for a primary building as provided in subsection 20B.3(A). The term "secondary building" means any building or structure that is not a primary building on a lot containing at least one primary building.

(Ord. 08-18(3), 6-11-08; Ord. 10-18(1), 1-13-10; Ord. 21-18(5), 12-1-21)

Sec. 20B.7 Sidewalks and street trees.

For each development requiring approval of a site plan under section 32 of this chapter, sidewalks and street trees in the DCD shall be provided as follows:

- A. *Sidewalk design.* Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. Each sidewalk on Crozet Avenue, Three Notch'd Road and the street identified in the Crozet master plan as the new Main Street shall be at least ten feet wide. All other sidewalks shall be at least eight feet wide. See Figure 9.
- B. *Sidewalk ownership.* Each sidewalk, including street trees, proposed to be accepted for maintenance by the Virginia Department of Transportation, shall be dedicated to public use. Each sidewalk, including street trees, proposed to be privately maintained, shall be maintained by the owner of the lot on which the sidewalk and street trees exist or an owners association that is obligated to maintain the sidewalk and street trees. The agent may require that a sidewalk proposed by the developer to be privately maintained instead be dedicated to public use if the agent determines that the sidewalk serves a public purpose and there is a need for the sidewalks to be publicly owned and maintained.
- C. *Street trees.* Notwithstanding section 32.7.9.6 of this chapter, street trees shall be planted within grates on each sidewalk or in a planting strip abutting the sidewalk, spaced at a minimum of 25 and a maximum of 40 feet on center and the distance of each tree from the edge of the sidewalk shall be approved by the agent. Street trees shall be selected from a current list of recommended large shade trees, subject to the approval of the agent when site conditions warrant medium shade trees. See Figure 9.
- D. *Waivers from sidewalk and/or street tree requirements.* In accordance with the procedures stated in subsection 20B.3(I), the Board of Supervisors may waive the requirements for a sidewalk and/or street trees where the developer demonstrates that: (i) either the Virginia Department of Transportation prohibits establishing sidewalks and/or planting street trees or existing utility easements prohibit establishing sidewalks and/or planting street trees; (ii) there are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, the narrowness, shallowness, size or shape of the lot, or the width or alignment of the existing sidewalk, that make it impossible or unfeasible to provide the required sidewalk and/or street trees as provided in subsections 20B.7(A) and (C); or (iii) the strict application of the requirements of subsections 20B.7(A) and (C) would not further the purposes of this chapter or the DCD or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.

(Ord. 08-18(3), 6-11-08; Ord. 10-18(1), 1-13-10; Ord. 21-18(5), 12-1-21)

Ms. Price did not have any announcements.

Ms. LaPisto-Kirtley did not have any announcements.

Ms. Palmer did not have any announcements.

Ms. McKeel did not have any announcements.

Ms. Mallek said she would share with the Board information from other communities about how supporting the arts could be an economic development driver.

Non-Agenda Item. Closed Meeting.

At 7:41 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider:
 1. The annual performance of the County Executive; and
 2. The appointments to the Albemarle Conservation Easement Authority, the joint airport commission, the Albemarle Conservation Easement Appraisal Review Committee, and two advisory committees.

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.

Non-Agenda Item. Certify Closed Meeting.

At 8:25 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. 16. Boards and Commissions.

Item No. 16.1. Vacancies and Appointments

Ms. Price **moved** that the Board approve the following board and commission appointments:

- **Appoint** Caitlin Riopel to the 5th and Avon Advisory Committee.
- **Reappoint** Hamilton Moses and Peter Taylor, and appoint Sharon Merrick to the Albemarle County Easement Authority.
- **Reappoint** Steven Hiss to the Joint Airport Commission.
- **Appoint** Betsey Soulsby to the Solid Waste Alternatives Advisory Committee.

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. 24. Adjourn to December 15, 2021, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).

At 8:27 p.m., Mr. Gallaway adjourned the Board meeting to December 15, 2021 at 1:00 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16), “An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.” Information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors homepage.

Chair

Approved by Board
Date: 08/16/2023
Initials: CKB