

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 12, 2024, at 1:00 p.m. in Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; 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. Andrews.

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

Mr. Andrews introduced the officers present and Albemarle County Police Officers Andy Muncy and Dana Reeves.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. LaPisto-Kirtley **moved** to adopt the final agenda. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

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

Ms. LaPisto-Kirtley reported that she had received a presentation on Rivanna Station. She said that the work they were doing there was important. She said that it was nice to be out there on the beautiful land that hopefully would help veterans who were injured and suffering from PTSD (Post Traumatic Stress Disorder) once everything was up and running, after the Board of Supervisors approved everything.

Mr. Pruitt announced that this week marked the last week of early voting for the congressional primaries. He reminded everyone that they can vote in person early at the County offices on 5th Street, not this office but the other one on 5th Street. He said that the voting was available during normal working hours, and importantly, for the last week, they kept it open through Saturday.

Mr. Pruitt reiterated that the polls will be open on Saturday for those who want to go and vote. He said that on June 17, Scottsville would celebrate Bateau Festival, a traveling festival that goes all up and down the James River. He said that despite rainy weather in the past two years, they were predicting clear forecasts this year. He said that it would be an exciting time as it marked the first clear skies in three years.

Mr. Pruitt announced that the Scottsville Boys and Girls Club would celebrate a major anniversary on June 21 from 5:00 p.m. to 7:00 p.m. at their location in Scottsville. He said that it was a very Scottsville-centered time of year. He said that one of his favorite events in the County every year was the Scottsville Fourth of July Parade. He said that for him it was the best thing to do in the Charlottesville metro area, including the entire County.

Mr. Pruitt said that people came from all over Southern Albemarle and surrounding Counties, such as Buckingham and Nelson. He said that it was a diverse and authentic spectrum of their country and community. He said that the parade was at 9:00 a.m., but the day started with the farmers market, which runs from 8:00 a.m. to 1:00 p.m. He said that there were additional flea markets and live music from 1:00 p.m. until 9:00 p.m., followed by fireworks.

Ms. McKeel said that the parade in Scottsville exemplified what parades should be. She said that it captured the essence of childhood memories that still exist today and was truly wonderful.

Ms. McKeel said that she wanted to thank the Board again for mentioning that Rivanna Water and Sewer Authority presented to their CACs (Community Advisory Committees). She said that she reached out to Jennifer Whitaker, Director of Engineering and Maintenance at Rivanna Water and Sewer Authority, who presented to her CAC this week. She said that the presentation was excellent, informative, and caught them up on the County's infrastructure status.

Ms. McKeel said that they had an interesting discussion about campers in their communities. She said that mobile campers had been a concern in her district due to inappropriate dumping of toilets. She said that at the meeting, she found out residents with campers can dump their toilet waste at Moores Creek Advanced Water Resource Recovery Facility, located at 695 Moores Creek Lane off Franklin Street. She said that as a camper entered the plant from the front gate, the dumping facility was immediately to the right.

Ms. McKeel said that campers generally did not have to pay a fee, but they required assistance from staff to discharge the waste. She said that the system operated 24/7, and there was a sign with a contact phone number for the operator if needed. She said that she shared this information because she was unaware of it before.

Ms. McKeel mentioned that another informative presentation they had was from Dan Eggleston, the Albemarle County Fire Chief. She said that the reason for inviting him was due to several fires in the community and safety concerns. She stated that the presentation was well-received by everyone present. She said that Chief Eggleston did an excellent job presenting to the CAC. She said that during this presentation, she discovered a topic that had been frequently discussed by the Board. She said that over the years, they had often talked about the issue of mulch fires started by cigarette butts being flicked out of windows and onto mulch beds at businesses along roadsides. She said that the fires required the fire department to respond and put them out.

Ms. McKeel said that Chief Eggleston informed her that his team was taking proactive measures in areas like Pantops and a few other places with businesses along roads with mulch beds and plantings. She said that they were encouraging business owners to replace their mulch beds with rock beds as a safety measure. She said that although cigarette butts on rock beds may not look appealing, rocks did not catch fire, which made them safer than flammable mulch beds.

Ms. McKeel said that Chief Eggleston had been successful in convincing business owners to switch out their mulch for gravel or rock as a precautionary measure. She said that she wanted to share these two points and express her gratitude towards Jennifer Whitaker and Dan Eggleston for their insightful presentations. She said that in fact, some attendees even commented that this was one of the best meetings they had ever attended, which she found encouraging.

Ms. Mallek said that she was grateful for the information Ms. McKeel provided about where to take waste from campers. She said that there had been a scary incident near the reservoir a few years ago.

Ms. Mallek said that it was the summer season for the Charlottesville Band, who would be performing at various locations for monthly concerts. She said that Monticello High School would host one this year, and the next concert was on June 30, which was the Family Pops concert at the Paramount. She said that the event was very popular among children of all ages, and last year, it was completely sold out with half the audience being kids, which was fantastic.

Ms. Mallek noted that it was parade season, not just in one location. She said that on June 29, the Saturday before the Fourth of July, it was the customary day for the Crozet Firemen's Parade. She said that this tradition had been going on for the past 70 years and began at 5:00 p.m. at Crozet Elementary School. She said that the parade would go through town, and afterward, attendees would migrate to King Family Vineyard for family events and fireworks after dark.

Ms. Mallek said that there was a new location this year for the post-parade activities, making it an interesting experiment, but she believed it would be great fun. She said that the scenery at King Family Vineyard was quite beautiful for watching fireworks over the mountains. She said that furthermore, on July 4 at 10:00 a.m., there would be the 28th Annual Earlysville Parade. She said that there would be the one-mile event taking place right down the middle of Earlysville.

Ms. Mallek said that she anticipated seeing their regular participants, such as soldiers, horses, decorated prams, and bicycles. She said that also provided at the dais was the annual report for the Virginia Career Works. She said that she wanted to emphasize that they had recently held a successful joint meeting between the Workforce Board and elected officials the previous day. She said that in this report, along with some current figures, there were also five-year statistics.

Ms. Mallek said that over 35,000 dislocated adult and youth individuals had either visited the workforce center or participated in training programs. She said that this led to over 2,500 job placements for these people, many of whom had been unemployed for an extended period. She said that additionally, more than 400 credentials were earned by students across various sectors, including health, light manufacturing, skilled trades, IT, cybersecurity, and logistics. She said that each qualifying student could receive up to \$5,500 in training funds.

Ms. Mallek said that she would direct their attention to a specific page in the report discussing per locality earnings. She said that the County contributed locality funds, approximately \$22,000 in the current year's budget. She said that as a result, over \$260,000 was returned to County residents through training opportunities within one year. She considered this a significant return and anticipated an even better outcome next year.

Mr. Andrews announced that on June 30th there would be a celebration at Simpson Park. He

said that this information was set slightly ahead in the meeting's schedule, as they would receive more details about the event when they discussed the proclamations, which were next on their agenda.

Agenda Item No. 6. Proclamations and Recognitions.
1Item No. 6.a. Proclamation Recognizing July 12, 2024, as John Henry James Day.

PROCLAMATION RECOGNIZING JOHN HENRY JAMES DAY

WHEREAS, the Albemarle County Board of Supervisors has committed to sharing an inclusive history of our County as a part of our Community Remembrance Project, which includes untold and unsavory stories that have been excluded from the dominant narrative; and

WHEREAS, after the Reconstruction era in the United States, the crime of lynching succeeded slavery as a means to uphold racism and white supremacy; and

WHEREAS, John Henry James was one of at least 84 people lynched during the period of 1877-1950 in Virginia, and most importantly, the national Equal Justice Initiative has determined and documented that it was in Albemarle County where Mr. James' body was shot dozens of times and his corpse left hanging in public for hours; and

WHEREAS, no one was ever punished for this injustice that occurred in Albemarle County on July 12, 1898, though it happened at the hands of over 150 unmasked white men in the presence of the county sheriff and police chief; and

WHEREAS, it is a new era in Albemarle County and the Board of Supervisors recognizes that a history of racial injustice must be acknowledged, recognized, and remembered for community healing and that July 12, 2024, marks the 126th anniversary of the lynching of Mr. John Henry James; and

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize this tragic anniversary and continue to declare July 12th, as John Henry James Day, initially established by the Board in 2021 to remember our shared community history and as a demonstration of our commitment never to forget or to repeat this tragedy.

Signed this 12th day of June 2024.

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Mr. Pruitt **moved** to adopt the Proclamation Recognizing July 12, 2024, as John Henry James Day and read the proclamation aloud. Ms. McKeel **seconded** the motion.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Mr. James Hingeley, Commonwealth's Attorney, accepted the proclamation. He stated that this proclamation was part of the community remembrance project. He said that there were other aspects of the community remembrance project that he believed were important for the community to be aware of, such as the historical marker related to the John Henry James lynching in Court Square. He said that the County had supported the collection of soil from the lynching site, which was displayed at various locations around the County along with information about the lynching. He said that this proclamation was one part of a broader effort for the community to remember its past racial injustice.

Mr. Hingeley mentioned another aspect of the community remembrance project that he was fortunate enough to participate in last year. He said that it involved bringing a motion to dismiss the indictment against John Henry James in the Circuit Court of Albemarle County as the Commonwealth's Attorney. He said that this court proceeding created another form of record of this past injustice, which was now included in the record books of their local circuit court.

Mr. Hingeley noted that one detail from this incident in history that stood out to him was that the lynching was supported by the legal system. He reiterated that it was not an event outside the legal system; rather, it was a part of it. He said that it was a difficult truth but an accurate one. He said that as the proclamation indicated, the perpetrators of this injustice, this racial terror lynching, were known to the community. He said that however, no law enforcement official, no public official, and no prosecutor took any action to bring the perpetrators to justice.

Mr. Hingeley said that in addition, his predecessor, Micajah Woods, who was in office in 1898, convened a special grand jury specifically for the purpose of issuing an indictment against John Henry James. He said that the indictment was unfounded, as it expressed the position of the legal system that this lynching was justified. He said that an indictment was issued against John Henry James posthumously, which was a highly irregular procedure.

Mr. Hingeley said that they could tell from the historical record that this occurred on the basis of no credible evidence that he was involved in this alleged crime that led to his lynching. He said that he

wanted to sum up the indictment by stating from the court order that Judge Higgins entered when the indictment was dismissed, clarifying that the indictment was not intended to be, and did not serve as an instrument of justice, but rather was used corruptly to sanction the racial terror lynching of John Henry James.

Mr. Hingeley said that as they remembered this on this occasion and throughout the year, they acknowledged this past injustice in their community. He said that in acknowledging and recognizing and remembering this past injustice, it served to help them all re-dedicate themselves to building a future where such injustices could not take place. He thanked the Board of Supervisors for its work in issuing this proclamation and the other work they were doing to keep the remembrance of this terrible event in front of the community.

Ms. LaPisto-Kirtley said that she was glad that they had corrected the record last year, but ideally, such corrections should not be necessary because these past actions should never have happened. She said that whether it occurred in 1889 or 1939 or 1945, such incidents should never have taken place. She emphasized the importance of remaining diligent in ensuring that similar events do not happen ever again. She expressed her concern and apprehension for their country, as she feared that similar events could occur in the future.

Ms. LaPisto-Kirtley said that they were gathered to honor John Henry James Day, a person who deserved recognition and remembrance as an example for all human beings to give respect to everyone. She said that unfortunately, he did not receive the respect he deserved, which made this occasion particularly sad for her personally. She said that she was grateful for their presence and that of everyone else in attendance so they could honor John Henry James together. She thanked Mr. Hingeley for coming.

Mr. Gallaway thanked Mr. Hingeley for attending the meeting. He emphasized the importance of acknowledging past complicity, as they were now representing the offices and boards involved. He said it was crucial for them to accept responsibility for their actions in the past. He said that the steps they were taking were a demonstration of their efforts to make amends.

Mr. Gallaway said it would be naive to assume that elected officials and government representatives at the time did not contribute to the situation, given the timing of events. He said it was unsurprising that no prosecution occurred, as those in power were complicit. He said they needed to officially recognize this and take responsibility for their actions, including those of Mr. Hingeley's office, the Board, and likely the Sheriff and Police Chief as well. He said that he greatly appreciated Mr. Hingeley's presence and his commitment to addressing these past actions.

Mr. Pruitt thanked Mr. Hingeley for being present at the meeting. He said that lawyering, particularly trial lawyering, was about narrating a story. He said that it was not about reciting laws; instead, it involved crafting and presenting the story as one understood it to the community so they could make their judgment on it. He acknowledged the role of Mr. Hingeley's office, along with Judge Higgins, Professor Schmidt, and other members of the community, in rebuilding and presenting the lost narrative to the public for reflection.

Mr. Pruitt said that this proclamation and the establishment of this day moving forward were part of that ongoing process of storytelling. He mentioned his experience in the courtroom. He said that he arrived late and sat in an overflow room on the third floor, watching a simulcast with poor sound quality. He said that the entire court building was packed with people who wanted to show up for racial justice and confront this historical injustice.

Mr. Pruitt emphasized that the momentum and energy generated should be used to recognize that courts face racial injustice daily. He said that it was systemic and rooted in history, continuing to manifest in current practices. He said that the same week the motion to dismiss the indictment occurred, there were also 27 evictions processed through that court building. He said that in Virginia, it was known from data that evictions did not solely track poverty levels or community disintegration; they tracked race, making individuals more likely to be evicted if they were Black.

Mr. Pruitt said that nationally, drug convictions primarily tracked race rather than drug use or income rate. He said that the rates of parole denial, sentences exceeding recommended guidelines, and children burdened by court debt, often for crimes they were not convicted of, all tracked directly with race, disadvantaging the Black community. He said that Mr. Hingeley's office worked on addressing the hundreds or thousands of criminal records without convictions that still affected employment and housing opportunities.

Mr. Pruitt said that although he did not know the data on the racial impact, observing the processes revealed a majority of affected individuals to be Black. He acknowledged that Black history was ongoing and needed continuous reflection. He said that he appreciated the work Mr. Hingeley's office was doing and the work this Board and the police force were doing to grapple with this history and bring them in a new direction. He said that he hoped they could collaborate to confront these challenges daily with the same energy as in Charlottesville Circuit Court the day that John Henry James' indictment was dismissed. He said that he hoped they had that energy every day when they confront these issues.

Ms. McKeel thanked Mr. Hingeley for all of the work he had done over the years. She said that she would like to discuss the Equal Justice Initiative Museum in Montgomery, Alabama. She said that it was a very moving memorial, and while a large contingency from Albemarle County had visited it, she

encouraged everyone to see it if they had not already. She said that it was very impactful. She said that Black history was American history, and they must embrace that. She said that it was concerning to see some of the current events happening in their country. She said that they went through years of desegregation, only to see many communities becoming resegregated.

Ms. McKeel said that it was not a good place to be. She said that it was very exciting that they were able to install the historical marker for this lynching at Court Square, which was an appropriate place for it to be. She said that there was also discussion about installing a second historical marker on Route 250 west at the location where the lynching actually occurred as a way to better inform the community as well as tourists about the event. She asked if they could possibly explore adding another marker at the lynching location. She emphasized that the annual acceptance of this proclamation was critical for their community to remember its history.

Ms. Mallek thanked Mr. Hingeley for his leadership throughout this process, which was beneficial to the entire community. She said that her parents moved to Virginia in 1942 and she grew up here, but there were many things they did not teach her in school. She said that she graduated from Albemarle High School in 1967, but lynching and the associated terror were not included in her history classes. She acknowledged that she still had much to learn individually and promised to do her part to do better in the future and show up for justice and citizens' service every day.

Mr. Andrews thanked Mr. Hingeley for being here and sharing this story with all of them. He said that it was essential to remember the good and bad of their history. He said that actions meant that they must do better. He said that continuing to find ways to root out systematic injustice was essential. He said that he read a New York Times article this morning about a real estate transaction in Virginia Beach where the seller tried to back out based on the race of the buyer. He said that the article featured extensive quotes from Brenda Castaneda, who formerly worked at Legal Aid Justice Center. He said that there was much work to be done, and he appreciated the reminder.

Item No. 6.b. Proclamation Recognizing June 19, 2024, as Juneteenth.

PROCLAMATION RECOGNIZING JUNETEENTH

WHEREAS, the County of Albemarle, in keeping with the core principles of our great United States of America, believes that all persons are created equal and possess unalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS, on June 19, 1865, more than two years after the Emancipation Proclamation was signed to free all enslaved people, enslaved Americans in Galveston, Texas, were finally told that they were free from the bondage of slavery and were, for the first time recognized as citizens of our Nation; and

WHEREAS, Black Americans came to commemorate this day as Juneteenth with celebrations across the country, building new lives and a new tradition that we honor today; and

WHEREAS, the Board of Supervisors recognizes the enduring cultural and historical significance of emancipation, acknowledges the universally cherished values of liberty and justice, and emphasizes our common humanity; and

WHEREAS, the Board of Supervisors encourages all persons in Albemarle County to recommit to our shared work to ensure racial justice and equity and to commemorate the centuries of struggle and progress led by educators, civil rights advocates, abolitionists, activists, lawyers, trade unions, religious leaders, public officials, and everyday Albemarle County residents who have brought us closer to fulfilling this promise.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors do hereby recognize June 19, 2024, as Juneteenth and celebrate the joy of people finally being free.

Signed this 12th day of June 2024.

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Mr. Andrews moved to adopt the Proclamation Recognizing June 19, 2024, as Juneteenth and read the proclamation aloud. Ms. Mallek seconded the motion.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Ms. Marnita Simpson Shepherd, UVA Law Librarian, accepted the proclamation. She said that she was the third great-granddaughter of James Elias Simpson. She acknowledged that there were countless African American Albemarle County residents who should be heralded alongside Simpson, who deserved to have their sacrifices and hardships recognized. She said that due to time constraints, she would focus on one for now, James Elias Simpson, who lived from 1875 to 1950.

Ms. Simpson Shepherd stated that his significant contributions as an entrepreneur, successful

merchant, and substantial landholder at a time when most Black Albemarle County residents could not read or write due to racism and subjugation. She said that they felt it was appropriate to acknowledge his contributions to the County. She said that Simpson Park, located in Esmont, would commemorate Juneteenth on June 30 at 4:00 p.m. on Sunday afternoon. She said that she spoke for those who came before them, those present, and those following.

Ms. Simpson Shepherd said that this recognition of Juneteenth was a momentous day in the history of Albemarle County. She said that they believed that their ancestors did not suffer labor and struggle in vain, and this event proved it. She said that friends, family, and community members stood as witnesses to this historic moment. She said that she liked to imagine that the souls of those who endured, so that they may live freely, flew even higher and lighter on this day of recognition.

Ms. LaPisto-Kirtley thanked Ms. Simpson Shepherd, and everyone present at the event with their family and friends. She emphasized that Juneteenth was an important occasion not only for African Americans but also for all of America. She said that the proclamation of this day as a holiday was joyful, as recognition and celebration were vital for significant days in American history. She said that in her view, Juneteenth marked another crucial milestone in the nation's history.

Mr. Gallaway thanked Ms. Simpson Shepherd and everyone for their attendance. He said that this year the phrase in the John Henry James Proclamation stated, "racial injustice must be acknowledged, recognized, and remembered for community healing." He said that thinking about an article published by the Association for Supervision and Curriculum Development was moving from equity awareness to action. He said that a portion of it read that the bigger point was that awareness, remembering, reflection, and recognition did not translate to action.

Mr. Gallaway said that as a policymaker, it was important for himself to share that he had been trying to reflect on for 30 years. He said that in this article, it stated that it was an expression of entitlement for those who were white or of other privileged identities to embrace the personal growth of awareness without upending the conditions they were trying to understand better. He said that it was an even bigger expression of entitlement when they keep circling back to awareness-building as a tactic to avoid deeper equity and justice work.

Mr. Gallaway said that he did not believe that Albemarle County was embracing awareness in that fashion, but it was important for him to continue to remind himself that they could only reflect and be aware of something so much, and that action must happen. He said that as someone who was an elected official and policymaker, everything they consider from land use, budget, and programming resources, must be decided on with these thoughts. He said that the proclamations today helped him reflect on that quite a bit.

Mr. Pruitt thanked Ms. Simpson Shepherd and everyone joining them for this proclamation. He said that he would like to refer back to a statement made by Supervisor Mallek regarding her lack of knowledge about the history of racial terror in the United States during the 1970s. He acknowledged that he too, having graduated more recently, did not learn much about these topics. He said that the celebration of Juneteenth was brought up, and he challenged everyone to raise their hand if they knew about it 15 years ago and that most Black Americans were not truly free for a significant period after the Emancipation Proclamation.

Mr. Pruitt said that in a recent conversation with his father, he discovered his own lack of knowledge about the Tulsa Massacre despite being well educated. He admitted to only learning about Juneteenth around the time of an episode in Atlanta that featured a Juneteenth party. He said that to Mr. Gallaway's point, it was essential to move beyond understanding and appreciation towards action. He emphasized the need for providing basic education on this history to white individuals in decision-making roles so they can internalize it and determine necessary actions. He expressed excitement about the growing national awareness and understanding of these issues.

Ms. McKeel thanked everyone for being here. She said that she appreciated Ms. Simpson Shepherd's family's part in Simpson Park and her family's contributions. She said that she agreed with Mr. Pruitt that she did not know about the Tulsa Massacre either, and it was so important that they remember that Black history is American history, and it must be taught. She said that the Board was doing a good job of supporting the school system in Albemarle County to teach history accurately, but there was a lot more work to be done.

Ms. McKeel said that it was striking that while discussing John Henry James and Juneteenth, the last lynching recorded in the United States was in 1981. She said that it was shocking to her that she had graduated from college and had started a family while lynchings were still occurring in this country. She thanked Ms. Simpson Shepherd for being here and for their lovely park. She said that they must continue to teach Black history.

Ms. Mallek thanked all the Albemarle County natives for being present today. She said that equality and equity had been so difficult to achieve throughout their nation's history due to the lack of action mentioned by her colleagues. She said that while their community had been working hard, they had a lot to learn and much more to do going forward to ensure opportunity for all and make those founding documents they did all study in school actually real.

Mr. Andrews said that he agreed with the comments made by his fellow supervisors. He said that he appreciated everyone who came out for this proclamation. He reminded everyone that June 30 would

be the Juneteenth celebration at Simpson Park.

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

There were no speakers.

Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that he would point out, with respect to Item 8.2, there was a revised form of the motion distributed, simply because the previous motion referred to changes on the Attached Personnel Policy Manual, but the changes were simply repeals of particular policies, so there was actually nothing to be attached.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Item No. 8.1. Approval of Minutes: September 7, 2022.

Ms. LaPisto-Kirtley had read the minutes of September 7, 2022 and found them to be in order.

By the above-recorded vote, the Board approved the minutes of September 7, 2022, as read.

Item No. 8.2. Personnel Policy Amendments.

The Executive Summary forwarded to the Board states that Albemarle County ended the shared service Human Resources (HR) model in Fiscal Year 2023 (FY 23) and approved the formation of a HR Department dedicated to local government operations. Foundational work in establishing a government-focused HR Department includes a full review and revision of all County Personnel Policies, which is now underway. During this review, staff identified opportunities to modernize existing Personnel Policies to align with changes in legislation and public sector best practices.

Under the County Code, personnel policies and amendments are adopted by the Board of Supervisors.

The following personnel policies are proposed to be repealed, as they are no longer relevant, as described below.

§P-01 Employee Relations Principles

Repeal P-01. The policy, last review in 1993, states that the Board of Supervisors is the employer of all county staff and that the Board chooses to follow the personnel policies it has already adopted. This policy further states that Equal Opportunity Employment is merely a guiding principle. The content of this policy is no longer aligned with current regulations or relevant in light of more modern personnel policies.

§P-07 Personnel Policies and Goals

Repeal P-07. The policy, last reviewed in 1993, states that all personnel policies adhere to Federal and State law, which is language that is already included in each individual policy. The policy also lists the responsibilities of a Human Resources Office and Personnel Employees. The responsibilities outlined in the policy no longer include all of the functions of Human Resources and the County does not have a Human Resources Office with Personnel Staff. This policy is no longer relevant.

§P-20 Personnel Funded Through Other Than County Budget

Repeal P-20. The policy, last reviewed in 1993, states that employees of agencies for which the County is the fiscal agent, must follow all personnel policies and procedures. This language is contradictory to several memorandums of agreement the County has in place with partner agencies and elected officials. This policy also includes guidance for administering grants associated with personnel, which is a function of the Budget Office. This policy is no longer relevant.

§P-42 Staff Representation on Committees and Task Forces

Repeal P-42. The policy, last reviewed in 1993, documents procedures and advice on how to form and lead committees and teams. This document is procedural guidance and does not constitute a personnel policy.

There is no budget impact associated with the proposed adoption of these amendments.

Staff recommends that the Board adopt the Resolution (Attachment A), to repeal policies § P-01, § P-07, § P-20, and § P-42.

By the above-recorded vote, the Board adopted the Resolution (Attachment A), to repeal policies § P-01, § P-07, § P-20, and § P-42:

RESOLUTION

WHEREAS, the Board of Supervisors has adopted personnel policies and procedures in the Albemarle County Personnel Policy Manual (the "Manual"), which adoption is codified in Albemarle County Code § 2-901; and

WHEREAS, the Board desires to repeal the following policies in the Manual: §P-01 Employee Relations Principles, §P-07 Personnel Policies and Goals, §P-20 Personnel Funded Through Other Than County Budget, and §P-42 Staff Representation on Committees and Task Forces.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Albemarle County, Virginia (the "Board"), hereby repeals the following policies in the Manual: §P-01 Employee Relations Principles, §P-07 Personnel Policies and Goals, §P-20 Personnel Funded Through Other Than County Budget, and §P-42 Staff Representation on Committees and Task Forces.

BE IT FURTHER RESOLVED that the Board reaffirms all other personnel policies and procedures in the Manual, previously adopted by the Board, all of which remain in full force and effect.

Item No. 8.3. Request for Easements on County Property Adjacent to 999 Rio Road.

The Executive Summary forwarded to the Board states that 999 Rio Road is a residential project whose Neighborhood Model District (NMD) rezoning the Board approved on March 4, 2020. The Board subsequently approved an amendment to the NMD on May 3, 2023. The developer previously approached County staff to request a water and sewer line easement across the adjacent County-owned Parcel 062F0-00-00-000E2, which serves as an emergency access between Rio Road East and Shepherds Ridge Road. Following a public hearing on June 2, 2021, the Board authorized that easement. Since that hearing, the developer has requested additional grading and public utility easements on the County's parcel.

Virginia Code § 15.2-1800 requires a public hearing prior to the conveyance of most County-owned property, including these proposed easement interests. A proposed subdivision plat (Attachment A), currently under review with staff, shows the location of the proposed public utility and grading easements on County-owned Parcel ID 062F0-00-00-000E2.

The County would receive the estimated fair market value for the easement. This amount would be determined in consultation with the County Assessor prior to the public hearing(s).

Staff recommends that the Board of Supervisors adopt the proposed resolution (Attachment B) to authorize public hearing(s) on this request.

By the above-recorded vote, the Board adopted the proposed resolution (Attachment B) and authorized the Clerk to schedule public hearing(s) on this request:

RESOLUTION APPROVING THE SCHEDULING OF PUBLIC HEARING(S) ON THE PROPOSED CONVEYANCE OF EASEMENTS ACROSS COUNTY-OWNED PARCEL 062F0-00-00-000E2

WHEREAS, the County owns Parcel 062F0-00-00-000E2 between Rio Road East and Shepherds Ridge Road;

WHEREAS, the developer of 999 Rio Road has requested that the County grant grading and public utility easements across the County-owned Parcel; and

WHEREAS, *Virginia Code* § 15.2-1800 requires public hearing(s) prior to the conveyance of these interests in County-owned real property;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the scheduling of public hearing(s) on this proposal.

Item No. 8.4. SE202300034 Nix Way Tier II Wireless (1863 Thomas Jefferson Parkway).

The Executive Summary forwarded to the Board states that the applicant has requested a special exception to modify County Code § 18-5.1.40(b)(2)(b), which requires that wireless antenna size not exceed 1,400 square inches. This special exception would increase the antenna size from 1,400 square inches to 1,882 square inches for a proposed antenna array at an existing wireless facility at 1863 Thomas Jefferson Parkway. The applicant's special exception request (Attachment A) and staff's analysis (Attachment B) are attached.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve the proposed special exception, provided that no antenna exceed 1,882 square inches in size.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment E) to approve the proposed special exception, provided that no antenna exceed 1,882 square inches in size:

**RESOLUTION TO APPROVE SE 2023-00034
NIX WAY TIER II WIRELESS**

WHEREAS, upon consideration of the memorandum prepared in conjunction with the SE2023-00034 Nix Way Tier II Wireless application and the attachments thereto, including staff's supporting analysis, any comments received, all of the relevant factors in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the County's zoning regulations to at least an equivalent degree as the specified requirement and that the proposed special exception would not have adverse visual impacts.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(b) on Parcel 09200-00-00-056B3, as specified in the SE 2023-00034 application, provided that no antenna exceed 1,882 square inches in size.

Item No. 8.5. Fiscal Year 2025 Appropriations.

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

The total change to the Fiscal Year 2025 (FY 25) budget due to the appropriations itemized in Attachment A is \$0. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

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

Appropriation #2025001

Sources:	General Fund – Office of the Sheriff (currently appropriated)	\$(201,639)
Uses:	General Fund - Reserve for Contingencies	\$201,639
Net Change to Appropriated Budget:		\$0

Description:

As part of the FY 25 budget development process an additional Full-Time Equivalent (FTE) position was added to the Sheriff's Office. This request is to remove authorization for that FTE and transfer the funds budgeted for personnel, equipment, and supplies associated with that position from the Sheriff's Office to the Reserve for Contingencies.

* * * * *

**RESOLUTION TO APPROVE
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2025001 is approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

* * * * *

APP#	Account String	Description	Amount
2025001	4-1000-23100-421800-110000-9999	SA2025001 Salaries-Regular	-\$63,904.00
2025001	4-1000-23100-421800-210000-9999	SA2025001 FICA	-\$4,889.00

2025001	4-1000-23100-421800-221000-9999	SA2025001 VRS	-\$9,854.00
2025001	4-1000-23100-421800-231000-9999	SA2025001 Health Insurance	-\$10,232.00
2025001	4-1000-23100-421800-232000-9999	SA2025001 Dental Insurance	-\$250.00
2025001	4-1000-23100-421800-241000-9999	SA2025001 VRS Group Life Insurance	-\$856.00
2025001	4-1000-23100-421800-610300-9999	SA2025001 Communications Equipment	-\$9,500.00
2025001	4-1000-23100-421800-331500-9999	SA2025001 Vehicles R&M	-\$2,071.00
2025001	4-1000-23100-421800-345100-9999	SA2025001 Health & Medical Services	-\$451.00
2025001	4-1000-23100-421800-345200-9999	SA2025001 Instructional Services	-\$806.00
2025001	4-1000-23100-421800-520300-9999	SA2025001 Telecommunications	-\$680.00
2025001	4-1000-23100-421800-432104-9999	SA2025001 Computer M&R/Software Licenses	-\$858.00
2025001	4-1000-23100-421800-530900-9999	SA2025001 Automotive Insurance	-\$784.00
2025001	4-1000-23100-421800-551100-9999	SA2025001 Education-Registration & Fees	-\$500.00
2025001	4-1000-23100-421800-551200-9999	SA2025001 Education-Meals & Lodging	-\$3,480.00
2025001	4-1000-23100-421800-551300-9999	SA2025001 Education-Travel	-\$50.00
2025001	4-1000-23100-421800-580100-9999	SA2025001 Dues & Memberships	-\$40.00
2025001	4-1000-23100-421800-600100-9999	SA2025001 Office Supplies	-\$100.00
2025001	4-1000-23100-421800-600800-9999	SA2025001 Vehicle & Equip. Fuel	-\$6,400.00
2025001	4-1000-23100-421800-601000-9999	SA2025001 Public Safety Supplies	-\$9,590.00
2025001	4-1000-23100-421800-601011-9999	SA2025001 Ammunition	-\$1,200.00
2025001	4-1000-23100-421800-601100-9999	SA2025001 Uniforms & Apparel	-\$4,900.00
2025001	4-1000-23100-421800-610200-9999	SA2025001 Furniture & Fixtures < \$10k	-\$200.00
2025001	4-1000-23100-421800-610700-9999	SA2025001 Technology Equipment < \$10k	-\$5,500.00
2025001	4-1000-23100-421800-800500-9999	SA2025001 Motor Vehicles	-\$46,000.00
2025001	4-1000-23100-421800-800502-9999	SA2025001 Motor Veh-Extra Equipment	-\$18,544.00
2025001	4-1000-94000-499000-999990-9999	SA2025001 Reserve for Contingencies	\$201,639.00

Item No. 8.6. VDOT Monthly Report (June) 2024, ***was received for information.***

Agenda Item No. 9. **Action Item:** Broadway Blueprint: Phase 2 Study, Presentation of Final Draft.

The Executive Summary forwarded to the Board states that, in 2019, the Board initiated the Broadway Blueprint economic revitalization study as part of the County’s investment in the Woolen Mills redevelopment and related WillowTree corporate campus relocation project. The study recommended, and the Board approved, a Phase 2 effort entitled the Broadway Corridor Phase 2 Implementation Study.

The planning effort is focused on the Broadway Street area, near the Wool Factory. Phase 2 is focused on developing actionable recommendations/implementation strategies for physical improvements to the corridor and business development/retention efforts, and will also provide recommendations related to land use.

A mid-point update was provided to the Board on February 7, 2024. At that meeting, the consultants presented their assessment of the area and their direction for strategies, described as “Observations” and “Opportunities.” The Board provided comments and direction on their work. The strategies found in the final draft of the study provided here are consistent with the midpoint Observations and the input/direction received from the Board.

The consultants and County staff will provide an overview of the study’s findings and recommended strategies.

The implementation strategies identified in this study are designed to promote Broadway’s continued economic vitality, guide placemaking, transportation, and land use investments, and to support Broadway businesses, tenants, and artisans in adapting to a changing business environment.

The Broadway Blueprint Phase 2 Study recommends physical improvements and policy and regulatory changes that aim to support the economic vitality of the Broadway area. The Study focuses on creating a blueprint for short- and long-term implementation steps that support each of the focus areas within Broadway. The Phase 2 Study also considers ways to leverage past investment, local interest, and economic opportunity within Broadway to further the County’s Economic Development Strategic Plan (Project ENABLE).

The community engagement process for the study was focused on receiving input from property owners and businesses located within the study area. Five open houses (including one “pop-up”) were held during the study period. Multiple meetings were also held with Charlottesville Neighborhood Development Services Department staff to discuss the project and study area.

The study and its strategies will be used as a guide for policy decisions and resources investments in the Broadway corridor study area, and as a resource to help inform the AC44 Comprehensive Plan update, the Zoning Ordinance modernization effort, future Southern + Western Development Area Master Plan updates, public project planning/implementation efforts, and Economic Development Office and Community Development Department work program initiatives.

There is no budget impact associated with the acceptance of this study. Future implementation of the strategies contained in the study will require funding and/or commitment of staff resources to implement.

Staff requests that the Board accept, endorse, and refer the Broadway Blueprint Phase 2 Study to the Economic Development Office and Community Development Department for consideration and implementation.

Mr. David Benish, Development Process Manager, said that he was the project manager for this study, along with assistance from J.T. Newberry from their Economic Development Office. He said that today's meeting aimed to present the final draft of the Broadway Blueprint Phase 2 Implementation Study, which they viewed as a final check-in with the Board on this study.

Mr. Benish said that Rachel Falkenstein from 3TP Ventures, one of their two consultants working on the project, would be presenting the study in just a minute. He said that Daniel Hyer from Line + Grade Civil Engineering, their other consulting firm, was also present. He said that various staff from their Economic Development Office were available to respond to any questions or comments the Board might have during the meeting.

Mr. Benish explained that their goal for the day was to receive general agreement and consensus from the Board on the draft study and to receive any direction on refinements to the strategies that the Board deemed necessary. He said that staff planned to share the final draft document study along with an index of background data, currently being compiled, and provide suggested changes based on the feedback received during the meeting.

Mr. Benish said that the full document would be provided to them in an upcoming consent agenda item for official approval. He said that they were looking for general agreement on the plan or any comments from the Board that day, after which they would forward a final document for formal action. He said that Ms. Falkenstein would then take them through the study, primarily focusing on the first five-year recommendations but welcoming questions about the entire study.

Rachel Falkenstein, Project Manager with 3TP Ventures, said that she would present the final draft report of the Broadway Blueprint Phase 2 implementation study. She said that the focus would be on short-term and integration strategies, although long-term strategies were also included in the provided materials. She said that they were prepared to answer questions regarding those if necessary.

Ms. Falkenstein said that the agenda for the day involved a brief background and status update of their work since the last meeting, followed by an in-depth discussion of the strategies, and finally, time for input, questions, and discussions from the Board members. She explained that the study area was located southeast of Charlottesville, near the confluence of the Rivanna River and Moores Creek, with Broadway Street bisecting the 62-acre area. She said that Woolen Mills and Carlton were the adjacent city neighborhoods to the west.

Ms. Falkenstein said that the project goals aimed at creating a menu of implementation strategies for the Board's use in support of connectivity, placemaking, and economic vitality within Broadway. She said that they intended to build upon past investments made in the area by both the private sector and local government while capitalizing on the unique location and assets of this area. She said that engaging with all area stakeholders was a priority.

Ms. Falkenstein said that their work built upon a Phase I study the County completed in 2019 and 2020. She said that the Phase I study had three parts: a kickoff for listening and information gathering, a midpoint review in February where they shared observations and opportunities, and today's presentation of final recommendations, which was still a draft as they needed the Board's input.

Ms. Falkenstein said that in the February meeting, several themes emerged. She said that the Board emphasized prioritizing industrial land uses within the area to maintain it as an industrial area for Albemarle County. She said that there should be no large-scale residential integration due to potential tensions and displacement concerns. She said that they proposed an arts and cultural district to support local artisans and studio spaces, which received support.

Ms. Falkenstein said that recommendations were suggested to improve Broadway for pedestrian and bicycle facilities; however, coordinating with Charlottesville was highlighted as important since Broadway requires traveling on City streets. She said that throughout each phase of their work, they engaged various stakeholders, including residents in Broadway, tenants, property owners, developers who own property in the area and were interested in opportunities for their property.

Ms. Falkenstein said that throughout each phase, they heard from a wide spectrum of folks and stakeholders within Broadway. She said that some themes that emerged included concerns about

displacement, especially among tenants who did not want to see their rent increase due to gentrification and a desire for more access to amenities. She said that pedestrian improvements have been a significant theme in the area, and people generally wanted it to maintain its industrial nature. She said that there had been mixed support for residential development. She said that two areas of focus for residential were along Franklin Street and Pireus Row.

Ms. Falkenstein said that they would discuss strategies, focusing on short-term and integration strategies that require partnerships. She said that although they had not put a time frame on these integration strategies, they were all equally important, and it was the County's role to be ready and available to partner when opportunities arose. She said that starting with their short-term strategies, the first five strategies she would cover today were part of ongoing processes or things that had already been done.

Ms. Falkenstein said that Strategy 1.1 was to maintain industrial land use and zoning in areas where it currently existed today. She said that 1.2 was to address an area along Pireus Row and Marchant Street, circled on both maps. She said that in their Comprehensive Plan future land use map, these parcels were identified for residential development in the future; however, their current zoning was for light industrial zoning. She said that it was recommended that the Board consider residential zoning on these properties. She said that the rationale for this was because they currently had residential uses, as there were people who currently lived here.

Ms. Falkenstein said that they talked to some of the folks who lived there, and they did not have a desire to leave or see their properties turned over to an industrial use. She said that all of these structures, except for one, were contributing structures to the Woolen Mills Historic District. She said that they suggested that the most effective approach to safeguarding these structures was to maintain them as residential properties since they were currently houses. She said that keeping them as houses seemed to be the best way to protect these resources.

Ms. Falkenstein said that regarding ongoing processes, they recommended considering these when updating their County-wide zoning ordinance. She said that they should first examine their light industrial zoning ordinance and requirements during this update. She said that they should see if there were opportunities to support industrial users, particularly by allowing them to capitalize on their locational assets, especially in areas with high foot traffic like Broadway.

Ms. Falkenstein said that they should find out if there could be chances for makers to sell their products and have expanded retail space alongside their industrial use. She said that it might also apply to tasting rooms for breweries. She said that they should consider relaxing parking requirements and formalizing opportunities for artisans and artistic uses within the industrial zoning category.

Ms. Falkenstein said that Strategy 1.4 was something to be addressed during the AC44 process. She said that it could be an opportunity to continue identifying other industrial land uses in the County. She said that the data and feedback from stakeholders indicated that there was a shortage of industrial inventory in Albemarle County, leading to displacement to neighboring areas.

Ms. Falkenstein said that they should continue to identify potential locations for industrial use. She said that Strategy 1.5 highlighted something that the Economic Development Office was currently working on. She said that it was referring to connecting with businesses in the Broadway area and addressing any issues that arose, ensuring that they stayed informed about their needs and maintain awareness of what was happening in this specific area.

Ms. Falkenstein said that Strategy 1.6 discussed new initiatives for the County within a one to five-year timeframe from study adoption. She said that this initiative focused on examining the area on Franklin Street, which she mentioned earlier. She said that the map at the bottom represented the Comprehensive Plan, future land use plan, and she had circled the properties they were discussing within their study area that were along Franklin Street. She said that one could see Franklin Street here and the city of Charlottesville on the west side had developable lands, but these properties were identified in the future land use plan as parks and green systems.

Ms. Falkenstein said that this aerial photo showed that the corner parcel of Broadway and Franklin Street was being developed now. She said that there were some slopes that front on Franklin Street that were currently preserved slopes, and there was a stone wall there as well. She said that they therefore were recommending an analysis of that to determine which portions of this land were actually developable, and updating their future land use plan, accordingly.

Ms. Falkenstein said that they should decide if it should be residential, should it be mixed-use, or if it should be industrial. She said that there was a use on the Carter's Bread building as well, and there was a portion of another parcel that was outside a flood plain that was also developable. She said that analyzing that land, looking at the resources, seeing if they should be protected or if there was an opportunity for redevelopment or reuse of this area and updating the future land use plan accordingly was recommended.

Ms. Falkenstein said that the next strategy, which was the arts and cultural district, served as an opportunity for the Board to adopt a regulatory policy to incentivize arts and cultural uses within Broadway. She said that there were several routes they could go with this. She said that they could provide grant funding, reduction of taxes, or provide permit flexibility. She said that it would have to be an additional process where they would do some engagement and include this within the ordinance. She

said that it was an opportunity to incentivize those artisans and perhaps make it a little bit easier for them to afford to stay within Broadway.

Daniel Hyer, engineer with Line + Grade, said that he would discuss strategies related to short-term placemaking and connectivity strategies. He said that the aerial image on the screen showed Broadway Street with an overlaid survey. He said that ACSA (Albemarle County Service Authority) planned a water line replacement project along Broadway Street. He said that they utilized ACSA resources for their work. He said that they discovered that ACSA would mill and resurface Broadway Street after completing the water line replacement. He said that this indicated a near-term opportunity to implement strategies, such as providing pavement markings since there were currently none on Broadway Street.

Mr. Hyer said that a computer-generated rendering of the street with white and yellow paint added was displayed in the top right image. He said that by adding pavement markings, they would delineate vehicular areas without affecting large vehicle movements, as per stakeholder feedback. He said that they planned to issue bid documents for pavement marking in June or August this year. He said that visible short-term strategy implementation could be expected soon, including pavement markings. He said that another item of importance would be developing a wayfinding plan for reaching Broadway.

Mr. Hyer said that as Ms. Falkenstein mentioned, the only way to get there was along City streets. He said that, based on what was happening in Broadway with its eclectic nature of arts and culture, as well as industrial and tenants like Willowtree, developing a brand identity for Broadway would be important. He said that this was an important area that needed an identity and needed to be known. He said that allowing that to happen would require specific integration and coordination with the City of Charlottesville.

Mr. Hyer said that identifying sign locations, where they wanted vehicles to be encountering signs, and how they wanted them to move through, in some cases, residential areas to find their way to Broadway was necessary. He said that regarding Item 2.3, Marchant Street, they discovered during their work that this street has been largely forgotten about. He said that there were no clear paths to ownership on Marchant Street. He said that it was not owned by the State, the County, the City, or any adjacent landowners.

Mr. Hyer said that there were no ownership records for it. He said that as a result, it had fallen into disrepair. He said that the asphalt was falling apart, there were drainage provisions; without intervention, it will only continue to deteriorate due to the decades it had already been neglected. He said that one of their recommendations was to consider converting Marchant Street into a private street. He said that by doing so, they could bring it up to current standards and provide additional safety and serviceability for that piece of infrastructure.

Mr. Hyer said that for Item 2.4, the primary way to access East Market Street in the County was through City streets, with East Market being the main route. He said that as currently constructed, there was no clear indication of what would happen when one leaves the City and enters the County on East Market Street, except for a dead end sign. He said that there was no delineation of how one should use that corridor. He said that they knew that they wanted to restrict movement, that there would be a lot of traffic, and that there needed to be specific and clear delineation of improvements for bicycle and pedestrian use along that roadway.

Mr. Hyer said that they needed to delineate how residents should move through the area with their vehicles. He said that this understanding was crucial in considering how this area connected to the future and planned Rivanna River Pedestrian Bridge, which would land one of its abutments in the vicinity of East Market Street here. He said that prioritizing and understanding broader movements of bicyclists and pedestrians through East Market into Broadway and then across the Rivanna was essential.

Ms. Falkenstein said that she would discuss integration strategies in the report's fifth section. She said that these strategies necessitated partnerships with other entities for completion and might not have been possible within a short timeframe. She said that some strategies, such as wayfinding with the City of Charlottesville, could potentially be realized.

Ms. Falkenstein said that Section 5.1 focused on finalizing pedestrian bridge design and location studies, which were currently underway. She said that once the design was chosen and implementation began, it was crucial to consider bike and pedestrian network access to the bridge. She said that East Market Street's narrow right-of-way and historical significance posed constraints, making it unsafe for vehicles, let alone bikes and pedestrians. She emphasized that a formal plan for accessing this regional amenity was necessary.

Ms. Falkenstein said that this strategy also involved implementing bicycle and pedestrian improvements along Broadway and East Market Street, taking into account parking and transportation methods for those on foot or bike. She said that additionally, East Market Street ran concurrently with the Rivanna Trail, so safe facilities were essential for pedestrians in these areas. She said that as they worked on the Rivanna River Pedestrian Bridge, they should prioritize bike and pedestrian movements, particularly along East Market Street.

Mr. Hyer said that the intersection of Broadway and Franklin shown in the image on the slide had some interesting opportunities for integration but required a fair bit of coordination with other stakeholders. He said that the computer-generated image displayed some improvements at that

intersection. He said that working to secure right-of-way along Franklin for future pedestrian improvements was necessary, as well as securing right-of-way along Broadway within an easement, which was not a publicly owned right-of-way. He pointed out that the right-of-way of Broadway did not begin until several hundred feet to the right of where that image currently cut off, providing opportunity for working to secure right-of-way in the vicinity of Broadway and Franklin.

He said that speaking of wayfinding and pedestrian safety and making intersections more friendly for all users, improving this intersection would include making it slightly more compact, clearly delineating pedestrian facilities, and also integrating that with wayfinding. He said that at this point, if someone had reached this intersection, they should clearly understand how to get to the Broadway District.

Mr. Hyer said that a slightly more compact, softer intersection could be a great place to integrate wayfinding. He said that it may funnel people toward Carlton instead of going underneath the one-way bridge beneath the Buckingham Branch Railroad. He said that he did not really foresee that the underpass would ever change significantly, as it was somewhat of a nook and cranny within the Charlottesville street network. He said that therefore, they should be thinking about how they could provide other ways for people to enter the City without necessarily having to go under that one-way underpass.

Ms. Falkenstein said that Mr. Hyer had mentioned Marchant Street in relation to short-term strategies. She said that at present, Marchant Street terminated at a closed railroad crossing. She said that prior to its closure within the past couple of years, the street had crossed over the railroads. She said that the Buckingham Branch likely shut it down due to the unclear ownership they had previously mentioned. She said that since there was no definitive ownership, they did not require permission to close it.

Ms. Falkenstein said that they recommended that the County explore during the upgrading of Marchant Street to a private street standard the potential for reopening the railroad crossing as a bicycle and pedestrian facility. She said that the Franklin Street underpass was unsafe for walking or biking. She said that it was very narrow, and there was limited space if a vehicle and person were passing simultaneously. She said that this could be an alternative route for cyclists and pedestrians to access City points such as Riverview Park or the future Rivanna River Pedestrian Bridge. She said that their recommendation was to collaborate with Buckingham Branch to investigate the possibilities for this crossing.

Mr. Hyer said that in the next image, there were four buildings visible. He said that these structures belonged to a small business complex located on Broadway Street. He said that at present, these buildings were connected to a forced sanitary lateral that transported their sewage up Broadway Street until it reached the top of the hill before entering the RWSA (Rivanna Solid Waste Authority) system. He said that this meant private infrastructure was situated within a public right-of-way, which restricted the capacity of these businesses.

Mr. Hyer said that the irony lay in the fact that there existed a sanitary sewer nearby, positioned downhill from where they were placed. He said that they could consider advocating for some landowners to establish inter-jurisdictional connections, as there was no reason for these properties to remain on a forced lateral system. He said that instead, they could connect to modern utility networks. He said that this would enhance services for tenants, owners, and residents along this corridor. He said that one concern raised was the prevalence of petty theft in the area, which was not uncommon. He said that collaborating with local police authorities to ensure regular patrols can help address this issue.

Mr. Hyer said that finally, they should consider future possibilities for transit between Broadway and downtown Charlottesville, whether through microtransit, JAUNT, or other mechanisms. He said that Willowtree's redevelopment, which contributed to a fund for future integration, served as an example of how coordination could benefit the area.

Ms. Falkenstein said that their final two points concerned being open to opportunities as time passed, properties changed hands, new businesses arrived, and existing businesses continued their grassroots placemaking efforts. She said that they had discussed this previously when they were in front of the Board. She said that grassroots placemaking was already taking place, with organizations hosting events and artist studios.

Ms. Falkenstein said that neighboring property owners had even talked about constructing a trail across their properties to connect adjacent to the railroad. She said that they advocated for the County to champion and support these efforts in ways that made sense for both parties. She said that there was a voiced desire for the County to avoid being overly intrusive and instead act as a partner, supporting ongoing work.

Ms. Falkenstein said that they suggested some ideas of what this could look like. She said that it may be formalizing trail networks initiated by property owners, providing support for arts, streamlining permitting for block parties and events. She said that property owners expressed interest in hosting block parties down there. She said that in the future, if an association were to organically form around these businesses, the County could provide support and partnership to a potential future business association in Broadway.

Ms. Falkenstein said that 5.6 was similar. She said that the County had already participated in a public-private partnership in Broadway. She said that they advised keeping an eye out for future

opportunities. She said that they heard a lot about a desire for some public space down in Broadway where people could gather and have a small pocket park or something similar. She said that it was recommended to remain open to potential opportunities in the future.

Ms. Falkenstein said that regarding the next steps for this project, Mr. Benish had mentioned that they would consider all input provided by the Board. She said that if adjustments needed to be made based on the given direction, they will do so and deliver a final report to the staff. She said that this report will be presented during a future consent for action on the agenda. She said that additionally, an appendix was being compiled with technical documentation related to some of the strategies discussed by Mr. Hyer. She said that they would also provide schematic designs that could be used for budgeting purposes or grant applications.

Ms. Falkenstein said that for the implementation process, if the Board agreed to accept and adopt the study, it would be handed over to the Community Development Department and Economic Development Office for implementation. She said that their team would complete the tasks required. She said that they had two remaining questions for the Board, which was whether there were any recommended changes to the strategies as written, and if they endorsed and accepted the study so they can finalize it for adoption.

Ms. LaPisto-Kirtley asked what the current status was on the Rivanna River Pedestrian Bridge.

Mr. Gallaway said that a RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant had been submitted for the planning stage in order to better understand the engineering costs of the project. He said that it could possibly qualify for another RAISE grant to pay for some of the construction costs after the planning study. He said that the location and other aspects remained the same.

Ms. LaPisto-Kirtley asked if they would be widening Broadway Street to accommodate pedestrians or if they would narrow the roadway to create a shoulder.

Mr. Hyer said that if the County should consider pursuing additional pedestrian improvements along the corridor, they had discussed this with VDOT, who were beginning to implement a program involving creating a walking shoulder defined as a pedestrian facility. He said that this option had certain ADA (Americans with Disabilities Act) requirements but was a more cost-effective alternative to traditional sidewalks, curbs, gutters, and drainage systems along Broadway. He said that the walking shoulder model seemed suitable for potential future pedestrian improvements in the area.

Ms. LaPisto-Kirtley asked if the streets were wide enough to give enough room for pedestrians.

Mr. Hyer said that in a number of places, there was. He said that there was an absence of asphalt all the way down Broadway, so there would be some improvements to make it more contiguous, but in some areas there was plenty of space currently available.

Ms. LaPisto-Kirtley said she liked what was presented.

Mr. Gallaway asked if the implementation and recognition of an arts and cultural district would inhibit any existing businesses in the area. He asked if all the businesses there fell within the definition of the district.

Ms. Falkenstein said that the purpose of the arts and cultural district was to facilitate spaces and opportunities for events related to arts and culture. She explained that if a traditional light industrial business operated in that area without engaging in arts and cultural activities, they would not benefit from the district's advantages. She said that such businesses would not be inhibited by their presence within the arts and cultural district.

Mr. Gallaway asked if they would need to pursue another strategy to keep those businesses in the area if they were not related to arts and culture.

Ms. Falkenstein said yes, that would be a separate issue.

Mr. Gallaway said that he believed the Economic Development Office should study that process. He asked if the County needed to take ownership of Marchant Street before they could do anything with the street.

Mr. Hyer said that he was not the only one to have said that. He said that an adjacent landowner was married to an attorney who had scoured the documentation, and there was no reference to ownership at all. He said that the most prudent ownership of the road should be discussed, but it certainly did need an owner.

Mr. Gallaway said that ownership must be established before they did anything further with the street, which was likely a legal issue they must analyze. He said that he supported the land use analysis on Franklin Street, which was a wise strategy.

Mr. Gallaway said that the report noted that the Broadway area was seen as an affordable area for industrial uses, but also that costs were rising and that businesses may seek more affordable locations in the County to provide a long-term value. He clarified that however, it was also acknowledged

in the report that there were very few industrial spaces in other areas of the County, so one could conclude that businesses forced out of Broadway due to rising costs would likely relocate outside of the County rather than to a different part of Albemarle. He said that this likely should be corrected within the report.

Mr. Gallaway said that establishing the arts and cultural district full speed ahead so the Board can get tools in place to encourage pedestrian infrastructure and block parties, and it would provide long-term stability to ensure they helped keep all of the businesses in the area. He said that he wanted to avoid displacing current residents but also was not interested in turning into a completely residential area. He said that he would approve of keeping the light industrial zoning in the area. He said that he endorsed all the strategies in the report.

Mr. Pruitt said that there were naturally occurring patterns of affordability benefiting both industrial and residential tenants due to closely related uses. He said that the uses were generally less expensive because they were less convenient for both, while inconvenient placemaking could sometimes lower values people were paying. He said that it was essential to consider possible consequences and have safeguards in place. He said that one immediate concern he mentioned was existing residential uses grandfathered in.

Mr. Pruitt said that he asked if they could get a sense of prevailing rents there, but unfortunately, they did not have that information yet. He said that observationally, some units might be considered NOAH's (Naturally Occurring Affordable Housing) due to their age and material readiness for residential purposes. He said that they cannot be easily redeveloped without interrupting their continuous use for residential purposes. He expressed concern about the possibility of aligning uses in this largely historic district, which had naturally occurring housing that was somewhat affordable.

Mr. Pruitt said that doing so could actually make it a good value proposition for redeveloping into more expensive units. He said that he was unsure of how the historic district intersected with this and how that might complicate or change the value proposition, but that was a possibility for displacement he would be worried about. He said that similarly, when discussing the arts and cultural district, it included galleries and breweries that had naturally occurred in this space. He expressed his interest in continuing to incentivize and help them grow and expand what they are able to do and create, forming more synergistic partners in the area.

Mr. Pruitt said that he was concerned that creating a business or tax incentive through the district might not necessarily benefit the existing businesses in the area but instead attract new investors looking for tax credits. He acknowledged that this scenario may not be guaranteed, but he was worried about whether their efforts would support the current businesses or create an attractive proposition for other uses. He acknowledged that he did not have solutions to this issue, but it was one of his primary concerns. He said that they identified all of these naturally occurring values in the community and some strategies could make it a compelling value proposition that might displace less experienced investors and interests.

Mr. Pruitt said that to address this, he suggested providing individual landowners, residents, and tenants with a navigating function to ensure they maximized the benefits from different parts of the plan. He said that he was excited for the planned fiscal improvements on Broadway but required more details about their specifics. He asked whether the walking shoulder element would come with a reduction in road length or width compared to VDOT standards or if it would simply conform to them. He said that he wanted to know if there were any plans to adjust the driving portion's width to discourage high-speed use.

Mr. Hyer said that the tarmac width would remain unchanged, so it would still appear broad. He said that pavement markings, white and yellow, provided visual cues for drivers to know where their cars should go. He said that some recent studies had suggested that Broadway sometimes deviated from these suggestions; however, studies indicated that adding pavement markings could actually encourage drivers to maintain speed due to the visual cue of knowing their position on the road. He said that removing pavement markings may cause confusion and lead to a decrease in speed as drivers questioned their location.

Mr. Hyer said that in the case of Broadway, he believed their current proposal was the correct strategy. He said that speeding was an issue at present, and there were no pavement markings. He said that by adding these markings, they could reinforce a visual cue that might be helpful for one person. He said that they would not narrow the physical properties of the street itself, thus preventing any vehicular turning movement challenges for large trucks.

Mr. Pruitt asked if rumble strips or speed bumps could be used in this area that would not negatively impact the large trucking in the area.

Mr. Hyer said that VDOT would have to be an active participant in the conversation about solutions. He said that rumble strips would likely not be parallel to the road but perhaps a line across the road to give a tactile cue at a certain point. He said that he would need to reflect on the implications of speed bumps in the area.

Mr. Pruitt said that he was confused about the path forward with Marchant Street. He asked if what was being proposed involved the County exercising eminent domain, taking it, and then hoping someone would want to take it from them, assuming no one would want to do this because they would have to pay for it.

Mr. Hyer said that designating a roadway as private implied it was not owned and managed by VDOT in this instance. He explained that the County could potentially be the owner of the private street. He said that the County may not favor this choice because owning the street would involve maintenance and improvement obligations. He said that because VDOT was unlikely to acquire or own this street, there needed to be a discussion about this matter specifically. He emphasized that it was essential to recognize who would eventually own that street.

Mr. Pruitt asked if the County were to acquire an interest in the street, there was a mechanism to convey that to VDOT.

Mr. Hyer said that VDOT was trying to do the opposite and give up their inventory.

Mr. Pruitt said that it would be odd for the County to do so because they were not primarily focused on roads and streets.

Mr. Hyer said that if it was not made into a private street or maintained in some form, it would only get much worse, and there were residents along Pireus Row. He said that they should consider safe access and serviceable roadways to those properties.

Mr. Pruitt said that he was also concerned that the pattern of development within the community resulted in unforeseen expenses that homeowners and tenants would have to maintain because they created so much private infrastructure. He said that he did not see a clear plan for maintaining this private road that would not give undue burden to those residents. He said that the burden of maintaining it may outweigh the benefits of having a nice access road. He said that regarding East Market Street and pedestrian access in that area, and that it was currently being used as a walkway to Riverview, he found it unclear if there were concrete plans or thoughts about future pedestrian planning in this location.

Mr. Pruitt said that it currently was functioning like Broadway where it was not utilized enough for everyone to use it simultaneously. He expressed his uncertainty about the legal enforceability of existing signage prohibiting entry. He asked for more information on what the next steps at Market Street entailed. He said that he understood that this area had been identified as a concern, but he was unsure of the potential actions that could be taken. He said that he often visited this location and still did not fully comprehend the signage due to its unclear meaning.

Ms. Falkenstein said that the property owners along East Market Street had been discussing with County staff and VDOT potential solutions for the street. She said that options had been proposed, including turning it into a private street, owned and maintained by them, which would make it one-way. She said that no decisions had been made yet; they were merely conversing about these ideas.

Ms. Falkenstein said that additionally, their study suggested a short-term improvement similar to what was being done on Broadway, which would entail using paint to distinguish the pedestrian and auto zones. She said that they were hesitant to be specific due to the ongoing dialogue between property owners, the County, and VDOT regarding the street's future. She said that once that was determined, a more formal plan for addressing East Market Street's pedestrian aspect could be implemented.

Mr. Hyer said that combining the conversation about the pedestrian bridge with Ms. Falkenstein's point on connecting to Riverview Park provided a more comprehensive view of integrating Riverview Park, the future pedestrian bridge, and the developments at the end of East Market Street. He said that this situation involved multiple stakeholders. He said that concerning signage, it was confirmed during their journey to this location that there was a dead-end sign and an end City maintenance sign that was obscured by a tree. He said that there were some no parking signs closer to the end as well. He asked if Mr. Pruitt was referring to the sandwich board signs previously used to prompt drivers.

Mr. Pruitt said that he recalled a one-way only sign being at the end of the road.

Ms. Falkenstein said that there was a one-way sign located on the WillowTree property and was not positioned within the VDOT portion of the road.

Mr. Pruitt said that his understanding was that the one-way sign was legally inaccurate if it was in reference to Market Street.

Mr. Hyer said that it was on personal property.

Mr. Pruitt said that it was inaccurate and did not apply to the legally binding use of Market Street.

Ms. McKeel said that VDOT required that a road be brought up to their standards before being entered into their system, which was part of the problem with Marchant Street. She said that VDOT had removed many transverse rumble strips on roads because they created constant noise that was a nuisance to nearby residents. She said that they must be very careful where they placed them, and she did not think this was an appropriate place for them. She said that speed bumps could also be problematic for their own reasons.

Ms. McKeel said that she supported the recommendations of the report, and she had some concerns about the gentrification that may result from the implementation of an arts and cultural district. She said that while music events and breweries were wonderful, she questioned what the effects would

be on the light industrial aspect of the area. She said that she was supportive of maintaining the historic neighborhoods in this area, but she did not believe they should add new residential uses to the area. She said that she was concerned about the unintended consequences, and she did not know how they should think it through.

Ms. Mallek said that she was also concerned about gentrification due to adding residential use to the area. She said that she appreciated the efforts of the Board to reduce those impacts, and she did not want to repeat those past mistakes. She said that she was supportive of the creation of an arts and cultural district, and potentially combining it with a small business district to make it a more diverse and sustainable area. She said that they could find a way to incentivize small businesses in the area, especially considering the range of business activities already occurring there. She acknowledged that there were very few other industrial places for these businesses to operate within the County.

Ms. Mallek said that they would require an ordinance to protect the historic houses in the area. She said that she would like the legal team of the County to consider their options with Marchant Street. She said that the organic, local growth of the area should be supported rather than the County taking an overreaching and paternalistic approach to assisting the area, which may result in pricing out the current residents. She said that she supported the short-term recommendations of the report. She said that she would not be supportive of taking away the preserved slopes that existed near the cliff near Franklin and Boardway due to the steepness, and anything built there would tower over the existing structures.

Mr. Andrews said that there were some aspects of the area that impacted the Rivanna authorities, and this should be taken into account as they considered the future of the Broadway area. He said that he agreed that they should keep the light industrial focus on the area but acknowledged that the proximity to the Rivanna River and the park made it appealing for residents and pedestrians.

Mr. Andrews said that if they opened Marchant Street for pedestrians, they should consider safety measures at the railroad crossing. He said that he supported keeping the area bicycle and pedestrian friendly. He said that while the pavement markers may encourage speeding, they should have them to indicate where there were places to walk along the road. He said that the location of the rumble strips along Broadway would determine how much of a nuisance they would be to those nearby.

Ms. LaPisto-Kirtley asked if there was a known estimate for funding these improvements, understanding that there was no budget impact at this time.

Mr. Benish said that they would utilize the study and provide it to their staff and leadership for determining the necessary level of resources. He said that they hoped that some of the information from the study could be used to acquire additional grants and apply for them. He said that the Economic Development Office and Community Development Department would consider how the study aligned with their other needs and responsibilities in implementing the agenda.

Mr. Benish said that the study provided them with a sense of the order of magnitude of costs involved. He said that the consultants had effectively identified low-hanging fruit opportunities to reduce investment. He said that their next step was to prioritize the implementation of this study based on its findings. He said that they had taken into account the comments they had received and would carefully consider how to use these strategies while taking into account all other priorities and available resources.

Ms. LaPisto-Kirtley said that she understood the importance of moving forward with this work, but she was simply interested in knowing the costs associated.

Mr. Benish said that he had heard Mr. Gallaway comment that the arts and cultural district may not benefit all property owners, and there might be a need to acknowledge this fact. He said that the Board seemed to agree that the study could generally move forward. He said that he heard advice about being cautious about gentrification and unintended consequences when implementing the strategies. He said that they would make the suggested change to the study, compiling it with the appendix, and adding it to the future consent agenda for formal action.

Agenda Item No. 10. **Action Item:** Smart Scale Applications.

The Executive Summary forwarded to the Board states that the Smart Scale grant program is the primary method for funding large-scale transportation projects in Virginia. The program provides state funds for the design/engineering, right-of-way, and construction of transportation projects. Localities, Planning District Commissions, and Metropolitan Planning Organizations can apply for Smart Scale funding every two years.

Albemarle County can submit up to four Smart Scale applications each funding cycle, and the Charlottesville-Albemarle Metropolitan Planning Organization (C-A MPO) and the Thomas Jefferson Planning District Commission (TJPDC) are each allowed to submit up to four applications. Recent Smart Scale process changes adopted by the Commonwealth Transportation Board now limit the types of projects that can be submitted by Planning District Commissions and Metropolitan Planning Organizations.

Two projects exclusively within Albemarle County fit the new project type requirements and are being submitted by the C-A MPO on the County's behalf. Two other projects within both Albemarle County and the City of Charlottesville also fit the new project type requirements and are being submitted

by the C-A MPO. The C-A MPO Policy Board is expected to provide a resolution for these four projects at its May 2024 meeting.

The TJPDC is not submitting any applications on behalf of any of its member jurisdictions.

The Board previously reviewed a list of potential Smart Scale projects as part of the February 7, 2024 Transportation Planning Quarterly Report presentation; a refined list of potential Smart Scale projects was included in the consent agenda of the April 3, 2024 meeting.

The Smart Scale program requires a Resolution of Support from the local governing body for all projects to be constructed at least partially within the jurisdiction. The attached resolution (Attachment A) lists all project applications proposed to be constructed within Albemarle County. The resolution will be included with all project application submissions due to the Virginia Department of Transportation on August 1, 2024.

Descriptions of each proposed project are included as Attachment B.

These applications are for state funding to implement these projects. No County match is required, and staff is not proposing to include any County match in these project applications. If approved, VDOT would administer these projects and maintain these facilities. Therefore, no County funds would be necessary to support future maintenance or operations of the projects.

Staff recommends that the Board adopt the resolution provided as Attachment A.

Ms. Jessica Hersh-Ballering, Principal Planner, said that she was present to discuss SMART SCALE applications. She said that the purpose of this agenda item was to obtain a resolution of support for the eight project applications within Albemarle County to be submitted for the current round of SMART SCALE. She explained that a resolution of support from the Board of Supervisors was required for all project applications within the County. She said that similarly, both the MPO (Metropolitan Planning Organization) Policy Board and the TJPDC (Thomas Jefferson Planning District Commission) needed to provide resolutions of support for projects in their service areas, which included the County.

Ms. Hersh-Ballering said that they had already both voted to approve their respective resolutions for all project applications within Albemarle County. She said that she would provide a brief overview of the SMART SCALE program. She said that the SMART SCALE grant program was the primary method for funding large-scale transportation projects in Virginia and did not require any local match, so they requested the full estimated cost of the project. She said that Albemarle County, the TJPDC, and the Charlottesville-Albemarle MPO could each submit up to four project applications.

Ms. Hersh-Ballering said that SMART SCALE was a competitive program, with funding going to the projects with the highest score. She said that to calculate the project's benefit, reviewers considered how the project would impact six factors: safety, congestion, accessibility, land use, economic development, and the environment. She reminded the Board of the long timelines associated with transportation projects. She said that for the projects that were submitted and received funding in this round, funding was not guaranteed to be available until the summer of 2029.

Ms. Hersh-Ballering said that moving on to the project map, she displayed an updated version of the map presented during the Board of Supervisors' January quarterly report presentation. She said that in that meeting, they had listed the projects they were considering pursuing for this round of SMART SCALE. She noted that no projects had been added, and the Ivy Road improvements package was the only project that had been removed.

Ms. Hersh-Ballering explained that the project remained in the study phase with VDOT, and they may apply for funding in future SMART SCALE rounds. She said that projects 1, 2, 3, and 5, marked in blue, were submitted by Albemarle County. She said that projects 4, 6, 7, and 8, denoted in black, were submitted by the MPO. She said that the project descriptions were included in the April quarterly report and today's agenda materials. She said that she would now present sketches for each project.

Ms. Hersh-Ballering said that first was the Old Trail Drive and US 250 West intersection improvements. She indicated that north was at the top of the image and Western Albemarle High School was located off the bottom right corner. She said that the Old Train intersection, currently signalized, would be converted to a roundabout if funded, replacing crosswalks on the north and east legs while adding a crosswalk on the south leg. She explained that improving vehicle operations along the Route 250 corridor and enhancing safety for all road users would be achieved with this project.

Ms. Hersh-Ballering said that regarding the Route 29 and Plank Road intersection improvements, north was to the right of both images. She indicated Route 29, Plank Road, and Dr. Ho's Humble Pie in the image. She said that this project involved constructing restricted crossing U-turns, or R-cuts, at three intersections: Route 29 and Plank Road, Sutherland Road and Route 29 to the south, and Route 29 and Woodson Store Lane to the north. She said that with R-cuts, all movements from side streets must begin with a right turn; left turns and through movements were restricted. She reiterated that the purpose of these intersections was to improve safety, reducing the likelihood of T-bone and angle crashes, as well as to improve efficiency.

Ms. Hersh-Ballering said that regarding the Rio Road and Hillsdale, Northfield, Old Brook

intersection improvements, the current layout would be modified. She said that northbound traffic towards Route 29 was to the left of the picture, while southbound traffic towards John Warner Parkway was to the right. She indicated Rio, the intersection with Old Brook, and the intersection with Northfield.

Ms. Hersh-Ballering explained that the two intersections were currently signalized but were too close together, causing safety concerns. She said that this project would convert them into a single double roundabout. She said that a shared use path would be constructed around the double roundabout, extending both north and south on the east side and transitioning to existing sidewalks on the west side. She said that pedestrian crossings would be included on all legs of the new intersection.

Ms. Hersh-Ballering said that for the Barracks Road improvements package, there was a full set of recommended improvements from VDOT's project pipeline study of Barracks Road, which covered the corridor from Georgetown Road to Emmett Street in the City. She said that this was project four on the list and had been submitted by the MPO. She said that at the western end of the corridor at Barracks and Georgetown, this intersection was currently signalized.

Ms. Hersh-Ballering said that the proposed project would convert it into a roundabout and add crosswalks on all four legs of the intersection. She said that the project would also close the median between Georgetown and the ramps coming from the Route 250 bypass. She said that drivers wanting to turn left onto side streets in this area would need to U-turn at one of the roundabouts on either end of the area. She said that the project would also reduce lane widths along Barracks to allow the addition of a shared use path along the south side of Barracks, indicated on the slide in purple.

Ms. Hersh-Ballering said that further along the corridor, the same shared use path, indicated in purple, would continue under the Route 250 bypass and the currently signalized on and off ramps for the 250 bypass would be converted into roundabouts. She said that crosswalks would be added at the six locations shown. She said that these intersections did not have any crosswalks before; however, they did currently have pedestrians who crossed the road. She said that continuing along the corridor, the shared use path continued along the south side of Barracks all the way to the intersection with Emmett Street.

Ms. Hersh-Ballering said that there were improvements planned for the existing bus stops along Barracks and Georgetown, which was served by Route 5. She said that they would involve putting in at least a concrete boarding platform and a full shelter where space permitted. She said that moving on to Barracks Road Improvements Package West, it was listed as project five and was the County's application for a subset of the improvements they just saw, covering only the portion of the corridor from Georgetown Road to the 250 bypass section.

Ms. Hersh-Ballering said that project six was Barracks Road Improvements Package East, which was a complementary MPO submission for a subset of the full package covering the other portion of the corridor. She said that this project spanned from the Route 250 bypass all the way to Emmett Street. She said that County and MPO staff submitted that full package and these two complementary subset packages to maximize their chances of getting improvements along this corridor. She said that the sketches for the County-submitted west project, which included Georgetown and the 250 bypass ramps, could be seen on the slide. She said that all components of the full package were also included in these sketches.

Ms. Hersh-Ballering said that the subsequent slide displayed Barracks Road Improvements Package East, again submitted by the MPO and complementing the west project submitted by the County. She said that this project included all the same project components as the full package, starting at the Route 250 ramps and concluding at Emmett Street.

Ms. Hersh-Ballering said that moving past Barracks, she would discuss the MPO's application for improvements at 5th Street and the I-64 interchange. She said that north was off to the right of the picture, there was 5th Street, elevated over I-64 as it went across the image, and north to the right side and was heading towards the City. She said that the project would convert the existing signalized interchange into a Diverging Diamond Interchange or DDI.

Ms. Hersh-Ballering said that their community had some experience with DDIs; there was a new one on Pantops at the I-64 and Route 250 interchange, and an older one out at Zion Crossroads. She said that with a DDI, traffic coming off the major roadway, which was I-64 in this case, would be able to turn left without stopping, kind of on the wrong side of the road. She said that it would improve safety by preventing backups of vehicles onto the major roadway and then the crossovers at the intersections would be signalized.

Ms. Hersh-Ballering said that this project also included a shared use path that would go in between the north and southbound lanes of traffic on 5th Street. She said that the shared use path would continue south, crossing the I-64 east to southbound off ramp right here and terminating ultimately at the sidewalk at Pinehurst Court. She said that the shared use path would also continue north of the interchange along the east side of 5th Street. She said that it will cross the ramp as indicated and it would also cross 5th Street Landing, ultimately connecting to the currently in-design 5th Street Hub and Trails project that provided access to places like the Wegmans shopping area.

Ms. Hersh-Ballering said that lastly, the Pantops Improvements Package being submitted by the MPO was a project consisting of two projects submitted previously in the SMART SCALE round, both scoring well but ultimately were not funded. She said that therefore, they were trying again in this round. She explained that the first set of improvements would focus on Rolkin Road. She indicated Route 250

across the screen and north was at the top of the picture.

Ms. Hersh-Ballering said that pedestrian crossings would be added on the north, east, and south sides of Rolkin Road, with a pedestrian refuge at the south leg shown in orange. She said that a pedestrian island would be placed at the northeast corner to minimize crossing distance for pedestrians. She said that additionally, approximately 800 feet of sidewalk will be added for continuous access from Rolkin Road up to State Farm Boulevard.

Ms. Hersh-Ballering said that the second set of improvements would concentrate on the intersection of Peter Jefferson Parkway and Route 250. She said that Sentara Martha Jefferson Hospital was not shown, but it was off the bottom of the slide. She said that the project included closing the existing median cut between Peter Jefferson Parkway and Pantops Mountain Road, filling in the median there, and also closing the existing median cut at Hilton Garden Inn off the left side of the picture. She said that the existing shared through and right turn lane on eastbound Route 250 would be converted to a through lane only, with a new right turn only lane added for about 220 feet.

Ms. Hersh-Ballering explained that the Peter Jefferson Parkway and Route 250 intersection would be converted to a through cut, allowing traffic coming off of Peter Jefferson Parkway from the south or off of Glenorchy to the north to turn left or right but not go through the intersection. She said that this change improved efficiency by removing a portion of the signal cycle. She said that a 50-space park and ride lot would be constructed in the northwest corner of the intersection, serving CAT (Charlottesville Area Transit) Route 10 immediately and possibly regional transit in the future.

Mr. Gallaway said that he had voted on these items twice already. He said that he would make one comment because it came up at the MPO regarding the diverging diamond interchange at the 5th Street location. He said that the Zion Crossroads and the 124 DDI did not have pedestrian or bike facilities due to their locations. He said that some people had concerns about how bikes and pedestrians would work with the DDI, which was further exacerbated by the fact that they could not see it at the current ones.

Mr. Gallaway said that because those two DDIs were not conceived with bike and pedestrian in mind, it did not necessarily mean there were not others that did exist with these facilities. He said that it would be their first DDI with the need for bike and pedestrian access due to its location, and it would be necessary to get people across the interstate in ways other than just cars.

Mr. Pruitt said that he wanted to bring attention to something he thought about frequently, which was the fact that sidewalk infrastructure was often planned with only one side in mind, causing inconvenience for many people. He said that Pinehurst Court residents would not be able to utilize any of the bicycle and pedestrian facilities without crossing a hazardous road. He said that he believed that this issue should be taken into consideration when determining where crossing infrastructure should be placed, as it was a long-term challenge for the Board in their efforts to enhance walkability and bike-ability throughout all arterial communities.

Ms. McKeel said that she was supportive of all of these proposed projects. She said that she had heard concerns about the Georgetown and Barracks Road projects. She said that the transit stops and connections would be improved as a result of this project. She said that residents in that area had expressed concern that there needed to be solid barriers on Barracks to prevent people from making U-turns and cutting through.

Ms. Mallek asked if the entire property at the northwest corner of Georgetown Road would be purchased for the right-of-way.

Ms. Hersh-Ballering said that she received new details that confirmed that the southbound lane of this intersection would be one lane; however, there would still be full take of that property.

Ms. McKeel **moved** the Board of Supervisors to adopt the resolution to approve the SMART SCALE projects in Albemarle County, provided in the meeting materials as Attachment A. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

RESOLUTION TO SUPPORT THE SMART SCALE PROJECT APPLICATIONS IN ALBEMARLE COUNTY

WHEREAS, the County of Albemarle desires to submit applications for projects to be funded through the Smart Scale Program in the Fiscal Year 26-31 Six-Year Improvement Plan; and

WHEREAS, the County of Albemarle also desires the Charlottesville-Albemarle Metropolitan Planning Organization to submit applications for projects located within Albemarle County, to be funded through the Smart Scale Program in the Fiscal Year 26-31 Six-Year Improvement Plan; and

WHEREAS, these applications are requesting funds to implement the following projects:

Albemarle County:

1. Old Trail Drive and US 250 West Intersection Improvements
2. US 29 and Plank Road Intersection Improvements
3. Rio Road and Hillsdale/Northfield/Old Brook Improvements
4. Barracks Road and Georgetown Road Improvements

Charlottesville-Albemarle Metropolitan Planning District Commission

5. US250/Peter Jefferson Parkway and Rolkin Road Pipeline Bundle
6. I64/Fifth Street Interchange Improvement (Exit 120)
7. Barracks Road Pipeline US29/US250 Interchange and Shared Use Path
8. Barracks Road Pipeline Corridor Improvements (Georgetown Road to Emmet Street)

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale applications for funding of the above-listed projects on behalf of Albemarle County.

Recess. The Board recessed its meeting at 3:23 p.m. and reconvened at 3:38 p.m.

Agenda Item No. 11. **Work Session:** Review of 2024 Legislative Session and Initial Discussion of 2025 Priorities.

The Executive Summary forwarded to the Board states that, each year, the Board considers and approves a set of legislative priorities to pursue in the upcoming General Assembly session. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). This will be the first of three anticipated Board discussions to develop priorities for the 2025 General Assembly session.

Staff will review the disposition of the County's legislative priorities for the 2024 General Assembly session, found in Attachment A. Staff will also recommend an approach to the 2025 General Assembly session, including development of priorities-with some possible priorities to be identified-and reliance on the Legislative Positions and Policy Statements, also adopted annually by the Board. Last year's Legislative Positions and Policy Statements are attached as Attachment B.

There are no specific, identifiable budget impacts.

Staff recommend that the Board receive the presentation, discuss the recommended approach, and provide direction to staff in preparation for the 2025 legislative session.

Mr. Steve Rosenberg, County Attorney, stated that they were here this afternoon to discuss their legislative priorities, and as had been the case in years past and especially last year, this was a team effort. He said that he would discuss the 2024 priorities and what occurred during the recently completed legislative session, then David Blount, Deputy Director of Thomas Jefferson Planning District Commission (TJPDC), would discuss the session for 2025. He said that finally, Emily Kilroy, Interim Director of Economic Development, would talk about the proposed strategy for 2025.

Mr. Rosenberg said that although Ms. Kilroy was on an interim assignment, she continued to work on General Assembly matters. He said that also, James Douglas, a paralegal in his office, supported them with these efforts. He said that as was the case last year, this would be the first of three sessions with the Board on legislative priorities. He said that they would get input from them today and return for another interactive session in the fall. He said that in October, they would present a final set of priorities for their consideration.

Mr. Rosenberg said that regarding the 2024 session, he would first talk about the Board's legislative priorities. He said that last year, the strategy was to take a refined approach. He said that in prior years, the Board may have had as many as six, seven, or eight legislative priorities. He said that they heard from Mr. Blount last year that due to the significant turnover in the General Assembly, it was advisable for the Board to adopt a more targeted approach and adopt fewer priorities, working to achieve success with those priorities.

Mr. Rosenberg said that the Board ultimately adopted three priorities: providing state funding for the Rivanna Futures Project, obtaining taxing authority for the County for school division capital projects, and expanding the County's authority to use photo speed monitoring devices. He said that the first priority was to provide state funding for the Rivanna Futures Project included an effort to obtain funding in the amount of \$58 million, which would match the County's investment in the project for the land acquisition that closed in December 2023. He said that they were unsuccessful in that effort.

Mr. Rosenberg said that then, during the special session, during negotiations of the Governor's Office and the finance folks in the General Assembly, they made an effort to include in the proposed budget a significantly smaller amount of funding of \$5 million. He said that this effort to secure funding for Rivanna Futures also was unsuccessful. He said that the second priority was to obtain authority for the

County to impose a 1% sales tax increase for school division capital projects. He said that although this met with some success, it ultimately failed as well.

Mr. Rosenberg explained that bills were introduced in both the House and Senate that provided enabling authority, broadening existing authority for just a handful of localities in the state so that every locality could impose the additional sales tax. He said that this legislation was initially approved by both houses of the General Assembly but was then vetoed by the governor. He said that ultimately, both the House of Delegates and Senate sustained the governor's veto.

Mr. Rosenberg said that there continued to be a lot of momentum surrounding that issue, and it made sense for the Board to continue to advocate for that particular initiative in the upcoming session. He said that the final priority was regarding the authority to expand use of photo speed monitoring devices. He said that House Bill 20 would have provided very broad authority for all localities. He said that this was consistent with the position expressed by this Board. He said that that particular bill was continued to 2025.

Mr. Rosenberg said that there was also a Senate Bill that was enacted and approved by the governor with limited scope; it allows cameras to be installed at high-risk intersections, which were defined as any highway or portion of the highway located not more than 1,000 feet from the limits of the property of a school that is part of or adjacent to an intersection containing a marked crosswalk identified in the manner provided in this section as one in which a traffic fatality had occurred since January 1, 2014. He noted that there were many boxes to check in order to be able to exercise this authority, and only one stretch of road in the entire County on 29 North checked all of the boxes.

Mr. Rosenberg said that this Board's interest was more in dealing with speeding in rural areas of the County on roads where it was difficult for law enforcement to safely make stops. He said that the enacted legislation did not affect that matter at all, making it very limited in scope. He said that there were other pieces of legislation enacted by the General Assembly and approved by the governor that were either included in their separate 2024 Legislative Positions and Policy Statements or were otherwise a subject of interest on the part of members of the Board of Supervisors.

Mr. Rosenberg said that he would like to share a few of these with the Board. He said that the first of those was concerning the Virginia Freedom of Information Act. He said that the bill, effective July 1, allowed all virtual public meetings to be increased from 25% to 50% of meetings held per calendar year. He said that however, a public body could not have consecutive all-virtual meetings.

Mr. Rosenberg said that the legislation enacted by the General Assembly did not eliminate all restrictions that existed; the most significant restriction was the prohibition on consecutive virtual public meetings. He said that boards and commissions, other than the big ones like the Board of Supervisors and the School Board and the Planning Commission, could conduct up to 50% of their meetings per calendar year on an all-virtual platform, provided they did not conduct those all-virtual meetings consecutively.

Mr. Rosenberg said that the next piece of legislation in the economic development sphere was concerning the Virginia Business Ready Sites program. He said that in the past, this was one of the Board's priorities. He said that the legislation enacted and approved by the governor now provided, in certain circumstances, that parcels as small as 50 acres could receive funding under the site development grant program. He said that some factors to be considered included topographic and environmental factors. He said that if they were able to meet certain conditions, then a site less than 100 acres could be eligible for funding under that site development grant program.

Mr. Rosenberg said that finally, local building officials would now be able to enforce the uniform statewide building code for bus shelters constructed in the state right-of-way, effective July 1, 2024. He said that these were additional bills of interest to the Board, beyond their priorities. He said that he had discussed positions and policy statements with Mr. Andrews during the recess. He said that last year's priorities and positions and policy statements were included in the executive summary provided to the Board. He said that they would also receive this presentation from this meeting.

Mr. Rosenberg said that between now and the next meeting, staff would update the positions and policy statements document to reflect changes enacted by the governor during the 2024 session. He said that this would eliminate any obsolete language. He said that he did not have proposed priorities for the Board today; Ms. Kilroy would discuss them with the Board later. He said that in September, their meeting materials would include a revised draft of the second document with proposed changes. He said that they would discuss these at that time.

Mr. David Blount, Deputy Director and Director of Legislative Services for the localities in the TJPDC region, said that he would give them a broad look to 2025 before Ms. Kilroy discussed the details. He said that in examining 2025, some of the significant topics from 2024 would likely become part of the larger discussion again. He said that issues related to the Virginia Clean Economy Act, clean energy, and solar were expected to continue being prominent.

Mr. Blount said that several bills introduced during this past session dealt with solar, often undoing, limiting, restricting, or eliminating local authority in relation to solar. He said that various groups have already begun discussing paths forward, particularly concerning solar. He said that data centers also remained a significant issue following the attention they received during the past General Assembly session.

Mr. Blount said that all legislation introduced on this topic was held off, not moved forward, and defeated. He said that this was due to a study of data centers being conducted by the Joint Legislative Audit and Review Commission (JLARC) this year. He said that they had outlined their work plan for that study at a recent meeting and were scheduled to report back to the Commission with their findings and recommendations around the end of this calendar year.

Mr. Blount said that mental health had garnered interest, particularly as it related to community services boards. He said that it was an ongoing issue that he discussed was the Behavioral Health Commission, chaired by Senator Deeds, and both legislative and executive branches had found common ground in recent years and would continue to seek more collaboration.

Mr. Blount said that education funding was a topic addressed with the JLARC report on K-12 elementary and secondary education funding released last July. He said that some attempts were made to enact legislation based on these recommendations during the past session, but they did not go forward. He said that some of the issues were addressed in the final budget, particularly for at-risk and prevention programs as well as English language learners. He said that a joint subcommittee of Senate and House members would take a closer look at the JLARC recommendations, with their first meeting scheduled following Tuesday. He said that VACo (Virginia Association of Counties), VML (Virginia Municipal League), and others would be watching and participating as necessary.

Mr. Blount said that skill gaming and machines were addressed through legislation approved by the General Assembly, allowing them to legally exist but with restrictions. He said that the bill came back from the executive branch to the General Assembly with a number of amendments, and rather than taking up those, the bill was allowed to die. He said that this would potentially lead to ongoing discussions throughout the interim for a compromise and possible legislation during the coming session or even the special session, depending on procedural resolution amendments.

Mr. Blount said that in summary, the displayed slide presented some key takeaways from the session. He said that regarding budget deliberations, no tax increases were approved nor reductions. He said that this led to a brief standoff between legislative and executive branches but ultimately resulted in the approval of a final budget without either. He said that moving forward, they would observe how these positions evolve as they approached 2025.

Mr. Blount said that it was also important to note that a record number of vetoes were issued by the governor after the General Assembly adjourned, and many of those bills would likely be revisited. He said that this included the sales tax for school construction, which would be brought up again. He said that as discussions continued, they would see how things developed and whether they would continue to be vetoed or have a different outcome.

Mr. Blount said that 2025 would be a short session lasting only 46 days instead of the usual 60 or more. He said that this meant they would be doing the same amount of work in two fewer weeks. He noted that the biennial budget was already in place, so there would be amendments but not starting from scratch to build a full two-year budget. He added that it was an election year with all 100 House of Delegates seats and the governor up for election in November. He said that the vetoed bills were likely to show up again for introduction next year.

Mr. Blount said that typically in election years there were, what he called, campaign brochure bills, which were where elected officials put a bill in to say they had tried, and this was brought up during the fall campaigns. He said that regarding solar legislation, they saw a lot of legislation dealing with local authority, whether to take it away or provide additional authorities to do certain things by passing ordinances. He said that he expected to see a number of local authority bills introduced next year.

Mr. Blount said that the next slide largely continued their previous presentation. He said that as they headed into a session with new members of the local delegation, he urged the Board to seize upon the opportunity to have conversations with them to get to know them and educate them about the critical nature of the state and local relationship, as well as their priorities and initiatives for 2025.

Mr. Pruitt asked about the difference between the brochure bill and the functional bill happening at the same time. He asked if election year cycles were especially favorable or difficult for the achievement of those functional bills.

Mr. Blount said that he did not know if there was a significant impact. He said that most people were able to assess bills designed for messaging or campaigns and gauge their seriousness, the legislator's vested interest in pushing them forward, and whether they would pass. He said that often, such bills did not move forward.

Mr. Pruitt said that his impression was that the first year of a four-year gubernatorial cycle was not ideal for local administrative bills. He said that this was due to lingering animosity from the previous election, as he observed in their last year's session.

Mr. Blount said that last year could be characterized as an exception to the rule. He said that last year's discussions with the Board prior to Mr. Pruitt's appointment centered around the uniqueness of this election cycle. He said that the high number of legislators in both the House and Senate, many who had served for an extended period but were not returning, introduced a novelty aspect unseen in generations.

Mr. Blount said that with Democrats and Republicans being so close in both the House and Senate, uncertainty reigned over who would be in control. He said that he believed that after the next election, they would be in a more advantageous position to predict how events may unfold, as this year's uncertainties were primarily due to those unique factors.

Mr. Andrews asked if there were any restrictions mentioned concerning the quantity of bills that each delegate could submit during a condensed session.

Mr. Blount said that typically, the House had a limitation of around 15 bills they could introduce. He said that in contrast, the Senate's limit was uncertain as they did not reach an agreement during their last meeting of the Senate Rules Committee. He said that historically, the Senate had limits in the low 20s. He said that regardless, this still represented a significant number of bills to address.

Ms. Emily Kilroy, Interim Director of Economic Development, thanked Mr. Blount for his support in Richmond. She said that the County relied heavily on Mr. Blount's presence in Richmond to accomplish their goals as part of the Board of Supervisors. She said that he was a valuable asset and a pleasure to work with. She said that the next point she wanted to make was directed towards their local delegation who might be listening live or through a recording.

Ms. Kilroy said that she wanted to take a moment to express her appreciation for their support in introducing all of the Board's legislative priorities during the 2024 session, even though they were not successful in achieving their goals. She acknowledged that this was not always an easy feat and expressed gratitude for their efforts. She said that the displayed slide was outlining their modified approach for 2024, and this year they would like to refine the approach with the Board's agreement.

Ms. Kilroy said that she would discuss the four sections of this approach in detail. She said that last year, they had identified two main pathways through the General Assembly: draft legislation assisted by bills being introduced, and using the legislative positions and policy statements document to share broader areas of support where the Board did not have a specific outcome in mind but wanted to express their stance on certain topic areas and common areas where they expected legislation to be introduced by other members of the General Assembly.

Ms. Kilroy said that for instance, last year they had added their support for implementing the JLARC Community Service Board study recommendations broadly, not necessarily endorsing a particular bill addressing a specific need. She said that the other two sections demonstrated the increased maturity of their work and connection to Richmond. She said that staff suggested extracting budget items specifically from legislative priorities and place them in a third lane of budget amendment requests, mirroring how Richmond handled budget amendments and funding items.

Ms. Kilroy said that finally, they had a topical opportunities wedge which was called legislative opportunities this year. She said that this year, they would take advantage of opportunities that did not require new bills but allow for legislative improvements. She said that they would support specific opportunities that they knew were coming forward, either from their geographic neighbors or other counties with similar priorities.

Ms. Kilroy said that two years ago, the Board had a legislative priority to reduce the minimum acreage in the Virginia Economic Development Partnership's Virginia Business Ready Sites program from 100 acres to 50 acres. She said that Augusta County also had this same priority that year independently, so when bills were introduced, they became aware of their shared challenge and worked together through the 2023 session. She said that their recommendation was for the Board to remove this as a priority from their program and let Augusta take the lead. She said that ultimately, this led to successful legislation.

Ms. Kilroy said that she would now discuss budget requests. She said that the first was Rivanna Futures, for which last year, they put forward a request for \$58 million in state funding for site readiness. She said that this year, with feedback from their local delegation and agency contacts, staff recommended the Board consider advancing a phase one request of \$5 million in the state budget. She said that Rivanna Futures was a multi-year process with multiple phases, so focusing on a smaller first step would be more targeted on utility work, infrastructure, and site development.

Ms. Kilroy said that secondly, Biscuit Run Park, while not new, had not been discussed in some time. She said that when the County leased Biscuit Run Park from the State, there was discussion about the state being a partner in developing part of the park. She said that they had not brought forward this as an opportunity for state funding to the Board yet. She said that with the park set to open soon, staff suggested identifying a discreet project that state funds could help open another section or amenity at the park.

Ms. Kilroy said that if the Board supported this approach, they would work with the Parks and Recreation Department staff to identify a suitable candidate project and bring it forward in September. She said that staff was seeking feedback on considering budget amendment requests for Rivanna Futures at \$5 million and a to-be-determined Biscuit Run project around \$1 million. She requested the Board please let them know if there were any other opportunities they would like staff to consider.

Mr. Gallaway said that there were multiple support positions that could receive state funding for their local Social Services, Community Services, and Mental Health Services. He said that their second HART team and other issues related to mental health, there could be something pursued in that direction. He said that even a small portion of funding assistance could result in much larger impacts. He said that

these could be topical items that newly elected representatives could support and make a positive impact on their communities.

Mr. Andrews asked for clarification regarding whether the budget requests that may be of statewide impact or if they were local requests.

Ms. Kilroy said that they would be specific budget amendment requests for project-based items that members of their local delegation might contemplate. She said that they were small, fixed, and specific proposals. She said that in the positions and policy statements section, they would address more operational-type items.

Mr. Gallaway said that he was interested in specific requests of the state to fund currently unfunded mandates that would result in positive impacts to localities.

Mr. Pruitt said that the two structured approaches, with Biscuit Run and Rivanna Futures, made sense as they made the idea more palatable for the state each year. He said that he was enthusiastic about additional funds for Biscuit Run and would be eager to explore ways to capitalize on this opportunity. He said that one aspect that came to his mind was the issue of accessibility to Biscuit Run.

Mr. Pruitt said that he believed it was one of the more intricate and prudent funding priorities. He said that he wondered if infrastructure along Avon and Scottsville Road could potentially be framed as part of that. He said that he fully endorsed what Mr. Gallaway mentioned, which was also top of mind for him. He acknowledged that there are numerous roles specifically in social services or human services where they exercised state and federal authority using their own personnel.

Mr. Pruitt said that for instance, with the HART team and several of their interventions, they attempted to alleviate the burden on overstrained state resources. He said that he believed there was a strong framing opportunity available if localities implemented X and Y actions designed to reduce strain on the state hospital bed system, for example, then they would receive X dollars for that position. He said that additional funding for their support and the incentive framework that could work statewide was quite compelling.

Ms. McKeel asked if there is something that Human Services could go after with a specific funding amendment.

Ms. Kilroy said that one-time funding would be more appropriate for this category, and operating initiatives would fall into another category.

Ms. McKeel said that they could have more discussions about how to align those objectives with their legislative packet review. She said that she was supportive of these two proposed budget items.

Ms. Mallek said that she supported these two proposals. She said that in the previous year's budget amendment, the City received its share for the pedestrian bridge from Dogwood Memorial to Warner Parkway. She suggested that perhaps the County could contribute to this project as well. She mentioned that there was a bill last year regarding catch-up funding for emergency services throughout the Commonwealth; however, she did not know if that was appropriate for this. She said that the Department of Labor in Richmond had been undergoing significant reorganization, and it was unclear how they were managing federal WIOA (Workforce Innovation and Opportunity Act) funds.

Ms. Mallek said that it led to a \$100,000 cut to the Piedmont effort this year, which they were attempting to compensate for through partnerships with other agencies. She said that one possible discrete action would be providing additional funding to integrate workforce training into high schools since they were currently hiring their own FTEs (Full-Time Equivalent) to perform tasks that trained workforce personnel already handle. She said that although many Counties were partnering with them, she acknowledged that this may still be a funding issue.

Mr. Andrews said that he was supportive of these requests. He said that regarding the organization of this process, he believed there remained a question of whether they were referring to specific requests or discussing statewide implementation of particulars that would be applicable to any jurisdiction seeking social services, workforce development, or similar programs.

Ms. LaPisto-Kirtley said that a delegate had recently considered requesting \$10 million for Rivanna Futures instead of \$5 million. She asked if staff had any further details regarding this matter.

Mr. Richardson said that he remembered the conversation and, at this point, they would step away to follow up on conversations to ensure that they were aligned and looking at specific infrastructure dollar allocations. He said that he appreciated her question, and they would revisit it later. He said that he wanted to clarify for the Board that the \$58 million request was not arbitrary.

Mr. Richardson said that they had had several conversations about the cost associated with completing the Boulders Road project, which included finishing the loop road from its current endpoint through the acquired property back to the location on Route 29 North. He said that with DOT (Department of Transportation) numbers, they were able to calculate that this would require \$58 million in infrastructure work. He said that he was disappointed by the confusion last year when they visited with their legislative delegation about whether this was a request for reimbursement, but it was not.

Mr. Richardson said that as recently as earlier this week, during their site visit with Rivanna officials, they learned the critical importance of completing Boulders Road for two-way access and exit as they move forward with the project. He said that they would refine their discussions on this matter, but he wanted to clarify that the number was based on project costs and not arbitrary.

Ms. Kilroy said that she would now review the legislative priorities. She explained that there were two boxes displayed on the screen: one showing the three from last year and three bullets on the right-hand side, representing items discussed with Board members. She said that these items were referenced by some Board members who mentioned Mr. Rosenberg's list. She said that the purpose of this work session was to initiate a conversation without adopting or closing any options that day. She said that over the next several months, they would prepare to present a first draft in September. She said that she would walk through each item one by one.

Ms. Kilroy said that one from last year was for schools' capital. She said that several localities had individual authority to add a 1% additional sales tax to the state sales tax to support schools' capital as a dedicated funding source. She said that there was unexpected broad support from many localities in the 2024 session for this type of project. She said that the 1% sales tax for schools had two-thirds or greater majority vote in both chambers, but it was vetoed by the governor and could not be overturned with a two-thirds majority again when it came back in April.

Ms. Kilroy said that many localities wished to carry this topic forward into the 2025 session. She said that staff recommended that the board consider including this item in the 2025 legislative priorities, as there seemed to be continued conversation with folks in Richmond as they moved from the end of 2024 into the beginning of planning for 2025, indicating its potential success if it were to come back again. She said that the next item was the enhanced photo speed device authority.

Ms. Kilroy said that despite the lawsuit, this was another instance where there was not expected to be much support in Richmond for expanding authority around photo speed devices. She said that over several years, numerous bills had been introduced on this topic, each approaching it from a different angle. She said that most of these bills never made it out of committee due to insufficient support. She said that this year, some bills did manage to get out of committee, but most were unsuccessful. She said that the one that was signed, SB 336, was quite limited and did not address many of the concerns this Board had when they identified this as a priority last year.

Ms. Kilroy said that to consider carrying it forward for this year, she suggested directing staff to focus on the specific issues we are trying to solve, making it appear more targeted rather than a broad expansion of authority. She said that the successful bill had very specific criteria attached to it, which likely contributed to its success.

She said that the next item was rental housing safety on the right-hand side, referring to the Board's interest in exploring additional tools to address non-building code issues in rental properties. She said that this was an area where constituents had faced challenges accessing existing system supports. She said that she would highlight a bill introduced in 2024, House Bill 597, which would have allowed localities to pursue legal action against landlords not addressing safety hazards in rental units. She said that it was vetoed by the governor. She said that it was an area where they could try again. She said that although it was not included last time, it was a possibility for the Board to include it in its package if desired.

Ms. Kilroy said that another item was funding authority for CARTA, which stood for Charlottesville-Albemarle Regional Transit Authority. She said that there were two bills introduced in 2009 in the General Assembly that the City and County worked together to put forward. She said that one was to enable the creation of a regional transit authority, and the other was a partner bill to give that authority funding authority through sales tax revenue, much like the one for schools.

Ms. Kilroy said that the establishment of the authority was enabled in 2009; however, the partner funding bill was not successful. She said that the City and County took a step back at that point to look at how else they could tackle regional transit. She said that the Regional Transit Partnership had worked over the past several years to examine that authority and explore its possibilities. She said that as the Board was aware, there had been extensive study on this topic. She said that, if desired, this could be included in a legislative packet in partnership with the City of Charlottesville to pursue funding authority for the regional transit authority.

Ms. Kilroy said that the final item was regarding reimbursement for responding to community threats. She said that there was a current statute that limited localities' authority to pursue reimbursement of expenses incurred in responding to hoaxes and fabricated threats. She said that the slide showed what the current authority laid out.

Ms. Kilroy said that in 2024, two bills were introduced to increase the ability for localities to recoup expenses incurred by responding to community threats: House Bill 147 and Senate Bill 656. She said that neither of these was successful; one was left in committee, and the other was removed at the request of the patron. She said that these bills would have raised the flat fee limit to \$2,500 or minute-by-minute billing of actual costs up to \$2,500. She said that this was something the Board could consider pursuing as one of its priorities if so inclined.

Mr. Pruitt said that it made sense to break this down into six individual issues.

Ms. LaPisto-Kirtley said that she was in favor of doing the CARTA support, but wondered whether the timing was good to do a 1% sales tax for CARTA as well as for the schools' capital. She asked if it was possible to stagger those implementations. She said that she was supportive of pursuing a referendum, but wondered how successful they would be if proposed simultaneously.

Mr. Gallaway said that he was not surprised by the 1-cent for schools' capital based on conversations at VACo. He said he was supportive of the proposed priorities.

Mr. Pruitt stated that the use of sales tax was the most regressive tool available, and he wondered if there was another mechanism to source revenue for schools. He said that any other revenue source for the schools would be preferable.

Ms. Kilroy said that it was built off of that specific legislation that was currently on the books that nine localities enjoyed. She said that this legislation was funded through sales tax, and thus, the thought was that this might be the path of least resistance if it were to be successfully applied statewide.

Mr. Blount said that it was about five years ago when those localities were first added.

Mr. Pruitt said that he agreed with his colleagues that photo speed cameras should be utilized for their rural roads that could be dangerous, but he was not wholly supportive of making speeding a criminal infraction or misdemeanor. He asked if it was possible to make it a civil penalty with localities having the option to set discretionary fee schedules.

Ms. Kilroy said that the current authority of the County in school zones and construction zones was a civil penalty.

Mr. Pruitt asked if it was not processed like other speeding tickets in that case.

Ms. Kilroy said that the video footage required confirmation from law enforcement, but after that it was a fine delivered through the mail.

Mr. Pruitt asked if the County had control over the fee schedule. He said that a \$100 fine could be life-altering for poorer community members. He said that he would be more supportive of a lower amount or beginning at zero and higher amounts for repeat offenders within the calendar year.

Ms. Kilroy said that the fee was up to \$100 but could be lower. She said that there was a requirement for signage, so it would not be a hidden camera and there would be a warning that drivers were about to enter a photo speed enforcement area.

Ms. McKeel stated that it was only during school hours.

Mr. Pruitt said that he wanted it to be clear that they desired substantial authority over how their fees were determined and wished for that authority to remain local. He said that he did not want to find himself in a situation where Richmond dictated the flat fee associated with any speed camera they had.

Mr. Pruitt said that regarding the reimbursement for hoaxes and threats, he believed there should not be a flat fee or cap associated; they should be able to request full reimbursement of the costs and damages.

Mr. Pruitt said that regarding CARTA, he wondered if it would be more appropriate as a first step to request separate funding for management-level administration and organizational operating costs before making this kind of request tied to a taxing authority.

Ms. McKeel said a report was due at the end of the month regarding Charlottesville's and Albemarle's progress on the regional transit authority. She said that this item was certainly one aspect, but she was unsure if there were other items that should also be addressed. She said that it would be acceptable to leave this item on the priority list until they received more information about the specific progress of the RTA (Regional Transit Authority). She said that regarding all of the priorities, it would be beneficial for staff to see what other localities had overlapping initiatives and priorities, but she was generally supportive of all the priorities proposed.

Ms. Mallek said that she supported the proposed priorities. She said that it was important to address the RTA so that they were best prepared for when it was implemented. She said that the fees associated with reimbursement for hoaxes and threats were minimal in addressing the resources used for response to those threats.

Mr. Blount said that for perpetrators under the age of 18, there was a \$2,500 fee, but for those individuals aged 18 and above, there was a flat fee of \$2,500 fee as well as a potential minute-by-minute option that did not have a cap. He said that the minute-by-minute option had caused some consternation during the past session.

Ms. Mallek said that the option without the cap would more fully address the impacts of those threats and hoaxes, which made sense.

Mr. Andrews said that there was consensus from the Board to support the proposed priorities, acknowledging that circumstances may change as other localities identified similar positions for the

upcoming session.

Ms. Kilroy said that Mr. Blount had shared regarding the General Assembly's bills in emerging areas last year. She said that these themes were expected to remain relevant in 2025, and staff suggested that if the Board wished to express their stance on any of these issues, they could develop those ideas over the next few months. She said that it would be beneficial for the local delegation working in Richmond. She said that if there was any information regarding the County's stance on clean energy bills or data center bills that might come forward, it would be helpful to share this feedback with their local delegation during the session when bills were being debated.

Ms. Kilroy said that since these areas were expected to see activity again in 2025, staff recommended spending time discussing and developing the County's opinion on these topics, even if they did not have a direct impact at present. She said that another area where support could be provided was the continued implementation of the JLARC studies. She said the two most recent JLARC studies, which were public school, or education funding, and the other was community service boards funding, which was crucial for addressing behavioral mental health challenges.

Ms. Kilroy said that the final item was regarding the positions and policy statements. She said that the packet provided contains last year's document. She said that typically, they spent a couple of weeks reviewing what needed adjustment due to changes at the state level. She said that staff proposed adding an expression of broad support for state funding for economic development site readiness during this session. She said that this program could be used by localities for site readiness, such as Rivanna Futures.

Ms. Kilroy said that they currently had a project underway at North Fork Research Park for preparing a site with a successful VBRSP (Virginia Business Ready Sites Program) application. She said that over the past several years, the state budget had increased funding in that program area. She said that however, this year's biennium budget reduced the governor's original request to \$20 million each year. She displayed on the screen the scale of the challenge for 2023 and 2024. She said that she wanted to bring this to the Board's awareness as they had previously taken legislative priorities and positions on that program.

Ms. LaPisto-Kirtley said that she would wait to comment until she saw the legislation.

Mr. Gallaway said he supported the JLARC studies on education funding, especially as they relate to expanding SOQ (Standards of Quality) positions, and he encouraged staff to coordinate with the school division. He said regarding mental health, that Senator Deeds was the County's representative, anything related to mental health services the Board should support those efforts. Regarding the site readiness program, he commented that funding shifted to another program, so it was important they understand where that money shifted to so they could position themselves accordingly. He said that regarding the study on custom incentive grants, it seemed like staff were getting their heads wrapped around it. He said that this may lead to a separate discussion and might not necessarily relate to the legislative packet.

Mr. Pruitt said that Community Service Boards (CSBs) were the most important yet underfunded element of the state budget, and they impacted localities significantly because they felt the results of any lack of funding. He stated that he fully endorsed their funding priorities include CSBs. He said that education funding should continue to be highlighted. He said that clean energy and data centers did not require state interference or restrictions; it was beneficial for localities to maintain control over those issues. He said that he did not think they needed to address skill games unless they were directly asked to.

Mr. Pruitt said that regarding the broader policy recommendations, he was interested in the definition of abuse and neglect, and he would require further information on the issue from advocacy groups and who was pushing this initiative forward. He said that he was concerned about focusing on someone's status as an addict rather than their conduct and the execution of a policy related to that. He said that regarding housing, he felt that there were many more items that could be included. He said that in his experience, when talking to tenant organizations, their number one priority was a CPI-driven rent stabilization capacity for localities.

Mr. Pruitt said that this was important to keep requesting at the state level because it was the most highly requested policy from tenant organizations across the state. He said that the document provided gave the impression that the focus was on good government, local priorities, and appeared to be crafted primarily by the six people on the dais and by staff. He said that it was one of the most important political documents they generated every year, but he was unaware of any public engagement and outreach around these priorities.

Mr. Pruitt said that outreach to other community organizations and understanding of the community's priorities should influence the requests they were making on behalf of the community. He said that he was supportive of the proposals, but he was unsure if they reflected the most important priorities of the community. He said that he wondered if there was space for them to consider inclusion of more community and interest group input into the legislative priority process.

Ms. McKeel said that clean energy and data centers should fall under their jurisdiction rather than that of the State. She said that mental health was being addressed with the HART program, although she acknowledged that more resources would be beneficial. She said that they lacked a strong community

services board. She said that she strongly supported pursuing the JLARC studies, which contained simple and effective recommendations. She said that the General Assembly should heed these studies, as they were funded by the Assembly and had bipartisan support.

Ms. McKeel said that regarding skill games, she agreed with Mr. Pruitt's assessment that they were not something they would want in their community. She said that she found it appalling that such a discussion was even taking place. She said that for school funding, Albemarle County Public Schools had a legislative point person. She said that she suggested partnering with them, as their ideas rarely differed from their own. She said that this collaboration would save time and allow them to make the most of the existing legislative work. She said that she was supportive of the other proposals as well.

Ms. Mallek said that it was important to support and protect local authority in order to maintain public trust. She said that local boards were closest to the public and could be easily replaced if they lose approval, so decisions should be made at this level. She said that she predicted that state takeovers and preemptions would return due to venture capitalists seeking quick profits, targeting the least resistant threat, which was the legislature. She said that she suggested that individual conversations may be more effective than one large gathering for preparing for meetings. She said schools got a lot of increases this session and agreed that they could step up. She said that did not support skills games.

Mr. Andrews said that regarding clean energy, he believed that sometimes local control could hinder progress, but overall, it was important that they maintain some level of authority. He said that they had previously discussed the TDO (Temporary Detention Order) procedures requiring Albemarle County to transfer people all over the state, and they had hoped to address the issue at the State level to receive some support.

Ms. McKeel said that she had thought it was a local decision rather than a state decision. She said that they needed more information about it and that different communities were doing different things.

Ms. Mallek noted that in other states, if they took state payment, were not allowed to turn away those who came to them. She said that the fact that some of the hospitals are not participating in mental health programs is appalling.

Mr. Andrews said that they needed to clarify the levels of authority in addressing the issue.

Agenda Item No. 12. Closed Meeting.

At 5:08 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (1), to discuss the appointment, promotion, performance, or resignation of specific administrative employees of the county appointed by the Board of Supervisors; and
- Under subsection (5), to discuss the expansion of an existing industry in the southern part of the county in the Scottsville Magisterial District, where no previous announcement has been made of the business's interest in expanding its facilities in the community

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 13. Certify Closed Meeting.

At 6:04 p.m., Mr. Pruitt **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. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that he had the June 2024 Progress Albemarle Report to present to the Board this evening. He said that Abbey Stumpf was to his left, and she would assist with the presentation. He thanked the CAPE (Communications and Public Engagement) staff as well as their operating departments for their hard work in connecting meaningful items to the Board and public.

Mr. Richardson said that first, regarding partnerships, yesterday the City Economic Development Authority and County Economic Development Authority received updates on two mutually interesting items, including a presentation from Ruth Emrick, COO of TJPDC (Thomas Jefferson Planning District Commission), on the Comprehensive Economic Development Strategy (CEDS). He said that this strategy was funded by a 2022 grant from the U.S. Economic Development Administration.

Mr. Richardson said that Camoin, a consultant, collaborated with Rappahannock-Rapidan Regional Commission and GoVirginia Region 9 Council, along with regional stakeholders, to develop this strategy. Camoin produced a separate CEDS plan for both the TJPDC and the RRRC (Rappahannock-Rapidan Regional Commission), as well as a super-regional report focused on the shared opportunities and strategies for the entirety of the two regions.

Mr. Richardson stated that this served as an excellent example of collaboration between the City and County economic development departments and authorities. He said that he would like to remind the Board that they regularly met with the City's Economic Development Department to discuss projects of mutual interest along their boundaries. He said that earlier they heard an update on the Broadway Corridor Blueprint, which necessitated joint efforts from both the City and County Economic Development Departments for its success. He said that this area was crucial to their community.

He said that regarding the Meadows Creek Community Center Backup Generator Project, they utilized ARPA (American Rescue Plan Act) reserve funding to purchase and install a generator at the center to ensure power during outages. He said that the generator had now been installed. He said that securing and installing the generator was a partnership across Fire Rescue, Parks and Recreation, Finance and Budget. He said that this improvement was identified after the lengthy power outages during the January 2022 snowstorm.

Mr. Richardson noted that acquiring the appropriate generator needed a 60-week waiting period for delivery. He said that the Meadows Community Center, situated in Crozet, primarily functioned as a senior center. He said that the facility would offer a location for nearby community members to meet their needs during power outages. He said that although the center was small, it could potentially operate as both a warming and cooling center. He said that staff were currently examining additional options for the facility.

Mr. Richardson said that the Woodbrook Lagoon Stream Restoration project aimed to rectify existing erosion, prevent future erosion, and enhance water quality benefits at this site. He said that located off of Brookmere Road, this facility was initially constructed as a wastewater treatment lagoon but was modified in 2011 to function as a stormwater management facility. He said that large storms had caused significant erosion and sedimentation near the facility's entrance. He said that the berm separating the facility from the adjacent stream also served as a walking path and must be repaired to prevent breaching. He said that the upstream embankment would be altered to allow more stormwater into this wetland area of the facility.

Mr. Richardson said that that the next slide displayed Albemarle County's LEAD (Leading, Educating, and Developing) educational program in partnership with the University of Virginia, and pictured were their graduates for Fiscal Year 24. He said that 11 staff members from throughout their organization attended UVA's LEAD program during Fiscal Year 24. He said that leaders from across the County government attended this program. He said that it was a one-week course, and they were working to ensure consistent and intentional leadership philosophies are being instituted at all levels of the organization. He said that they were fortunate that this program was available in their own backyard through the University of Virginia's business program. He expressed his appreciation for their partnership with Albemarle County.

Mr. Richardson indicated that Ann Mallek was asking for the names of the staff that attended the LEAD program. He asked Ms. Abbey Stumpf to assist with identification.

Ms. Abbey Stumph stated that the staff who attended the LEAD program were JT Newberry, Ryan Davidson, Jim Barbour, Keith Bradshaw, Shenandra Usher, Jessica Rice, Kevin McDermott, Abbey Stumpf, Kevin Miller, Katie Batten, and Erin Buchanan.

Mr. Richardson said that Deputy Chief of Fire and Rescue Emily Pelliccia was accepted into the Lead Virginia Program, which was a separate program from LEAD through the University of Virginia and was modeled on the theory of social capital. He said that Lead Virginia attracted senior local professionals committed to advancing Virginia's future and was highly competitive. He said that it enhanced individual leadership capabilities and fostered a network of high-performing, solution-oriented leaders dedicated to creating a positive statewide impact. He said that Ms. Pelliccia used this opportunity to network, and in the sector of Fire Rescue and Emergency Management, her involvement paid dividends to the County.

Mr. Richardson said that phase one of the courts complex addition and renovations project continued with the completion of structural steel framing, placement of concrete slabs, ongoing exterior wall construction, and electrical conduit work. He said that substantial completion was expected in early Calendar Year 2025. He said that project updates could be found at www.albemarlecountycourtscomplex.com. He thanked the Facilities and Environmental Services staff, including Lance Stewart and his team for their outstanding leadership work as this project got off the ground.

Mr. Richardson said that Albemarle County celebrated Bike Month with multiple events, including one in Crozet and one at Darden Towe. He said that staff collaborated with area partners to promote May as Bike Month, which featured e-bike demos and a skills course with the ACPD (Albemarle County Police Department) bike team. He acknowledged that the popularity of such events is evident due to the presence of staff working at them.

Mr. Richardson highlighted the importance of correctly installed car seats, stating that they could reduce the risk of fatal injury by 71% for infants and 54% for toddlers according to the National Highway Traffic Safety Administration. He said that there would be a free car seat installation event to educate people on this matter. He said that Albemarle County Fire Rescue would be at the 5th Street Station for free car seat adjustments and installation on June 14, 2024, from 10:00 a.m. to 12:00 p.m. He said that if someone cannot make it that day, the Fire Rescue Department could help with a car seat installation year-round by contacting Albemarle County Fire Rescue.

Mr. Richardson said that the Police Department welcomed five new officers in May after graduating from the Central Shenandoah Criminal Justice Academy, part of the 150th basic law enforcement class. He said that officers Lauren Day, Hunter Harmon, Bryce Owens, Tyler Walls, and Kyle Zuviv graduated first in class academically, with Kyle also setting a new statewide record for the highest score ever on the test. He expressed his admiration for these young people's skills and education, calling them key additions to Albemarle County government.

Mr. Richardson said that he would provide an update on the Employee Health Clinic. He stated that its purpose was to enhance overall health of employees and families, provide dedicated quality health and wellness services, and help manage rising healthcare costs. He acknowledged that this remained an issue for both Albemarle County local government and schools. He said that as a reminder, they had a combined healthcare fund covering all County school employees, families, and lives.

Mr. Richardson said that the current status of the project was that a vendor had been selected after an extensive RFP process. He explained that they were sourcing two separate locations, one on 29 North and one at Pantops, aiming to have two clinics. He said that Human Resources would play a significant role in clinic implementation along with key stakeholders, including partner entities and the school division. He said that they were working with their vendor to determine the type and number of medical personnel at each clinic. He said that starting this fall, employees would receive regular updates about clinic services and resources. He emphasized that this was an essential project for their organization, and they were looking forward for it to go online.

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

There were no speakers.

Agenda Item No. 16. **Public Hearing: Electric Vehicle Charging Fee Ordinance**. To receive public comment on its intent to adopt an ordinance to implement a fee for the public use of the County-controlled electric vehicle charging stations. The proposed ordinance would charge a fee at the rate of \$0.147 per kilowatt hour and would take effect on July 1, 2024, as enabled by Virginia Code § 2.2-614.5.

The Executive Summary forwarded to the Board states that Albemarle County's Climate Action Plan target is to reduce community greenhouse gas emissions by 45% from 2008 levels by 2030 and to achieve carbon emission neutrality by 2050. Transportation emissions are estimated to account for 48% of the emissions in Albemarle County. The expansion of electric vehicle (EV) charging equipment to encourage the use of electric vehicles is essential to meeting the community's carbon emission reduction goals.

In 2021, the County installed EV chargers in the County Office Building parking lot for use by the general public. The total project cost was \$333,008, including grant funds and \$100,000 of Board dedicated climate action funds. Since commissioning, the County has hosted approximately 8,000 unique drivers at the county-owned facilities, dispensing over 738 mega-watt-hours of electricity for an accumulated greenhouse gas emissions savings (GHG) of over 502 metric tons.

At the time of installation, state agencies and localities were not permitted to assess fees for electricity distribution. As a result, EV owners charge their vehicles at County charging stations free of charge. Virginia Code § 2.2-614.5 was subsequently amended to allow government agencies to operate EV charging stations and to charge for service at prevailing rates. Other jurisdictions, including Alexandria and Fairfax County, have already established EV charging fees. A draft ordinance to establish EV charging fees to recoup the County operating expenses associated with the EV chargers is provided as Attachment A.

The usage of our EV chargers has been increasing steadily. A review of charger data shows that usage has been rising by approximately 10% a month. Electricity fees currently cost the County roughly \$5,000 monthly. Staff estimates that electricity fees could approach \$8,000 per month in FY 25. A new lease contract is expected in late FY 26 that is expected to increase monthly operating expenses by an additional \$4,500 (\$54,000/yr).

Staff has prepared a draft ordinance (Attachment A), an EV Fee Methodology (Attachment B), and Additional Background (Attachment C) to outline the proposed development and implementation of an EV charging fee for the County EV chargers.

The County's provision of retail electric vehicle charging service to the public is expected to have little financial impact on the County. Revenue is expected to cover the variable costs of transaction fees and electricity, which will be returned to the General Fund.

Staff recommends that after the public hearing, the Board adopt the attached ordinance allowing the County to charge a two-part fee for public use, effective July 1, 2024, for the charging of electric vehicles at County-owned charging stations, consisting of (1) a charge of \$0.147 per kilowatt hour and (2) a dwell-time fee of \$2.00 per hour, capped at \$25.00 per session. The dwell time fee is designed to encourage users to move their EVs after their batteries are fully charged to allow maximum community utilization of the EV chargers.

Mr. Cai Mowry, Deputy Chief of Operations, said that he was present to discuss the electric vehicle charging fee ordinance. He said that the purpose was for the County to recoup some operating costs associated with these units. He said that as a side note, retail fees would not apply to the County's fleet of electric vehicles, which currently consisted of four and planned to expand as vehicles were rotated in and out of service.

Mr. Mowry said that in accordance with the Climate Action Plan's guidelines, the County aimed to increase the availability of electric vehicle charging infrastructure for the public. He said that in 2021, the County received a grant to install 13 charging stations at the two County office buildings. He said that the initial project cost, including a five-year equipment lease and maintenance contract, was approximately \$333,000. He said that the majority of this sum, \$230,000, was covered by a Dominion grant, with the remaining funds sourced from Board-dedicated Climate Action Funds.

Mr. Mowry explained that they installed two types of chargers: level two and level three chargers. He said that level two was a 240-volt AC charger, commonly found in residential electric vehicle charging setups. He said that it added about 35 to 40 miles in roughly an hour, depending on the car. He said that their level three chargers, also known as DC chargers due to their direct current nature, could add approximately 100 miles in just 30 minutes. He said that these were where most drivers do the majority of their charging, accounting for about 80% of charging sessions on these three units alone.

Mr. Mowry said that over 8,000 unique drivers had utilized their charging stations and that they saw around 50 unique drivers daily. He said that over the past three years, they had dispensed a total of 771 megawatts of electricity. He said that if they equated that to greenhouse gas emission savings, it was about 528 metric tons. He said that for most people, this did not mean much; it comes out to very close to about 60,000 gallons of gas saved in the last three years of operation of these units. He said that demand for this program had been increasing, approximately 10% a month since they turned on the power switch. He said that the County had been averaging about 40 megawatt-hours a month for all these units at an average cost of approximately \$5,000 a month.

Mr. Mowry said that the units powered an equivalent of around 41 homes a month in terms of electricity usage. He said that when these units were installed, the Virginia Code prohibited any government agency from assessing fees for the distribution of electricity to avoid conflicts with public utilities. He said that the charges had been free to the public and they had greatly appreciated this service. He said that after installing the units, the code was amended to allow government agencies to operate retail fee-based EV (Electric Vehicle) charging stations on their property.

Mr. Mowry said that since then, at least three Counties in Virginia that he found had implemented EV charging fees: He said that they were Arlington County, Fairfax County, and Loudoun County, all located in Northern Virginia. He said that each of these counties had adopted a different approach to the fees they charged and how much. He said that he examined both Arlington and Fairfax and merged their approaches when considering how they wanted to implement their program. He said that they had identified three primary costs contributing to the operating expenses.

Mr. Mowry said that these included the cost of EV chargers, electrical costs, which followed a standard Dominion rate schedule and could fluctuate annually based on effective riders, accounting for approximately 45% of the cost. He said that lease and maintenance fees currently had zero costs due to a five-year contract from the initial installation expiring in 2026. He said that renewing the contract would result in an additional \$4,500 monthly fee, equivalent to about \$0.15 per kilowatt hour added to the overall cost in a few years. He said that this has been prepaid at present.

Mr. Mowry noted an administrative fee from the EV service provider, ChargePoint, which charged a flat 10% fee on all collected revenue from transactions. He said that breaking down costs, the electric rate in kilowatt hours over the last 12 months averaged approximately \$0.132 per kilowatt hour. He said that lease and maintenance costs would change in a few years; it was recommended to review this fee annually for cost adjustments. He said that the ChargePoint administrative fee was estimated at \$0.015 per hour, for a total of \$0.147 per kilowatt hour.

Mr. Mowry said that staff also recommended a dwell time fee or idling fee of \$2 per hour, capped at \$25 per session, for electric vehicles that remained in a spot with a fully charged battery. He said that the fee would apply after a 30-minute grace period, and its purpose was to encourage turnover and allow

more community members to use the chargers. He said that staff conducted a search around Charlottesville, within about five miles of the County office building, and found approximately 80 electric vehicle chargers available, excluding Tesla chargers.

Mr. Mowry said that pricing analysis included Amped Up, which served the Dairy Market and charged \$1.80 per hour, equivalent to \$0.32 per kilowatt hour based on current chargers. He said that Blink in Charlottesville charged a flat rate of \$0.49 per kilowatt hour. He said that EVgo had a complex pricing structure depending on membership and the time of day, with the cheapest rate at \$0.34 per kilowatt-hour between midnight and 8:00 a.m. He said that staff recommended adopting a two-part fee consisting of a \$1 or \$0.147 per kilowatt hour charge, in addition to the \$2 per hour dwell time or idle fee after the 30-minute grace period.

Mr. Gallaway asked if the proposed effective date of July 1 was enough time to implement this change.

Mr. Mowry said that it would be enough time; however, it could be delayed in order to give the public some lead time to become aware of the charges before they were implemented.

Mr. Gallaway asked if the County's rates would vary or would they be a flat rate.

Mr. Mowry said that their goal was to have a constant flat rate for charging services.

Mr. Pruitt said initially he was not supportive of the dwell time charge until he understood that it did not go into effect until the battery was fully charged. He said most EV users do not fully charge their batteries because that caused diminishing returns. He said that currently those who use the County's charging site are often happily surprised when they arrive and learn that there is not a charge, so he did not think that the education piece was of concern. He said that he was supportive of the proposed fees, which were reasonable and expected by users of electric vehicles.

Ms. McKeel said that she believed they had sufficient time to advertise regarding this change.

Ms. Mallek asked if there was a timer that began when the charging was complete and that the billing process would be automatic through software.

Mr. Mowry said that was correct; ChargePoint collected data for each electric vehicle, including who was charging, when they began and ended charging, and the quantity of energy they took.

Ms. Mallek asked if they had considered installing a roof with solar panels to generate the energy to then sell with the charging stations.

Mr. Mowry said that it had not been considered, but it was a good idea.

Mr. Andrews said that he was supportive of the proposed fees. He asked when the timer would begin for the dwell time fee.

Mr. Mowry said that it would begin as soon as the charger sensed the vehicle was no longer charging.

Mr. Pruitt asked if the Board would need to vote every time they wanted to change the rate for the fees.

Mr. Rosenberg said that section two of the ordinance provided a mechanism for the recalculation of the rate on a fiscal year basis, which could be done administratively and without returning to the Board for authorization.

Mr. Andrews opened the public hearing and asked the Clerk if there were any speakers. Hearing none, he closed the public hearing and brought the matter back before the Board for comments or a motion.

Ms. McKeel **moved** the Board of Supervisors to approve proposed Ordinance 24-A, an Ordinance to Establish Rates for Electric Vehicle Charging Stations (Attachment A). Mr. Pruitt **seconded** the motion.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

ORDINANCE NO. 24-A(4)

AN UNCODIFIED ORDINANCE TO ESTABLISH RATES FOR COUNTY-OWNED ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, Virginia Code Section 2.2-614.5 permits Albemarle County to locate on any property under its control a retail fee-based electric vehicle charging station, and to offer from those stations

electric vehicle charging at prevailing market rates,

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

1. A Rate for electric vehicle charging at County-controlled electric vehicle charging stations for public use will become effective on July 1, 2024. That Rate will be \$0.147 per kilowatt hour.
2. The Rate will be recalculated every fiscal year, beginning on July 1 of the new fiscal year. The rate will be equal to the electrical rate provided by the public electrical supplier, plus the actual fees that the County pays to a third party to lease and maintain the relevant electric vehicle charging station, plus the actual administrative fee that the County pays to a third party for the relevant electric vehicle charging station.
3. A fee equal to the Rate shall apply to all electric vehicle charging by members of the public at stations operated by the County.
4. The fee will be collected directly from the customer at the point of sale through a payment processing method selected by the County Executive.
5. After a vehicle has discontinued charging, it must be removed from a charging space within 30 minutes. Any vehicle in a charging space that is neither charging nor within that 30 minute period shall be fined \$2 per hour, to a maximum of \$25.

Agenda Item No. 17. **Public Hearing: ZMA202400002 Rivanna Futures.**

PROJECT: ZMA202400002 Rivanna Futures

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 032000000005C0, 033000000001400, 0330000000001D0, 033000000000100, 033000000001000

LOCATION: Route 29 North at Boulders Road

PROPOSAL: Rezone to LI, Light Industrial.

PETITION: Request to rezone a total of approximately 172 acres from RA, Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) and PRD, Planned Residential Development which allows residential (maximum of 35 units/acre) with limited commercial uses to LI, Light Industrial which allows industrial, office, and limited commercial uses.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) PRD Planned Residential Development – residential (maximum of 35 units/acre) with limited commercial uses.

OVERLAY DISTRICT(S): AIA – Airport Impact Area; EC – Entrance Corridor Overlay District: FH – Flood Hazard Overlay District; Steep Slopes Overlay District – Managed; Steep Slopes Overlay District – Preserved

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential 3-6 units/acre; supporting uses such as religious assembly, schools, childcare, institutional, commercial/retail, and other small-scale non-residential uses. Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre). Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features. Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses. Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that, at its meeting on May 14, 2024, the Planning Commission (PC) voted 7:0 to recommend approval of ZMA202400002 and SP202400014 Rivanna Futures.

The PC discussed the review process for these applications. The PC noted that the application did not include a plan of development, significant proffers, or special use permit conditions typically seen with other applications. However, the PC also noted that this project would provide a public benefit, that it had already had a substantial amount of public review, that there would be more public review, and that that amount of public review differentiated it from other projects. The PC recommended that the County take into consideration ways to set the standard, by focusing on excellence in areas of land planning, equity, resilience, sustainability, and features that are listed in the vision and mission of the County in its specific direction, and include resource management, transportation, and other related considerations.

Staff recommends that the Board approve ZMA202400002 to rezone the property and SP202400014 Rivanna Futures to permit offices in buildings constructed after 2014.

Mr. Bill Fritz, Development Process Manager, said there were two items before the Board today,

both public hearings. He said that he would combine the presentation for them and could answer questions as desired. He said that the applications included a rezoning for 172 acres, changing from Planned Residential Development (PRD) and RA (Rural Area) to light industry (LI), and a special use permit allowing offices in newly constructed buildings. He said that the provided image depicted the area's character, including County-owned land. He said that the orange line and blue-highlighted area represented the region to be rezoned.

Mr. Fritz said that the image was oriented with east at the top. He said that surrounding rural areas to the north and east exhibited typical characteristics of the County's rural areas, featuring a mix of open and wooded spaces with scattered residential development. He said that along Boulders Road lies Rivanna Station, consisting of office buildings. He said that to the west, opposite Route 29, was the Briarwood development. He said that the orange-bounded area in the next image represented County-owned land, identical to the previous image.

Mr. Fritz said that the rezoning proposal encompassed areas zoned PRD, shown in green, and RA, shown in white. He said that this was overlaid with the blue area, which denoted the proposed rezoning region. He said that access to the site was currently gained via Boulders Road, intersecting Route 29 at a signalized intersection.

Mr. Fritz said that as seen in the image, the rezoning effectively consumed all the development potential from the PRD, and a proffer suggested limiting traffic-generated trips to 5,000 per day. He said that this traffic volume was consistent with what would be anticipated from the PRD and the area recommended for residential, office, industrial, and limited commercial development in the Comprehensive Plan. He said that VDOT had not recommended any transportation improvements.

Mr. Fritz noted that rezonings could be initiated in two ways. He said that the County may initiate a rezoning, or a request could be made by the property owner. He said that only during a property owner initiated rezoning application could proffers be accepted. He said that this application was submitted as a property owner-initiated zoning, as the County was the property owner in this case. He said that because of this, staff was able to provide the proffer to limit traffic volumes.

Mr. Fritz said that some of the area currently zoned RA was recommended for residential, office, industrial, and limited commercial development. He said that the boundaries of the Comprehensive Plan were general in nature except where they followed physical boundaries such as road and water courses. He said that staff reviewed the plan and the Board's past actions to extend water and sewer service, concluding that the area proposed for rezoning was consistent with the boundaries of the plan.

Mr. Fritz mentioned that there were two small areas outside the development area boundaries, where the boundary followed the edge of two lakes. He said that however, the property line went through those lakes, so no development could occur in these areas due to existing regulations. He said that staff found no conflict with the Comprehensive Plan.

Mr. Fritz said that these applications were reviewed for consistency with the criteria for rezoning consideration and the special use permit review criteria. He said that the staff report contained comments for all review criteria. He said that he was prepared to address any inquiries regarding the findings. He said that although he would not go over all the findings, he wanted to highlight the portion of the review focusing on the Comprehensive Plan.

Mr. Fritz said that as illustrated in the previous slide, a majority of the proposed rezoning area was not designated for office, industrial, or commercial development. He said that in the land use recommendations of the Comprehensive Plan, the area was shown for residential use; however, the economic development section had comments about supporting target industries. He said that the County's acquisition of this property supported economic development in defense and security sectors, which were target industries. He said that additionally, the plan directly addressed Rivanna Station, emphasizing its significance and the importance of supporting this facility.

Mr. Fritz said that the Comprehensive Plan was divided into chapters, and the order of these chapters was intentional. He said that consequently, it was staff's opinion that the proposed rezoning and special use permit were consistent with the Comprehensive Plan, as they supported Rivanna Station and target industries. He said that staff and the Planning Commission recommended approval of the rezoning application, contingent upon accepting the proposed proffer, and also endorsed approval of the special use permit. He said that no additional conditions were deemed necessary for the special use permit due to the proposed proffer.

Mr. Andrews opened the public hearing and invited Emily Kilroy to speak on behalf of the County as the applicant.

Ms. Emily Kilroy, Interim Director of Economic Development, said that she was joined by J.T. (Johnathan) Newberry, Deputy Director of Economic Development, who would be assisting her throughout the presentation. She said that she was present to discuss the County's acquisition of 462 acres of land at the end of Boulders Road next to Rivanna Station. She said that the vision presented was for an intelligence and national security innovation acceleration campus which would not only retain the existing anchor for the region's defense sector but also provide opportunities for expansion and collaboration among public and private partners.

Ms. Kilroy said that a 2D drawing on the slide had been transformed into a three-dimensional model to make the vision more understandable to the general public, which they called Rivanna Futures. She said that they presented a slide for the Planning Commission public hearing, acknowledging the community's concerns about the pace of the rezoning review process. She said that some unique aspects of this project had contributed to its progress. She noted that the timeline provided was a list of all the public meetings where the project had been discussed over the past year. She noted that the June 21 public hearing where the Board allowed business and industrial development uses on the property acquired was a crucial step in the acquisition process.

Ms. Kilroy said that the December 13 Board meeting, during which staff identified rezoning as their priority for the upcoming year. She said that since the fall, staff members from both Economic Development and Community Development had been meeting biweekly and then weekly to discuss the project. She noted that Community Development had been consulted in a pre-application stage for an extended period, even before the formal application was submitted in January of this year.

Ms. Kilroy said that the second thing to highlight was that the County owned this land. She said that for the property to be sold, leased, developed, or otherwise significantly altered, an appropriate public process must take place. She said that the County had an active role in this project moving forward, not just through the legislative review process, which could potentially conclude tonight.

Ms. Kilroy said that rezoning was crucial for this project to make the land eligible for grant funding and demonstrate the County's commitment to the project. She said that with the zoning in place, if the Board decided to do so tonight, they would be minimally qualified to apply for various state and federal grant opportunities. She said that these grants would help secure additional funding from outside sources to bring this vision to life. She said that the broad media coverage of this project and its development vision had been ongoing. She said that the Communications and Public Engagement team had been intentional in sharing information to keep the public informed throughout the process.

Ms. Kilroy said that she would now shift her focus towards the land use aspects. She said that site acquisition activities to date began with the announcement of the contract on May 23. She said that a public hearing was held in June to explore all possible uses within the intelligence and national security innovation acceleration campus model. She said that due diligence took place between May and the contract's closure in December to determine if the land could support such development. She said that the contract was closed on December 15, 2023, transitioning into the site readiness phase of the project in January. She said that Mr. Newberry would discuss rezoning specifically.

Ms. Kilroy explained that the model for developing this property was locally driven, state supported, and federally shared. She said that locally driven referred to site control, which Albemarle County completed in 2023. She said that site readiness was where they were today, with ongoing work to prepare for future site readiness. She said that they were focused on securing state support to advance the project while building partnerships with federal and private partners for vertical development.

Mr. J.T. Newberry, Deputy Director of the Economic Development Office, said that the Board had previously seen this information. He said that the discussion revolved around the local framework for site readiness, and displayed on the slide was the framework used by the State, which had a tiering system ranging from Tier 1 to Tier 5. He said that Tier 1 represented raw, vacant land, while Tier 5 denoted a shovel-ready project.

Mr. Newberry said that on the right-hand side of the slide, staff had noted where they estimated Rivanna Futures' land fell on this site readiness scale. He said that at this time, it was considered to be around Tier 2, designated in the Comprehensive Plan for growth but not yet zoned as such. He said that if the application was successful that night, they would be close to or at a Tier 3. He said that the ultimate goal was to reach Tier 4, which was a best practice among developers, striking the right balance between cost-benefit and site preparation.

Mr. Newberry noted an interesting aspect of the State system, which were the success odds noted in red along with each tier. He said that the general objective of site readiness was to impact the speed, risk, and cost of ultimate end users, ensuring their future investment would pay off. He said that the Tier 4 offered a 70% to 80% likelihood of using the site as anticipated. He said that under the State system at that time, they had less than a 20% chance of success.

Mr. Newberry said that he would briefly discuss two lines of effort they had been working on since acquisition. He said that the first was their conceptual engineering. He explained that Ms. Kilroy had touched upon the due diligence they did prior to the acquisition but that they had gone into a second phase of that due diligence, trying to understand what were the infrastructure impacts of water, sewer, and stormwater that would be necessary to facilitate this larger vision they had been working from. He said that the art of the possible inherited from the State had been visualized as a full build-out of the site by their engineer. He said that this slide represented the entire rezoning area under review tonight, which would facilitate this vision.

Mr. Newberry said that the other line of effort for tonight's public hearing was the rezoning and special use permit request. He said that the applicant believed that light industry zoning with a special use permit for office would allow them to facilitate all of the uses supportive of retaining Rivanna Station and growing compatible uses there. He said that it made them minimally eligible for those state and federal grant opportunities, as Ms. Kilroy mentioned earlier.

Mr. Newberry said that Mr. Fritz's presentation talked about the proffer and highlighted that this level of traffic was what was currently allowed by right under the existing zoning. He said that by providing this proffer, they believed they were both mitigating the impacts anticipated by the rezoning and allowing them to facilitate the phase one vision they had been working on. He stated that in case of a successful outcome, they would pursue state and federal grant opportunities to bring the necessary funds for enhancing their site readiness. He said that they would provide a more comprehensive update on their efforts at the joint Board-EDA (Economic Development Authority) meeting in mid-August.

Ms. McKeel asked how the timing of the rezoning request related to the grant process.

Ms. Kilroy clarified that they would not rely solely on one opportunity to complete the project; instead, they were exploring multiple avenues to achieve site readiness. She said that a suitable option under consideration was the Virginia Economic Development Partnership's Virginia Business Ready Sites Program site readiness funding.

Ms. Kilroy explained that the application period for this program typically opened in summer, with a general timeline of July. She said that this process involved exchanging paperwork and holding meetings with Virginia Economic Development Partnership staff to compile a comprehensive review package. She said that they had been collaborating closely with Community Development to align their target timeline for meeting the minimum eligibility requirements for applying for that grant.

Ms. Kilroy said that proper zoning of land was necessary to demonstrate commitment and due diligence, which were crucial factors in a competitive application. She said that consequently, they aimed to complete the rezoning process by summer. She said that there were federal deadlines in the fall with potential opportunities that aligned with their project objectives. She said that their local investment, combined with leveraging state and federal funds, would help them progress the work at an accelerated pace.

Ms. Mallek mentioned that the image showing all the forested area brought to mind stewardship in the rural area and, in addition to providing a distance boundary for the high security, would also provide workplace amenities for the federal workers.

Mr. Andrews asked for speakers from the public who wished to address the item.

Mr. Michael Scott, Rio District, said that he last spoke here on June 21 of last year in favor of the Rivanna Futures land purchase. He said that at that time, he had praised it as the most forward-thinking proposal he had encountered in his 30 years of residency.

Mr. Scott said that he had requested the Board to consider reserving approximately 25% or more of the acquired land for a natural area rejuvenation zone specifically designed for military personnel, veterans, and first responders. He said that these were the target communities under discussion concerning Rivanna Station. He said that including first responders was crucial because they had experienced trauma due to two decades of high operational tempo, which took a toll on their mental health.

Mr. Scott suggested partnering with organizations such as the Veterans Administration, mental health providers, and other service-based groups in the community to provide this space for healing. He said that there was substantial scientific evidence supporting the benefits of nature for the recovery of traumatized minds and souls. He said that the Board positively received his proposal last year and he requested that they continue to do so now, although outside the area being discussed tonight but within the 462 acres.

Mr. Scott said that he believed that the rezoning proposal presented tonight was a logical next step, not hasty, as it was a unique situation where rezoning was necessary to attract federal and state funding. He said that it made sense and was the natural progression of the decision made a year ago. He said that addressing concerns about the County proposing this and owning the land, he suggested that setting aside the natural area space would help alleviate those concerns. He said that the County's setting higher standards could serve as an example for the community it served.

Mr. Andrews brought the matter back before the Board for discussion and gave the applicant time for rebuttal.

Ms. Mallek asked if the rezoning as proposed would allow for a medical clinic on the property.

Mr. Fritz said that if it was publicly operated, it would be permitted as a public use. He said that if it were a private facility, they must determine if it was on the list of approved uses in the light industrial district. He stated public uses were permitted by right.

Mr. Andrews asked what next steps in this process would be publicly addressed. He said that there had been some concerns voiced to the Planning Commission and others about the lack of a site plan and level of detail that a private applicant might have. He said that after approving something for a

private developer, the County would not review it again.

Mr. Fritz stated that he would discuss some questions concerning the Community Development Department's actions, specifically in cases involving public use. He said that if a 2232 review was necessary for compliance with the Comprehensive Plan, it would be conducted by the Planning Commission rather than the Board of Supervisors.

Mr. Fritz explained that regarding the site plan process, that would necessitate notifying adjacent property owners and making information accessible to the public. He said that the site plan must also undergo a review procedure. He said that if there were any special exceptions, they would be presented before the Board of Supervisors; however, it was currently unclear whether such requests would be made.

Mr. Trevor Henry, Deputy County Executive, said that there would be a joint session of the Board of Supervisors and Economic Development Authority held in August where they would discuss information on the engineers' phase two work on this project. He said that they would talk about the potential phasing and more detailed analysis that would inform their grant application process.

Mr. Henry said that they would be developing a master plan or campus plan, which would require input from the Board as well as their federal partners, academic institutions, and private sector entities. He said that they envisioned this process to be public, similar to other master plan processes in capital projects and Community Development.

Mr. Henry said that as they progressed through the fall and into spring, there would likely be multiple engagements with the Board for proposals, input, and feedback before any finalization of the campus plan. He said that this would then lead to site planning and further design, following County processes throughout. He said that unlike other private sector applicants, the unique aspect of this project was that it would likely appear before the Board for multiple iterations over the next 10 plus years after rezoning.

Ms. Kilroy said that to provide more specific information about future plans, the campus planning process would offer a clearer understanding of potential tools and progress on the ground. She said that if the Board were to construct something, it would be included in their Capital Improvement Program and follow a public process. She said that funding for further studies was part of the budget process and subject to Board appropriation.

Ms. Kilroy said that public elements involved in this process included consent agenda items in the packets, presentations, and public hearings. She said that these were standard procedures in the County. She said that consequently, the project and its components would appear in various ways throughout Board, Planning Commission, and Economic Development Authority meetings as they progressed. She said that the roadmap for this initiative would primarily be guided by the campus plan, which was the next major phase of work following the current stage.

Mr. Andrews confirmed that this plan would be analyzed in terms of the Comprehensive Plan, Climate Action Plan, Biodiversity Action Plan, and other plans.

Ms. Mallek confirmed that when this project got to the site planning phase that it would go on the dashboard under the same project number.

Mr. Andrews closed the public hearing and brought the matter back before the Board for further discussion or a motion.

Mr. Gallaway said that he believed the public process regarding Rivanna Futures had been adequately transparent in its progression. He said that the angle of the discussion at the Planning Commission and that some community members raised the question of whether the level of detail was appropriate and necessary for other rezoning applications. He said that this conversation may be worth having because they had heard similar concerns before.

Mr. Gallaway said that in this project, bubble concept plans were based on form-type guidelines in the County. He said that it was in an entrance corridor, and they were trusting that those restrictions would apply. He said that the public nature of this project and its additional elements would ensure constant public scrutiny, unlike private applications. He said that however, when they demanded that other applicants provide higher levels of detail, it raised questions about their normal process for other applications.

Ms. LaPisto-Kirtley **moved** the Board of Supervisors to adopt the proposed Ordinance (Attachment E) to approve Zoning Map Amendment ZMA202400002, subject to the proposed amended proffers. Ms. Mallek **seconded** the motion

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

ZMA 2024-00002

AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 03200-00-00-005C0, 03300-00-00-00100,
03300-00-00-001D0, 03300-00-00-01000, AND 03300-00-00-01400

WHEREAS, application ZMA 2024-00002 was submitted to rezone 172 acres on Parcels 03200-00-00-005C0, 03300-00-00-00100, 03300-00-00-001D0, 03300-00-00-01000, and 03300-00-00-01400 from Planned Residential Development (PRD) and Rural Areas (RA) to Light Industry (LI); and

WHEREAS, on May 14, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2024-00002;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2024-00002 and their attachments, the signed Proffers dated May 16, 2024, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-27.1 and § 18-33.6, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2024-00002, subject to the signed Proffers dated May 16, 2024.

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. ZMA202400002 Rivanna Futures

Tax Map and Parcel Number(s): 032000000005C0, 033000000001400, 033000000001D0, 03300000000100, 033000000001000

Owner(s) of Record: 032000000005C0, 033000000001400, 033000000001D0 (Portion), 03300000000100 (Portion), 033000000001000 (Portion)

Date of Proffer Signature: 5/16/2024

172 acres to be rezoned from RA, Rural Areas and PRD, Planned Residential Development to LI, Light Industrial.


County of Albemarle, Virginia, is the owner (the "Owner") of Tax Map and Parcel Number 032000000005C0, 033000000001400, 033000000001D0, 03300000000100, 033000000001000 [(the "Property")] which is the subject of rezoning application ZMA No. ZMA202400002, a project known as "Rivanna Futures" (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

- 1. Prior to approval of any site plan, a traffic study prepared by a qualified individual must be submitted to the County. No site plan or combination of site plans will be approved if the anticipated traffic exceeds 5,000 vehicle trips per day.

OWNER

County of Albemarle, Virginia

OWNER

By: Jeff Richardson
Title: County Executive, Albemarle County

Agenda Item No. 18. **Public Hearing: SP202400014 Rivanna Futures.**

PROJECT: SP202400014 Rivanna Futures

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 032000000005C0, 033000000001400, 0330000000001D0,
033000000000100, 033000000001000

LOCATION: Route 29 North at Boulders Road

PROPOSAL: Special use permit to allow offices in buildings constructed after 2014.

PETITION: Request for a special use permit to allow office use in accord with Chapter 18, Section 26.2(a) Independent offices; within structure not established or not vested until after April 3, 2014.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) PRD Planned Residential Development – residential (maximum of 35 units/acre) with limited commercial uses.

OVERLAY DISTRICT(S): AIA – Airport Impact Area; EC – Entrance Corridor Overlay District: FH – Flood Hazard Overlay District; Steep Slopes Overlay District – Managed; Steep Slopes Overlay District – Preserved

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential 3-6 units/acre; supporting uses such as religious assembly, schools, childcare, institutional, commercial/retail, and other small-scale non-residential uses. Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre). Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features. Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses. Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

Mr. Andrews opened the public hearing.

Ms. Emily Kilroy, Interim Director of Economic Development, said that she would like to express her gratitude for the partnership of all staff who had worked on this project thus far, and the leadership of the Board for enabling them to be in a position to accomplish this task.

Mr. Andrews asked the Clerk if there were any speakers from the public. Hearing none, he closed the public hearing and brought the matter back before the Board for comments or a motion.

Ms. LaPisto-Kirtley moved the Board of Supervisors to adopt the proposed Resolution to approve Special Use Permit SP202400014 (Attachment F), subject to the proposed amended proffers. Ms. McKeel seconded the motion

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SP2024-00014
RIVANNA FUTURES**

WHEREAS, upon consideration of the staff reports prepared for SP202400014 Rivanna Futures and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-27.2, 18-26.2, 18-26.3, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400014 Rivanna Futures to permit "Independent offices; within structure not established or not vested until after April 3, 2014" on those portions of Parcels 03200-00-00-005C0, 03300-00-00-

00100, 03300-00-00-001D0, 03300-00-00-01000, and 03300-00-00-01400 zoned Light Industry (LI).

Agenda Item No. 19. **Public Hearing: Ordinance to Amend County Code Chapter 2, Administration, to Increase the Compensation of the Board of Supervisors**. To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 2, Administration, by amending Section 2-202, Compensation of Board of Supervisors, to increase the compensation of the members of the Board of Supervisors by 2.0% effective July 1, 2024 from \$19,803.00 per annum to \$20,199.00 per annum.

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-1414.3 enables boards of supervisors to establish annual board members' salaries by ordinance, and limits the maximum annual salary based on localities' populations. It also provides that the maximum annual salaries provided for each population bracket may be adjusted by an inflation factor not to exceed five percent.

The Board of Supervisors adopted an ordinance in 1984, establishing the Board members' salaries effective July 1, 1985. Since 1998, the Board has consistently increased members' salaries by an amount equal to the average salary increase provided to employees of the County.

The County implemented a 2% Cost of Living Adjustment for staff, effective January 1, 2024, to support increasing wages in response to inflation and to remain competitive with employers in our area. Board member pay did not increase at that time because the state code requires that consideration of compensation adjustments for a board of supervisors occur between May 1 and June 30 each year, with any changes to be effective as of July 1 of the following fiscal year.

Staff has prepared a proposed ordinance (Attachment A) to amend County Code § 2-202 to increase the compensation of Board members by 2%, to include the stipends for the Board chair and vice-chair, which the Board can consider following the public hearing. Consistent with the state code, the ordinance includes an effective date of July 1, 2024.

The proposed 2% salary increase will increase Board members' annual salaries from \$19,803 to \$20,199 in FY 25. The proposed stipend increase for the Chair is from \$1,800 to \$1,836, and the proposed stipend increase for the Vice-Chair is from \$600 to \$612.

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

Mr. Steve Rosenberg, County Attorney, said that last year they delved deeply into this topic and discussed the two methods by which the Board of Supervisors could consider changes to its compensation. He said that it had been the long-standing practice of this Board to follow the process that allowed for annual adjustments based on an inflation factor.

Mr. Rosenberg said that the alternative method, which the Board consciously decided not to adopt last year, enabled larger increases effective for the succeeding Board. He said that he would remind them that they had that conversation last year and that the Board of Supervisors made a decision to maintain the use of the established process by which the Board adjusted its compensation annually.

Mr. Rosenberg said that the adjustment was based on an inflation factor under the state code and could only occur through the action of the Board between May 1 and June 30 each year. He said that historically, it had been the case that the Board of Supervisors has received the same inflationary adjustment as County staff. He said that currently, County staff received a 2% cost-of-living adjustment effective January 1, 2024, but this could not be provided to the Board of Supervisors at that time because it did not fall within the May 1 through June 30 window.

Mr. Rosenberg said that the item before the Board today was an ordinance for their consideration to adjust Board salaries by the same 2% that County staff received as of January 1, 2024. He said that since they were currently within the timeframe between May 1 and June 30, the change would become effective as of July 1. He said that if the Board approved or adopted the ordinance following the public hearing, Board salaries would increase by 2%, which was the same percentage staff received on January 1.

Mr. Rosenberg said that this adjustment will raise Board salaries from \$19,803 to \$20,199 in Fiscal Year 25 and also provided for an increase in stipends for the Chair, from \$1,800 to \$1,836, and for the Vice Chair, from \$600 to \$612. He said that this process was straightforward. He said that the budget they had already adopted included, and the appropriation they had made, included funds sufficient to fund these increases. He said that the matter before them now was a public hearing in consideration of the ordinance.

Mr. Andrews opened the public hearing and asked the Clerk if there were any speakers. Hearing none, he closed the public hearing and brought the matter back before the Board.

Mr. Pruitt said that he would be open to exploring the second option for raises sometime in the future. He said that they were not compensating Supervisors enough if they wanted to treat it as an actual part-time job. He said that the currently proposed pay only considers the time spent in meetings and preparing for those meetings. He said that if they were to consider the Supervisors' engagement in

constituent services, community involvement, and investigate issues proactively, this pay did not accurately reflect that. He said that he did not think it helped them have a diverse Board.

Ms. LaPisto-Kirtley **moved** the Board of Supervisors to approve the proposed Ordinance to amend County Code Chapter 2: Administration, increasing the compensation of the Board of Supervisors, included as Attachment A. Ms. Mallek **seconded** the motion

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

ORDINANCE NO. 24-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, 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 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 2-202 Compensation of the Board of Supervisors.

Chapter 2. Administration

Article 2. Board of Supervisors

Sec. 2-202 Compensation of the Board of Supervisors.

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$20,199 per year, effective July 1, 2024.
- B. *Stipend for the chair.* In addition to the salary, the chair shall receive an annual stipend of \$1,836.
- C. *Stipend for the vice-chair.* In addition to the salary, the vice-chair shall receive a stipend of \$612.00 per year.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18; Ord. 18-2(3), 6-13-18; Ord. 19-2(1), 6-5-19; Ord. 21-2(1), 6-16-21, Ord 22-2(1), 6-1-22, effective 7-1-22; Ord. 23-2(3), 5-3-23, effective 7-1-23; Ord. 24-2(1), 6-12-24, effective 7-1-24)

State law reference -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

This ordinance is effective on and after July 1, 2024.

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

Ms. LaPisto-Kirtley said that they held their first Fire Rescue Foundation meeting the day before. She said that the meeting went smoothly, and they were now working to collect all the required materials for the MOA (Memorandum of Agreement). She said that establishing a foundation required time, but it was underway, and everyone involved was enthusiastic.

Mr. Gallaway said that Safe Streets for All had been renamed to Move Safely Blue Ridge. He said that they had conducted some public outreach; tonight they were in Louisa County and last night were at the County Office Building. He said that each jurisdiction was receiving public comment from the community, and that process was ongoing. He said that if there were further requests for public input, he would encourage people to let CAC (Community Advisory Committee) members and attendees know in order to stay informed of those opportunities.

Mr. Pruitt said that the Regional Affordable Housing Conference was approaching, but he was unsure of the exact date.

Mr. Gallaway commented that the conference was usually held at the end of March.

Ms. McKeel said that the minutes the Board approved today were from September of 2022. She said that these minutes were almost two years old.

Mr. Andrews said that they were going through the process of hiring someone.

Ms. McKeel said that they had discussed it during their retreat as well.

Mr. Richardson said that he conferred with Mr. Mowry in the hallway after his presentation tonight and found the entire Facilities and Environmental Services Department congratulating him on his excellent presentation. He said that they explained to him that they had held a mock Board meeting last week to prepare him for this evening. He said that he was so proud of their staff who worked so hard and took extra steps to ensure their processes went as well as possible. He said that it was a great moment to see the camaraderie of the department after his presentation and he wanted to share it with the Board.

Agenda Item No. 21. Adjourn.

At 7:24 p.m., the Board adjourned its meeting to July 17, 2024, 1:00 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date 09/18/2024
Initials CKB